

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 14 March 2007

(Extract from book 4)

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Wednesday, 14 March 2007

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

RULINGS BY THE CHAIR***Hansard: accuracy***

The SPEAKER — Order! Yesterday I was asked by the member for Kew to review the *Hansard* of 1 March 2007 in regard to the answer to a question given by the Minister for Roads and Ports. Specifically I was asked to check the *Hansard* record together with the document that the minister tabled.

I can confirm to the house that the *Hansard* is an accurate record of the answer given by the minister during questions without notice on Thursday, 1 March. In his answer to the question on the Geelong ring-road the minister advised that he was referring to notes. *Hansard* used the notes supplied by the minister to accurately report his answer. It is *Hansard*'s practice to indent material only when the member speaking makes it clear that he or she is quoting from a document. I will take the opportunity to discuss this matter with the minister later today.

Mr Thompson — On a point of order, Speaker, according to precedents in relation to rulings from the Chair, answers to questions without notice should not be read. Also, according to *May* the principle is — —

An honourable member interjected.

Mr Thompson — I am referring to my notes.

The SPEAKER — Order! I remind government members that points of order will be heard in silence.

Mr Thompson — I am referring to my notes, Speaker, and quoting directly from my notes in specific circumstances. If one draws a comparison between the document that was tabled by Minister Pallas and the actual *Hansard* transcript, it is apparent that there is a direct parallel between the document that he was reading from and the *Hansard* transcript.

On 1 March a point of order was raised by the member for South-West Coast in which he suggested that the minister was reading his contribution and asked for the document to be tabled. You asked the Minister for Roads and Ports directly whether he was reading the document, and he said, 'No, I am referring to notes'. It would be apparent now with the document that was tabled in this chamber that there is a direct parallel with

the notes that he suggested he was referring to, and it would be apparent that he was directly reading. There is a wider question that needs to be addressed, which was alluded to by the member for Kew.

Mr Batchelor — On the point of order, Speaker, there are two issues here. Firstly, the member for Sandringham said he was quoting from notes during his point of order. I would ask that the sheaf of papers that he was quoting from be made available to the house. Secondly, this matter in relation to the Minister for Roads and Ports was resolved on 1 March. He was asked to provide the notes that he was referring to, from which he quoted a section. He made those available to the house on 1 March.

On the same basis I would ask about the member's sheaf of papers — and the one he is dropping on the floor. We are watching him! As you know, Speaker, from previous rulings, if a member quotes from a document, he or she is required to table the whole document and not try to separate pages from it or put separated pages on the floor before making them available to the Clerk. I am watching the member for Sandringham very carefully. He is seeking advice from the member for Bass. I think he should be asked to immediately table all the documents he has in his hands.

Mr Baillieu — On the point of order, Speaker, the minister has asked for — —

Honourable members interjecting.

The SPEAKER — Order! I again remind government members that points of order will be heard in silence. The next person I name will be asked to leave the chamber.

Mr Baillieu — The minister has asked for the quotation the member for Sandringham has apparently made to be tabled. I wonder which quotation that was?

The SPEAKER — Order! I do not think I will take any more on the point of order. The minister has asked for the member for Sandringham to table the document from which he was quoting. I clearly heard the member for Sandringham say that he was quoting from a document, and the minister has asked him to table that. I will seek the member for Sandringham's assistance with that request.

Mr Thompson — On a point of clarification, Speaker, I did put some notes aside. They relate to two notices of motion I am about to give shortly about the increase in crime figures in the Sandringham electorate, which I will also be using for a contribution to a debate

today. The Victorian violent crime trends show there has been an increase of over 50 per cent in a range of offences, and also —

The SPEAKER — Order! The member for Sandringham has been asked whether he is willing to table the document he was quoting from.

Mr Thompson — I would be very pleased to. It includes a number of statements and an analysis of the text of a speech made by the Minister for Roads and Ports in Parliament the other day — with the *Hansard* record and with rulings from *May*. I am very pleased to make it available to the house, and it may be of benefit to you, Speaker, in determining your ruling.

The SPEAKER — Order! I have ruled on the point of order raised by the member for Kew yesterday, and I have said that I will take the opportunity to discuss the matter with the minister later today. I will hear no more on the point of order or on this issue.

NOTICES OF MOTION

Notices of motion given.

Mr SEITZ having given notice of motion:

The SPEAKER — Order! I have been advised that the notice of the member for Keilor had not been previously submitted to the Clerk, and I rule that notice out of order.

Further notices of motion given.

PETITION

Following petition presented to house:

Yarck cattle feedlot

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws the attention of the house to the fact that for 15 months and with two failed attempts to gain approval, a cattle feedlot has been operating at 6979 Maroondah Hwy, Yarck, Victoria, resulting in significant impacts on the local environment, living amenity and neighbouring property values. The applicant is now applying to establish a feedlot on an adjoining site. The applicant has been offering alternatives to measures in the Victorian Cattle Feedlot Code 1995, leading to uncertainty as to the standard of any resulting feedlot and the method of operation.

The petitioners therefore request that to end the long period of uncertainty, the Legislative Assembly of Victoria ensure the accepted standards and listed approved measures in the Victorian Cattle Feedlot Code 1995 are applied in full and be

regarded as the minimum to be met by any feedlot in the Murrindindi shire and that state government agencies DPI, EPA, Goulburn Murray Water, Upper Goulburn Catchment Management Authority and the Feedlot Advisory Council be directed to act accordingly when considering any feedlot application.

By Dr SYKES (Benalla) (153 signatures)

Tabled.

DOCUMENT

Tabled by Clerk:

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2006–07 Budget Estimates.

MEMBERS STATEMENTS

Youth: body image

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The media often portrays unrealistic and unhealthy body images that can have a devastating effect on our young people. The Victorian community is justifiably concerned. Having a negative body image can limit a young person's participation in school, sport and family life and other important social activities. It can lead to depression and to risk-taking behaviours such as eating disorders. Recent reports of the tragic deaths of models as a result of anorexia have highlighted this problem. Responding to community concern, the Bracks government is working to reduce the effect that unrealistic and unhealthy images in the media have on young people.

I am happy to inform the house of the appointment of Ms Liberty Sanger as chairperson of the Bracks government's working group on the development of a new media code of conduct on body image. Ms Sanger brings to this work a diverse range of experience, commitment and creativity. Ms Sanger is a prominent lawyer and a past president of the Young Women's Christian Association Victoria, and has served on the national board of directors of the YWCA Australia as well as the Premier's Drugs Prevention Council. She is currently a board director with the Victoria Law Foundation and the Emergency Services Superannuation Scheme and is the Liquor Advisory Council chairperson. The working group is just one of several initiatives under the Bracks government's \$2.1 million Teenagers Go for Your Life positive body image strategy.

I congratulate Ms Sanger on her appointment and look forward to the report of the working group and to working with the media, fashion and advertising industries to develop a voluntary media code.

World Economic Forum: S11 protesters

Mr K. SMITH (Bass) — I wish to raise today the disgraceful \$700 000 payout made by this government to the cowardly scum known as the S11 protesters who attacked decent, hardworking police men and women. These Labor-voting scum went to Crown Casino to create trouble, and they did; yet when the police took some action to allow world leaders at the conference to get into the venue, this government saw the police as the villains and the protesters as the innocent ones.

You have to question the involvement of the pinko, Labor, no-win, no-fee lawyers, Slater and Gordon — the parasites of the legal profession — getting in excess of \$600 000 to represent this unruly scum. We also had the reprehensible, repugnant and unfunny comedian Rod Quantock, another Labor mate, whingeing and whining because he got in the way between the protesters and the police. If he did not like what happened, he should not have been there, although he got more publicity out of this than he has ever had in his life. It makes you wonder how much of the \$600 000 paid to Slater and Gordon will go back to government campaign coffers.

But what about the 2400 police sold out by their Premier, sold out by their minister, sold out by their chief commissioner and sold out by their police association through a secret deal with the Premier? How much do they get paid for doing their job in difficult circumstances where they are kicked, punched and pelted with all manner of things, and this government supports the Labor scum protesters over our magnificent police!

Police: Geelong

Mr EREN (Lara) — I would like to comment on the current community campaign lobbying for extra police in Geelong. As the member for Lara, I can assure the local community that I have taken its views right to the top, including Superintendent Andrew Allen, the office of the Chief Commissioner of Police and the Minister for Police and Emergency Services, so they are aware of these community concerns.

I am supportive of ensuring that the Geelong area is well served by police and that our crime rate continues to drop. However, I would like to take this opportunity to set the record straight in terms of some of the

comments that have been made on this issue. The Bracks government stands on its record of having provided 45 extra police in the Geelong region since 1999 and of having reduced crime by over 20 per cent in the local area — a record which was echoed by both the Chief Commissioner of Police, Christine Nixon, and Superintendent Andrew Allen in the Geelong media last week. Two headlines in the *Geelong Advertiser* of 7 March were ‘Geelong in line for police boost, says Nixon’ and ‘More cops likely’. This is great news for Geelong.

The Bracks government has pledged to provide an extra 350 police on top of the 1600 extra police it has already provided over its next term, not as a cynical election exercise but because it wants to see crime plummet even further. The Liberal opposition has no credibility on this issue, having ripped 800 police out of our local communities when it was in government. The Liberals are simply playing politics on this issue. Police should never be allocated according to political bias, which is why we support the chief commissioner, Christine Nixon, in her role of allocating police where they are most needed, based on a well-researched set of criteria. I am committed to standing up for my community to ensure the Bracks government continues —

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

Poverty: *Dropping Off the Edge* report

Mr CRISP (Mildura) — I was pleased to receive in the mail recently a copy of the Jesuit Social Services report, *Dropping Off the Edge*, which details the geographic distribution of social disadvantage across Australia and of course Victoria. The maps and the reports give us the ability to see in detail the spread of wealth and the concentration of poverty across our country. Until we are able to identify the key characteristics that make up poverty, we are unable as a community to take steps to alleviate it.

This report shows the patterns of disadvantage and poverty that ensure that whole generations spiral out of control to the point where the cycle becomes impossible for the individual to break. The report uses some of the following indicators to measure the disadvantage factor: low family income, early school leaving, low work skills, long-term unemployment, criminal convictions, unemployment, prison admissions and child maltreatment. The report shows that despite the statistic of 2 per cent growth — growth that is reflected in my area — poverty has increased accordingly. I commend this report to all my colleagues

as a sobering snapshot of a community sector which is often invisible to each of us.

Drought: fundraising appeal

Ms LOBATO (Gembrook) — Today I draw attention to the joint appeal of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the Victorian Farmers Federation (VFF) to raise money to feed drought-stricken animals. This appeal is a magnificent way of ensuring the welfare of animals and at the same time providing genuine assistance to Victorian farmers who are struggling to cover the cost of food for their animals.

Due to the drought the cost of feeding animals has risen sharply at the same time as farmers' incomes have been hit hard. Therefore I was delighted to attend the lunch held by the president of the Berwick and District Agricultural and Horticultural Society at the Berwick show recently and to learn that the society has joined with me in urging the local community to get behind the appeal. The society has donated \$100, which is sufficient to provide emergency food for 20 sheep for one week. The \$200 I have donated will enable four horses to be fed for four weeks. All proceeds go directly to the purchase of food, which is then donated to farmers.

The Berwick show held on the last weekend in February each year is one of the largest and most well-attended shows in Victoria. It is renowned for its showing of cattle, its many animal enclosures and its numerous displays highlighting the best of Victorian agriculture and horticulture. I congratulate the society and its president, Peter Wenn, for another spectacular and well-attended event, and I commend the RSPCA and the VFF for their initiative. The RSPCA aims to raise at least \$500 000 from this appeal, which will provide feed for more than 33 000 animals. Every dollar counts.

Gaming: poker machines

Mr CLARK (Box Hill) — I congratulate local councils in the eastern suburbs, including my own local councils of Boroondara and Whitehorse, for joining the Liberal Party in calling for action on the role of the Victorian Civil and Administrative Tribunal in relation to gaming machine venues. The Liberal Party pointed out in January this year that recent decisions by VCAT to approve new poker machine venues, despite local and regulatory opposition, showed that Labor's gaming machine laws have failed the community.

Applications to two local councils for gaming machine venues were opposed by the local community, by the local council and by the regulator, the Victorian Commission for Gambling Regulation, but in both instances VCAT applied Labor's laws to force pokies onto unwilling communities.

In my own area the Boroondara municipality currently has 223 gaming machines. Under Labor's policy that number can be increased to 1258, which is an increase of 1035 machines. In the city of Whitehorse there are currently 554 machines, which can be increased to 1177 machines, an increase of 623 machines, which will have potentially serious effects on the community. Maroondah City Council has pointed out that the Victorian Commission for Gambling Regulation can be provided with information by the local community. The commission can make a ruling, but all that can be set aside by the Victorian Civil and Administrative Tribunal with no regard to the case presented by the community to the gambling regulation commission. Maroondah City Council and other eastern suburb councils are calling for action.

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

Labour Day: celebration

Ms BEATTIE (Yuroke) — The Labour Day public holiday on Monday was a great opportunity for families to spend time together and to reflect on the Labour Day holiday that commemorates a great victory for workers everywhere. Men and women of the union movement throughout history have fought for better pay and conditions and the right to enjoy time with our families. Many of us did this on Monday. It was under the slogan '8 hours labour, 8 hours recreation and 8 hours rest' that the building workers of Melbourne fought a successful campaign to shorten their working week from 60 to 48 hours.

On 26 March 1856 a meeting was held and attended by building workers and employers. A motion was moved and unanimously passed that led to the victory that delivered us the 8-hour day. It was a world first and it encouraged workers everywhere to organise and campaign for an improvement in working conditions.

WorkChoices: effects

Ms BEATTIE — One hundred and fifty years after Victorian workers fought for and won an 8-hour working day, we face an attack on our rights yet again by the extreme industrial relations laws of Prime Minister John Howard. The unions know from their

many past successes that they can overcome these attacks on workers pay and conditions. The unions are there today, as they were yesterday and as they will be tomorrow, giving their all in the fight for our rights and the rights of our children and the future workers of Australia. I ask members of the house to ask themselves if they or their families have benefited from the 8-hour working day, perhaps overtime or holiday pay and to bear in mind these great — —

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

Bulleen: park-and-ride facilities

Mr KOTSIRAS (Bulleen) — I call upon this arrogant, lazy and uncaring Labor government to look after the wellbeing of residents in Bulleen. There are currently two park-and-ride facilities in Manningham — one is at the corner of Doncaster Road and High Street, and the other one is much smaller and is at the junction of Thompsons Road and the Eastern Freeway. The Doncaster park-and-ride accommodates 430 vehicles and is filled to capacity on weekdays. As a result, there is an overflow of parking into adjacent streets. This causes inconvenience and many problems for local residents. A number of options are currently being investigated and canvassed by VicRoads and the Department of Infrastructure — namely, a second level of parking over the existing car park at the Doncaster park-and-ride or a new facility at Bulleen Park in Bulleen or at the old drive-in site in Bulleen or at Kampman Reserve or at another two sites outside my electorate.

Can I make it clear that from the number of concerns and objections raised by local residents they do not want Bulleen to become a car jungle or a car condominium city. Most of the users of the Doncaster park-and-ride come from outside the Manningham area to the detriment of local residents. This has a negative effect on their lifestyle, wellbeing and living standards. Their objection to more park-and-ride facilities in Bulleen is generated by congestion, pollution, noise and accidents. I urge VicRoads to look at other options and not to contribute to the Labor government's new logo 'Bulleen — the place to park'. VicRoads must seek the views and take into account the concerns of all residents and not simply take Bulleen residents for a ride.

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

Clean Up Australia Day

Ms MORAND (Mount Waverley) — On Clean Up Australia Day on 4 March my husband and I joined with members of the Friends of Scotchmans Creek and Valley Reserve in their coordinated clean-up work along the creek. I commend the friends group for once again coordinating volunteers to participate in this annual event. For a number of years I have been involved in this clean-up event with this group at the same location. What struck me on that weekend was how much cleaner the whole area was than in previous years. This is obviously a sign that the community is taking good care of our lovely neighbourhood.

Since the clean-up day last year the wetland of Scotchmans Creek has been completed by Melbourne Water and native water plants have been introduced. The plants have established themselves very well, and there is an abundance of wildlife enjoying this new environment. Local creeks and Port Phillip Bay will benefit from the wetland's natural filtering process, which, it is estimated, will remove one tonne per year of nitrogen load when it is fully established.

Glenallen School and Glen Waverley South Primary School: student leaders

Ms MORAND — Can I also take this opportunity to congratulate the school leaders at the Glenallen School and Glen Waverley South Primary School on their leadership roles for 2007. At Glenallen two very special students — Emre Akbulut and Vlada Allison — have been honoured with appointments as school captains for 2007. Many students have been given leadership roles at Glen Waverley South Primary School this year, and I congratulate all students and particularly school captains Tayla Roy and Nathan Guscott, and vice-captains Yueh-Shin Chen and Patrick Tieu.

Gippsland Lakes: entrance

Mr INGRAM (Gippsland East) — In this place over the last seven years I have constantly advocated for improvements to management of the Lakes Entrance bar on the Gippsland Lakes in East Gippsland. This has been a large problem over the seven years. One of the first things I did was to achieve the sand transfer system which is used to move the sand from inside the entrance back out to the ocean beach. The current situation is that the bar is closed to all commercial boat traffic, and recreational boats have been advised not to use the entrance. This is one of the most important commercial fisheries ports in the state

and the bar being closed has caused great economic loss to my region.

The problem has occurred because of a build-up of sand and the prevailing wind conditions. The government has committed \$31 million to address the situation, and I would ask it to bring the hopper dredge proposal forward so that the sand inside and outside the entrance can be shifted away from the area and to put in the bypass system which is part of the proposal. This really highlights the failure of the side-caster dredge and the current management of the entrance. The added issue of climate change and rises in seawater levels in the area will cause incredible flooding damage to these communities if not addressed — —

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

Margaret Giudice

Mr SEITZ (Keilor) — This is the first opportunity I have had to congratulate on the public record Cr Margaret Giudice, who has been elected mayor of the City of Brimbank. Cr Giudice has served on the council for several years and has had what one might call quite a lengthy apprenticeship. She has demonstrated her ability to be inclusive in managing the City of Brimbank and in particular the councillors themselves.

She has a challenge before her. Brimbank is a new and developing growth area. I am sure a lot of members have heard about the swimming pool complex in Sunshine, a project achieved through lobbying the government. The council is also redeveloping Deer Park Football Club. Cr Giudice has shown that she is inclusive and that she works through issues in the city, and that is a breath of fresh air for the municipality. Now we do not have the public gallery full of protesters and security officers. The council is including the community and working through issues on a much more congenial level with everybody concerned. I congratulate Margaret Giudice once again on the way she is carrying out her role as mayor.

Public transport: Mornington Peninsula

Mr DIXON (Nepean) — I was incensed to receive a letter from Jim Betts, director of public transport, to tell me that the abolition of zone 3 fares will provide significant savings for current zone 3 passengers. I do not know why I was sent this letter as my electorate is not part of zone 3; it is not even part of the Met. This letter and taxpayer-funded ads in our local papers are an insult to the people of my electorate. The government

has steadfastly refused to recognise the Mornington Peninsula as part of Melbourne's public transport network, yet it insists the peninsula is part of Melbourne as far as Melbourne 2030 is concerned.

The former Minister for Transport, when he was shadow minister, made many claims that the peninsula should be part of the Met. He had seven years as Minister for Transport to do something, but he did nothing. The new Minister for Public Transport must take up what the former transport minister failed to deliver. One of the main reasons for the nearly 9.5 per cent swing away from Labor in Nepean was the government's failure to deliver real fare cuts and reform to public transport to the peninsula, contrasted with the Liberal policy of including all the Mornington Peninsula in zone 2.

This glossy ad is a disgrace. The map shows the changes in the zones and the glaringly obvious outline of the peninsula with the southern peninsula not coloured red for zone 3 or blue for zone 2. Victorians in other areas who live further away from Melbourne than the distance between the peninsula and Melbourne are part of the Met, and it is quicker to get to Melbourne from Geelong, Ballarat, Bendigo and the Latrobe Valley than it is from Rosebud — —

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

Alfred Centre: opening

Mr LUPTON (Pahran) — The Alfred Centre for elective surgery, built by the Bracks government in Pahran, is now open and treating patients. This is the first dedicated centre for public elective surgery in Victoria.

I was delighted to be with the Premier when he opened the flagship Alfred centre on 5 March 2007. Not only is this the most advanced elective surgery centre in Australia but it is also a model of patient-centred care that will revolutionise the management of elective surgical procedures. The centre will treat 40 000 patients in its first full year of operation. When it reaches capacity, the Alfred Centre will treat 20 000 inpatients and 28 000 outpatients each year.

With a full range of diagnostic services, 4 operating theatres, 2 endoscopy suites and 125 beds and recovery chairs, the Alfred Centre will manage a patient's entire journey, from diagnosis to treatment, post-operative care and rehabilitation. Patients will receive a range of treatments such as orthopaedic, urology, vascular, endoscopic and plastic surgery, as well as blood

transfusions, imaging, biopsies and preparatory work for surgery.

Removing elective surgery from the Alfred hospital to the adjacent Alfred centre ensures that a patient's surgery will be carried out on the planned date as elective surgery will no longer be cancelled or postponed because of the arrival of emergency trauma patients. The Alfred Centre is the centrepiece in the Bracks government's plan to reduce the time patients wait for non-emergency surgery.

Towong: Narrows project

Mr TILLEY (Benambra) — I stand to congratulate the Shire of Towong, including the councillors led by mayor Cr John Mitchell, for its foresight and vision — —

Honourable members interjecting.

Mr TILLEY — This is not a cheerio! I also congratulate the Towong chief executive officer and his staff, as well as the chief executive officer of the City of Wodonga, Peter Marshall, for his valuable input in working towards realising a 50-year vision of reviving what is locally known as the Narrows project. The vision is centred on the possibility of a permanent lake at Tallangatta created by the construction of a dam within the existing boundaries of Lake Hume in an area where the Mitta River arm broadens into the larger flood plain at what is known as the Narrows.

The potential value of this project to Towong shire and the region is significant — imagine the creation of 5000 homes, two resorts and a golf course! The project would qualify as one of the most significant potential developments that Towong shire may ever undertake. The potential and scale of the project would make it one of the more significant regional Victorian developments. Fifty years ago the Victorian Premier of the time stated that the water of the Hume Reservoir would provide a great tourist attraction when justifying the relocation and chosen site of where the township of Tallangatta is situated today. The community of Tallangatta has patiently waited for the last 50 years, and now the time is right.

Kevin Crehan

Ms RICHARDSON (Northcote) — On Sunday, 25 February, I was privileged to be part of a very special celebration at Alphington Park, with the naming of the Kevin Crehan grandstand in the electorate of Northcote. The local community, local cricketers, family and friends of Kevin Crehan came together to remember his life, reflect on his achievements and pay tribute to his legacy. The decision to name the

grandstand at Alphington Park the Kevin Crehan grandstand was warmly welcomed by all as a fitting tribute to a man who not only loved his cricket but had done so much for his local community.

As a member of the Alphington Primary School council for 10 years and president for 8 years, many of the school's achievements were in large part due to his enthusiasm and vigilance. In recognition of his contribution over so many years, Alphington Primary School has created the Kevin Crehan award for leadership and community spirit. This award is given to grade 6 students. As chairman of the board of Alphington Bowls Club he was integral to its success and will be warmly remembered by all. As a keen cricketer, Kevin was also a founding member of the Alphington Cricket Challenge, which also celebrated its 10th anniversary on 25 February.

No doubt his greatest legacy is his family. His wife, Anne, and eight children — Kristyn, Matt, Sarah, Jennifer, Katherine, Madeline, Alexandra and Phoebe — are all a great credit to him. Kevin Crehan is very much missed, but certainly not forgotten. As his friend and fellow cricketer said, Kevin will always be remembered as a 'classical cricketer and a champion bloke', and the Kevin Crehan grandstand will forever be a testament to this.

Bridges: Echuca-Moama

Mr WELLER (Rodney) — Progress on the second Murray River crossing at Echuca-Moama has been at a standstill since the seven Yorta Yorta elders refused to grant consent for a bridge to be built on the western alignment in February 2005. The Yorta Yorta's decision was made in accordance with the commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act, which offered no mechanism for appeal. Since that time, however, the commonwealth legislation has been repealed and the new Victorian legislation will take its place on 28 May this year.

Under the Victorian Aboriginal Heritage Act 2006 the refusal of consent by a registered Aboriginal party can be appealed to the Victorian Civil and Administrative Tribunal. Under the Victorian act the roads minister will have the power to overcome the stalemate by allowing a fresh planning application for a bridge on the western alignment to be lodged and tested by VCAT.

The people of Echuca-Moama have made their view on this issue very clear, and that is that they want a bridge in the west and are prepared to exhaust every avenue to

achieve this. The Yorta Yorta decision is a critical one for the future economic progress of this region. There are widespread concerns that the decision does not represent the views of the broader Aboriginal community and is not based on demonstrable concerns about Aboriginal heritage and custom.

The Victorian government must end the stalemate on this issue by submitting a fresh application under the new Victorian Aboriginal — —

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

Barwon Youth: Big Brothers Big Sisters program

Mr TREZISE (Geelong) — Recently I had the pleasure of launching the new name and livery for BAYSA, a magnificent community-based organisation in Geelong that has served thousands of disadvantaged youth in my city for more than 20 years. BAYSA has now been renamed Barwon Youth, reflecting more succinctly the work of that organisation.

Since being elected to this Parliament in 1999 I have worked closely with Barwon Youth and have come to know that it is a very effective organisation in assisting young people who have for whatever reason hit hard times. Barwon Youth originally started out as an accommodation service for homeless youth, but over the decades it has evolved into an organisation delivering numerous services for young people in the Greater Geelong area.

Just recently I had the pleasure, with Minister Merlino, of announcing further funding for the Barwon Youth's Big Brothers Big Sisters mentoring program. This is a great program that sees the state government once again working in partnership with Barwon Youth in providing important assistance to disadvantaged youth. As members would be aware, the Big Brothers Big Sisters program is a mentoring program designed for young people from 7 to 17 years of age who are in need of additional adult support and/or friendship. This is a very effective program that was originally launched in Geelong in 2003 by the Premier. I wish Barwon Youth every success for the future, and I look forward to working with it over many years to come.

Port of Hastings: development

Mr BURGESS (Hastings) — Today is the final day for submissions on the *Report on the Port of Hastings Land Use and Transport Strategy — Consultation Draft*. Unfortunately today brings nothing to the

Hastings community but a dramatically increased sense of anxiety and dread. I ask that the Premier and the Minister for Roads and Ports listen carefully. I want to deliver this message on behalf of my community very clearly. The people of the Hastings community have completely rejected the Port of Hastings Corporation, its process and its plan. What support there was for the development of the port of Hastings has been all but destroyed by the clumsy, secretive and arrogant way the planning and consultation phase has been conducted.

The Bracks government should act immediately and do three things: relieve the Port of Hastings Corporation management of its duties and put in place a body that is capable of conducting a genuine community consultation and obtaining broad community consensus; remove the uncertainty that hangs over the rural communities of Tyabb, Pearcedale, Devon Meadows, Clyde and Cardinia by ruling out forever any thought of a freight rail ever being imposed on them; and guarantee that no development of the port of Hastings will proceed without an independent and up-front environment effects statement and a complete economic and social effects investigation. I call on the Bracks government to act as a matter of urgency on this matter.

The DEPUTY SPEAKER — Order! I note that there was a problem with the member for Hastings' microphone. We will ensure that his contribution is recorded accurately.

Rail: regional links

Mr HOWARD (Ballarat East) — Following the completion of the fast rail project and the introduction of the new timetable I have found there are more reasons than ever, from my own point of view, to travel by train when going to meetings in Melbourne. This has not only given me the opportunity to travel in comfort and to do some reading along the way, but it has seen me arrive at my destination in Melbourne more quickly than I could have if I had driven down from Ballarat.

In travelling by train I have been able to talk with many other travellers along the way. I have found they have definitely given the thumbs up to this Bracks government's investment in rail transport into the regions on both on the Bendigo line and the Ballarat line. With the recent reduction in fares by 20 per cent, many more travellers have been encouraged to use our new regional rail service. From my own personal experience and the feedback I have received, there is no doubt that the Bracks government's investment is seen as far-sighted, supporting the regions and ensuring that we have good-quality public transport — not just the

train but the new linking bus services — for a long time to come.

It is really sad and pathetic that the opposition still does not recognise this fact and continues to misrepresent and talk down this fantastic investment in public transport in Victoria. Clearly it does not value public transport; it does not recognise the great investment that we have put in.

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

Tertiary education and training: overseas students

Mr SCOTT (Preston) — I wish to mention the contribution of overseas students to Victorian society. Today there are tens of thousands of overseas students from all over the world in Victoria. They make a direct contribution to Victoria by helping to fund our higher education, providing an important cultural exchange and boosting economic activity.

Spending by overseas students on their living costs amounts to tens of thousands of dollars per student. The construction of student housing provides an important part of the housing sector. Overseas students are also an important source of skilled migrants, and skilled migrants are important to solving skills shortages within the economy. Overseas students are also ambassadors for their countries of origin during their time in Australia and also, importantly for Australia when they return to their countries of origin. They provide important links to countries such as China and India, which are major sources of overseas students, and are tipped to be the dominant economic powers of the next century.

There has been recent criticism about overseas students, and, frankly, I think this criticism ignores the positive role that overseas students play in our community. I urge all in this house to support overseas students and welcome them to Victorian society.

The DEPUTY SPEAKER — Order! The member for Seymour has 9 seconds.

Yea Autumn Festival

Mr HARDMAN (Seymour) — This Sunday people across the state will be provided with the opportunity to visit Yea for its annual autumn festival. The festival on Sunday will celebrate this fantastic time of year with great cultural and arts events, and I encourage people to visit Yea and support the community.

The DEPUTY SPEAKER — Order! The time for members' statements has now concluded.

MATTER OF PUBLIC IMPORTANCE

World Economic Forum: S11 protesters

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Kew proposing the following matter of public importance for discussion:

That this house condemns the Bracks Labor government for betraying hardworking and dedicated police officers by secretly agreeing to pay hundreds of thousands of dollars to violent, law-breaking and abusive S11 protesters and their lawyers.

Mr McINTOSH (Kew) — The government has a number of critical responsibilities in relation to health, education and transport, but also it has an obligation to protect ordinary Victorians. Indeed some would say its fundamental obligation as a government is to protect the security of Victorians above anything else. Whether it is fundamental or not, it is certainly an important obligation on government to provide the laws and mechanisms that will protect ordinary Victorians. In pursuance of that goal the government spends millions and millions of dollars in the protection of Victorians in a variety of different ways.

We in this place pass laws that prescribe courses of behaviour or prohibit some sorts of behaviour in certain circumstances, which can be dealt with in the criminal courts. Then there are the billions-plus dollars spent each year on our police force. That is a matter of critical importance to both sides of politics and certainly the basis of substantial dispute from time to time, but certainly everybody agrees — and I would imagine that every member in this house would agree — that the vast majority of our police officers are hardworking and dedicated to the task of protecting each and every one of us as Victorians.

The government also spends money on legal proceedings. It spends \$40 million to facilitate the Office of Public Prosecutions and the Director of Public Prosecutions, and that is only in relation to the Office of Police Integrity. There are many hundreds of police prosecutors who undertake prosecutions on behalf of the police and the state in the Magistrates Court. Resources in the tens of millions of dollars are allocated to a variety of different task forces in the police force, most notably the Purana and Ceja task forces.

Certainly recent results and the prosecution of corrupt police officers would demonstrate the outcome of that.

Whether it is sufficient can be a matter of debate, but nobody disputes that that money is being properly spent on dealing with the aspect of corrupt police. There is \$16 million annually spent on the Office of Police Integrity (OPI). The nature and appropriateness of that office and whether there should be a royal commission or otherwise can be a matter of dispute; but most importantly, nobody disputes the allocation of \$16 million to that office to at least try to deal with the issue of corrupt police officers.

On top of that the government is, as we know, the single-largest litigant in this state when it comes to civil disputes. It is involved in a variety of different areas through different agencies — from WorkCover and the Transport Accident Commission right through to personal injury claims. It is also involved in High Court challenges. While the veracity of joining every other state in challenging the constitutionality of WorkChoices in the High Court could be a matter of political dispute, it is a fact that it is a legitimate role of government to take these sorts of cases to the High Court. Indeed we have all heard the Premier announce his intention to challenge, if it is appropriate, any legislation that may come out of the commonwealth in relation to the Murray–Darling water system.

Millions and millions of dollars have been spent over the last 10 or so years in relation to various native title claims in the state of Victoria. I heard one of the members statements earlier today refer to a native title claim which is still extant and still the subject of political dispute. But again it is a question of upholding the law.

I refer to a case that I was recently involved in. It is seemingly now a common practice of this government in freedom of information (FOI) challenges, notwithstanding an adverse finding at the Victorian Civil and Administrative Tribunal — the independent umpire — to regularly appeal matters to the Court of Appeal, which of course ups the ante in the amount of costs or otherwise. The recent case I was involved in concerned Richard Dalla-Riva in another place against the Department of Treasury and Finance.

Nobody is disputing the amount of money the government is spending. We can talk about how it is spent and how wisely it is spent, but the issue is that it is an important role of government to uphold the law in this state to protect ordinary Victorians and to guarantee their safety and security as largely as possible.

But when it comes to the payout — and I will be very interested to hear government members standing up and justifying this — of over \$700 000 to the S11 protesters

and their lawyers, it beggars belief that the lion's share of that \$700 000, some \$600 000, was paid to the law firm Slater and Gordon, which represented the 47 protesters. That amounts to a payment of approximately \$2000 per protester, with \$600 000 going to the lawyers involved. A matter of some note is that that particular firm is a mate of the Victorian ALP, having donated over \$88 000 to it since 1999.

Mr Nardella interjected.

Mr McINTOSH — Jobs for the boys, jobs for the mates. That is a great outcome for Victoria Police! Meanwhile, at the same time as it is contemplating making this payment the government is entering into a secret deal to indemnify the Police Association in relation to the costs paid for corrupt police appearing before the OPI — all of which will no doubt over the years run into millions and millions of dollars.

So the message this government is sending to the people of Victoria is that when on the one hand it comes to their protection it is quite happy to pay millions and millions of dollars to corrupt cops, but when on the other hand it comes to ordinary, decent, dedicated and hardworking cops who are standing at the very forefront of violence, depravity and outrageous abusive behaviour by protesters down at the casino and other buildings it is not prepared to support ordinary Victorians by, most importantly, supporting those ordinary, decent, dedicated and hardworking police officers.

As a matter of some note — I have certainly never seen figures like this — the *Herald Sun* did a voter poll.

Mr Nardella interjected.

Mr McINTOSH — Rather than getting the 300 votes that came out of the member for Melton's office, it got over 2000 votes which expressed voters views. Almost 97 per cent of Victorians who voted said that this limit was outrageous. It was wrong, it was a disgrace, it is an indictment of this government. Those voters have expressed their views in a number of different ways. I will quote a couple of them that appeared in newspapers recently, notably the *Herald Sun*. Norm Sheldon of Taylors Lakes, whom I have never met and do not know, is reported in the *Herald Sun* as saying:

Christine Nixon, you and Steve Bracks should be ashamed of yourselves for allowing compensation to thugs without real thought of the rank-and-file officers doing their job.

Lori McLean of Werribee said:

The settlement between Victoria Police and S11 protesters is one of the most disgraceful events in Victorian history.

I would rather we spent \$10 million to defend our police than give \$1 in handouts to people who cannot obey the law.

Rosemary Noske said:

My son, 15, has always wanted to be a cop, but why would he? Police do a hard job and deserve more respect. Shame on you, Mr Bracks, for not supporting your police force and giving in to the ratbag protesters.

Most importantly this is about a government that is prepared to take the soft option.

Mr Nardella interjected.

Mr McINTOSH — Yes, I understand it from a legal perspective, and I notice the member for Melton is continually bellowing out that I was a silk. I never obtained that office; like the member for Prahran, I was a mere, common barrister.

However, having said that, this is about the government taking the soft option. I know the notion of nick-off money or piss-off money is when you settle the case for the best possible option. But the most important thing here is that this sort of money should not have been paid, because you are defending a principle.

Like at least 97 per cent of other Victorians I was appalled by what I witnessed on TV. I was not there; I had to see the television footage. What I saw was abusive, vicious, violent people behaving in an outrageous way. I also noted that the genesis of all these claims stemmed out of a premier of another state who was attending this forum along with a former President of the United States, the Prime Minister, our Premier and many other premiers. A premier of another state was in a car completely surrounded by abusive and nasty protesters, who were jumping on top of the car for over an hour. The man must have been terrified. Whatever humanity you have, the acceptance of that is a disgrace. Indeed hundreds of police officers had to protect him. That was the episode.

Notwithstanding those complaints to the Ombudsman, who was then the relevant authority looking into these things, the Ombudsman found there was no police brutality on that day. There was no basis for the complaints. We have no basis for the complaints, and there was countless footage, both police footage and mainstream media footage going on at the time.

I have no doubt that people were hurt. A number of police officers have described to me the injuries sustained by our brave, hardworking police officers. Those police officers were not brutal on that occasion.

That is what the Ombudsman — the independent umpire that the government set up — found, yet we have this payout with the lion's share of the money going to a Labor mate down at Slater and Gordon. That is the outrageous thing.

The message this government is sending is that it does not matter how violent you are, or how much you break the law. Government members are saying, 'No matter what your behaviour, we do not care. We will take the soft option and we will protect our mates, who have donated \$88 000 over seven years to the Victorian Labor Party'. It is all a nice, comfortable deal. But that is not what a responsible government does.

This government likes spending money on the Office of Police Integrity, likes spending money on native title, likes spending money on freedom of information cases and likes spending money on High Court challenges. Notwithstanding the millions and millions it has spent on the OPI, this government says 'We will take the soft option. We will look after our mates, and at the end of the day we don't care. Anyway Richard Court didn't really matter, because he was the Liberal premier of Western Australia. He was the odd man out at that time'.

This is an appalling precedent. The government cannot hide behind a private insurer. The insurer was the Victorian Managed Insurance Authority, which is directly responsible to the Minister for Finance. You only have to look at last year's annual report to see that the Minister for Finance issues directions all the time in relation to that insurance authority. Yes, the government may have got that advice. Yes, the Chief Commissioner of Police may have got that advice to get out of this. But it is an irresponsible government that actually takes the easy option and does not stand up and fight for ordinary, hardworking Victorians, particularly police officers.

What will occur if it happens again? We have had recent events at the G20 summit. What will happen? The Chief Commissioner of Police is also telegraphing a message, saying, 'We can't do this in Victoria. Go elsewhere. Go offshore. Go to a resort. Go to an island. But don't come to Victoria. Don't come to Melbourne because at the end of the day this government will not stand up for hardworking, dedicated police officers who put their bodies on the line'. We saw the evidence of that. In front of our very faces on the TV we saw exactly what happened. These police officers were assaulted, abused and injured — and in many cases seriously injured. It is a disgrace for any government not to protect and stand up for our police officers.

I understand the government has a role in managing these sorts of affairs, but sending the wrong message on law and order is not its track record in relation to a number of activities, including FOI cases, High Court challenges, the OPI and the Office of Public Prosecutions. It is important that in making these strategic decisions the government supports our police officers, particularly in these circumstances. If it does not, the message it is sending is, 'Victoria is open to any violent protester. If you can't have those sorts of functions in Victoria, you can go offshore to a desert island somewhere'.

Ms GREEN (Yan Yean) — What a sad state of affairs, and what a sad performance we have seen this morning from the member for Kew. His heart is just not in it. As he himself said — —

Mr Stensholt — He wants to go back to the bar!

Ms GREEN — I think he does want to go back to the bar. That is where he would be much more comfortable. How do we know that he would be more comfortable dealing with the law, that he does not take seriously his new responsibilities as shadow Minister for Police and Emergency Services and that he is really not that interested in them? I would encourage members to do their own research and visit the member for Kew's website. Nowhere does it mention anything to do with police and emergency services being his shadow portfolio responsibilities. He says he is the shadow Attorney-General! He is a bit slow. Having been the shadow Attorney-General and having been a lawyer, he knows full well the legal process in these types of settlements.

Opposition members are clutching at straws all the time in trying to talk down this state. They hate the fact that crime rates have fallen in Victoria. They hate the fact that this is the safest mainland state in Australia. And it has happened on our watch — it did not happen on their watch. It has not happened by accident; we have backed the police. Unlike the opposition when they were in government, when they promised to recruit 1000 new police but sacked 800, we have employed 1400 new police.

We have upgraded police stations in a fantastic building program across the state. There are 118 police stations across the state — and there are police in them! There is more to come: there are 22 under construction. Two police stations serving my own electorate have just been commissioned. One station in Hurstbridge will serve my electorate in Warrandyte — and the member for Warrandyte, who is in the chamber, would know that there is a new police station there.

There is also a new police station in Kinglake where there was never a police station under the Liberal Party's watch, but now it has one. There is also a new emergency services complex in Diamond Creek and a new police station in Eltham, but the Liberal Party does not want to hear the good news.

We saw their botched strategy in question time yesterday. They just cannot land a punch. They have now introduced a silly matter of public importance that says that this government does not back its hardworking police officers — but we do, and we have. That is why police were indemnified in this action by the state: we did back the police. Completely contrary to what the shadow Minister for Police and Emergency Services — although we know that he will not own up to that title — has maintained this morning, we actually did back the 953 police named in the writs. This is not an uncommon process. I do not like to refer to much that was done in the Kennett era because not much of it was any good, but when they were in government they settled actions in relation to the Richmond Secondary College protest which occurred under their watch. The member for Kew knows that full well.

We also protect the operational independence of police in this state. We know from public commentary from the Liberal Party that they want to interfere in this and that they do not back the police commissioner. They want to go around, for politically expedient reasons, and pick and choose where police go. We believe in backing the integrity and the judgement of the police and the commissioner in this state to have police where they are most needed. We have given them 1400 police, and we have said to the police commissioner that she has the discretion to put those police where they are most needed. The figures show that it is working. Where there have been additional police resources, that is where crime has declined.

Police are out on the beat doing their job. We were not going to have a situation in this action where 953 police were actually clocking up legal costs that would have cost the community and the insurer a lot more than any settlement action would have done.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Scoresby is listed to have a go on this debate, so he can wait for then. The member for Yan Yean, to continue.

Ms GREEN — We heard the member for Kew quote extensively from the *Herald Sun*. He had to pad out his 15 minutes because we know his heart was not

in it. This morning, Andrew Bolt — the pin-up boy of those on the other side — said it was better to pay the protesters than to fight in court and be left with even higher legal costs. The pin-up boy of the Liberal Party was saying that it was the correct decision for the insurer to have gone down this path. Opposition members think they know more about front-line policing than Victoria Police, but that is not true. We will back the police commissioner any day.

Recently some comments were made by a former member of this place who has returned to the Parliament as a member of the Legislative Council — a certain Mr Finn!

Mr Nardella — A shocker!

Ms GREEN — He is a shocker. It is absolute evidence — —

Ms Beattie — He is an outstanding candidate!

Ms GREEN — He is a hand-picked candidate! It is shameful. He has called for the sacking of Christine Nixon and has said that she is not fit to lead Victoria Police.

Mr Nardella — That is disgraceful.

Ms GREEN — It is disgraceful. We believe in backing our police from the police commissioner down, and we know that the Liberal Party would not do this.

I would also like to inform the house of some other initiatives taken by the government. I have talked about additional policing in this state, including additional police stations, but there are other resourcing initiatives, including 10 mobile police stations around the state, a command and control centre, a clandestine drug laboratory to be deployed next year and substantial upgrades to the Victoria Forensic Science Centre. We have enhanced our counter-terrorism measures and provided better communications technology for police, including the mobile data network and the metropolitan mobile radio network. We have also introduced the toughest regime in Victoria's history for dealing with sexual offenders. Police officers have new protective equipment for police officers on the job, so we are backing them and looking after them.

This lot opposite did not look after police on their watch. They gutted the WorkCover system and watered down the occupational health and safety protection of every public sector worker. They did not care about the police who were injured during that time.

This government has introduced additional penalties and a harsh regime to deal with hoon drivers. The Liberal Party did not do that. And we have — —

Mr R. Smith interjected.

The DEPUTY SPEAKER — Order! The member for Warrandyte is also listed to speak, so he can have his turn when he gets the call.

Ms GREEN — He does not say much in this place. It is about time he actually represented his area.

The DEPUTY SPEAKER — Order! The member for Yan Yean!

Ms GREEN — Bring back Phil! We have introduced coercive questioning powers to assist police in investigating organised crime, and we have seen big results in that area. That did not happen on the Liberal Party's watch, but it has happened on Labor's watch.

What did happen on the Liberal Party's watch? The heroin trade was rampant; heroin crime and heroin usage were massive. I worked in Smith Street during that time and saw firsthand the level of crime that was occurring, but those opposite sat on their hands, lay doggo and did nothing about it.

Honourable members interjecting.

Ms GREEN — These people are amazing! They would rewrite history. We back our police — the 1600 additional police who have been and are being provided — and we will not tell Victoria Police or the police commissioner how those police should be deployed. It is for Victoria Police to determine how best to protect the community with the record resources that we have provided.

Members of the Liberal opposition think that policing is a token single issue. They thought it was their issue, but when they were in government they took it for granted. They always thought that law and order would be the clothes they could put on every morning, and now they cannot stand the fact that this government has achieved results. They want to talk it down and say that the crime figures say something they do not. We are the safest mainland state, and I think people in the community know this. At the last election people in the community made a judgement that they could trust this government to continue making Victoria the safest mainland state and that they had faith in us to increase resources for the police and to back police. The runs are on the board. There are new police stations across the state, but all that opposition members can do is criticise and knock

the police. That is not what we will ever do, but we know that that lot will.

The member for Kew should hang his head in shame for bringing forward a matter of public importance like this. He should be embarrassed about it — and he has left the chamber, because his heart is not really in it. We should take pride in the fact that the police have been backed in this matter — all 953 of those who were named in these writs — and that this is not a process that they would go down.

I see that The Nationals spokesman for police and emergency services has walked into the chamber. It will be interesting to see if he sides with the Liberal Party on this ridiculous matter, because he knows that police in this state should be supported and allowed to do their job. I support what this government has done on policing, and I support the new minister. The community has faith in our ability to deliver community safety, and I urge others to speak against this ridiculous matter of public importance, because we support our police in this state.

Mr RYAN (Leader of The Nationals) — The Nationals support this matter of public importance. Let us have a quick look at the history of what has eventuated. In September 2000 a World Economic Forum was being held in this great city of Melbourne in the wonderful state of Victoria. People from around the world came to put points of views that are important to the future of mankind — literally! — and police were dispatched both on foot and by horse. That happened because protesters had indicated for days, weeks and months that they were going to do their best to interrupt.

The protesters duly turned up, armed with containers of urine, with fishhooks, with ball bearings and with batons. Inevitably there was conflict and a running riot for more than one day. Injuries were suffered by protesters, but injuries were suffered by police as well. Personal damage was done to the people who were involved on both sides, and of course awful damage was done to our reputation as a city. Ultimately a court settlement has been negotiated in secret, with the government at the helm, that apparently has seen \$700 000 change hands.

What are the important questions that arise from all of this? The first one is this: is this Parliament going to endorse any sort of activity which amounts to mob rule on our streets? Surely if we are good for anything in this place it is the rule of law. Is that not amongst our first obligations — to make sure in this Parliament that the rule of law is observed? We debate laws and we

look at the ways in which they should operate in the state of Victoria. Surely amongst our first responsibilities is making sure that the rule of law is uppermost in the streets of this great city. Or are they going to be given over to these thugs who conduct themselves in this moronic manner — these so-called protesters who get out there and expect that they can take over our streets in the face of the police who are there to do no more than protect the rule of law? That is the first issue for consideration in this matter.

The second issue is this: are we going to support our police, or are we not? Are we going to support the people in the blue? Are we going to look after the men and the women who get into uniform and who are sent down by police command to do the job with which they are charged and to make sure that our streets are safe for the citizens of this city and those who come to visit us from around the world.

The third thing is: do we need to change the law about what happens in relation to these events? Do we need to change the law so there is some element of what is termed ‘volenti’ in the way in which these cases are run? If you as a protester put yourself in harm’s way, which is what these fools and idiots did, and if you go down to the protest and you then get a whack around the whiskers, to what extent should you legitimately be allowed to complain? To what extent should you be able to call on the law to be able to protect your rights?

Let it also be said in the course of this important discussion that one of the other important elements is that we have to make sure the police conduct themselves in accordance with the law. They also are subject to constraints, and we have to make sure that if we do change the law, or consider doing it, we have to have regard to the fact of police responsibilities in this.

In the short time I have available I make the point that in my former life in the law, it was on occasions unbelievable how some of my clients were extraordinarily awkward while getting out of the back of a divvy van at half past one in the morning, who could not safely make their way into the police station without getting a few scratches on the way through! Those are issues that need to be taken into account in relation to all of this. Should we change the law? It is an area of first principles that we need to make judgements about, and I think we should hasten slowly in that regard.

The next issue is who actually had control with regard to the settlement of this case. Where in fact is the control? I have spoken this morning to people who have been involved in cases like this — not this

individual case, I emphasise, but cases of this ilk. I have spoken to those who have been involved from all aspects — that is, from that of the plaintiff and of the defendant. It is a bit of a murky area, because the general theme of it seems to be that, in the ultimate, it is the government that pulls the strings here by way of the policy application. It might be the fact of the Victorian Managed Insurance Authority (VMIA) being involved or of all sorts of other people being involved, indeed people from the police force as well who are directly involved administratively on the negotiation of these cases.

It has been said to me this morning that in instances such as this where these cases are on foot, senior police officers have actually come along to the mediation of the cases. But in the end who actually pulls the strings? I believe it is the government of the day that pulls the strings, and whether it be the Attorney-General, who sits at the table here as I speak, or whether it be the police minister, who is not in here to even answer this, these are the sorts of questions that I think are legitimate, because they pose the next important question. As a matter of public policy, why is it that this form of a case is settled at all?

I ran civil cases — hundreds of them — and I used to make sure that I won. I lost six in my time. I used to goad insurers into fighting us because in the circuit system that we had at Sale, we could pick and choose the cases we fought, and you could actually goad them into fighting you.

Mr Hulls interjected.

Mr RYAN — And we used to absolutely clean them up no end — no problem at all! In this case, though, I say we have a different position, because as a matter of public policy this needs to be transparent. The people are entitled to know what is actually happening with the conduct of these cases. It is not only the fact that in the end taxpayers money is at stake; it is the fact that we have these mobs out on the street doing what they are doing. It is the fact that we have these people conducting themselves in a manner which is beyond the rule of law, but it is also the fact that the police also have responsibilities in the way in which they react to this.

I know from their point of view that they are at the line being spat on and having things thrown at them, having fishhooks thrown in amongst the legs of the horses and then dragged back, having handfuls of ball bearings thrown down the street to try and make the horses and the police officers fall. I know all that. But given all of that still, they have a responsibility. What the public

wants to know is: where is the transparency in this? Why is it that this sort of thing can happen, that these cases are settled on what is said to be a commercial basis when the very important matter of public policy is at stake?

These cases should be fought. In cases where there are proceedings instituted as a result of injuries suffered by these protesters in the course of these riots, let the cases be fought. Let them play it out in court. Do not settle the claims. Let them take their course. Everybody then in a transparent way is able to see the respective actions of those who are involved from their different points of view.

As I said before, it was not only the protesters who got a belting in this; it was not only the protesters who suffered the damage. Some of our police officers — many of them, indeed — went down to defend the rule of law in our name, in the name of this Parliament and in the name of the people of Victoria, and they also suffered injuries. I pose the question rhetorically: who were these police officers, who had done no more than their duty, supposed to sue? These are issues that are deserving of appropriate consideration.

There is another important issue in this where I think the law of the state of Victoria needs to be carefully examined. Under the law as we know it, police officers are regarded as independent officers; they are in a sense like judicial figures. They have an independent discretion at law, and that results in the fact that we do not have the application in the police force of the principle of what is known as vicarious liability.

If in a normal workplace I as an employee make a mistake — for example, in a timber mill — and someone suffers an injury and I am sued, my employer ultimately is going to have to bear the responsibility under the principle of being vicariously liable. That does not happen with police. Police stand alone. We need to have a look at the law in this state to make sure there is a nexus between government and police and their capacity to have indemnity in the face of these sorts of proceedings. If we were to do that, it certainly would make a major change in the status of the police association in all of this, which I might say sees itself, in a sense quite fairly, as having to stand up for these police when they are subjected to this sort of treatment.

In the end the government bears the responsibility for what has happened here. It cannot wash its hands of it. In the end it was the government, I believe, that from a policy perspective was directing what should happen, and it is a disgrace that it has happened. This settlement has been negotiated in secret. People are entitled to

know how it happened, and the people who are most entitled to know are those who address the blue, who go down and stand the line for Victoria Police on behalf of the Victorian community.

Mr STENSHOLT (Burwood) — The Bracks government stands by its police and stands by the judgement of the Victoria Police. The Bracks government stands on its record of security and the protection of our citizens, unlike the Liberal Party which has consistently failed to stand by the police and by the judgement of the Victoria Police and by the judgement of the Victorian police commissioner.

The Liberal Party has history on this, betraying hardworking and dedicated police, and the member for Kew has history on this. Let me tell you about it. Let me condemn the Liberal Party for betraying hardworking and dedicated officers. Let us start with the member for Kew. He stood for Parliament in 1999. I remember going to a meeting with the former Premier, and there he was up the front like Dolly along with all the others — Phil Gude and everybody else — introducing them, the old and the new.

What platform did he stand on? I am not talking about the physical platform; I am talking about the security platform, the community safety platform. What support was he offering the local police, particularly the local police in Kew? What recognition was he going to give to the hard work and dedication of the police officers in Boroondara and Kew? Let me tell members what support he was offering: not much! What did he sign on to in terms of Boroondara? He signed on to the closure of all the police stations in Boroondara. Their policy was, ‘No police station in Kew or in Hawthorn’. They were going to close the station in Chatham. The historic police station in Camberwell was going to be closed, and ultimately so too was the one in Ashburton. There are no others in Boroondara. What were they going to do? They were going to support the building of a new police station — not in Kew, not in his electorate for the people he was seeking support from, but in Camberwell. That was the Liberal Party policy — that is, centralisation.

What did the Bracks government do for the hardworking and dedicated police officers in the local area? We did not fail them like the local members did. With police command, we moved to reassess the police needs in Boroondara. We worked with the police, we talked to them and we talked to the community. I remember one of the first things the then police minister did was to come down to Boroondara and say, ‘Here’s \$50 000 for a community safety strategy for Boroondara’. I was able to join him when he made that

announcement. I might add that the previous Liberal government never invited opposition police spokesmen to any functions. At least we invite them.

Mr Wells interjected.

Mr STENSHOLT — You got invited to many things. We did not betray the hardworking and dedicated police officers. We agreed to build a new police station. Where did we agree to build it? In Kew. There it is up in Harp Road — on cue — a brand new police station, and what a great centre it is in Kew.

Mr Lupton — On cue.

Mr STENSHOLT — The member is right; it was built on time and on budget. It is a great building. I remember going along and talking to the police about the design for it, and I remember talking to the very impressive building manager on that site. It was an excellent building firm, and it built the station to specifications, on time and on budget — in fact I think it was finished slightly early. It is a magnificent police station.

The historic Camberwell police station — I know it is not in the electorate of the member for Kew, but it is not too far away — is one of the finest examples of Art Deco architecture in Victoria, and instead of abandoning it and selling it off as the Liberal government wanted to do, we actually rebuilt it. We talked to the hardworking and dedicated police officers in the Camberwell station. I remember going down there with the then police minister, talking to them and getting their ideas. The police were actually asked, ‘What are your ideas to make this police station work? What do you suggest? What would be the best layout for the flow of work?’. I talked to them, and I also went to the minister and said, ‘We need some more money for the refurbishment of this police station to make sure it is the best possible police station in the Camberwell area’.

The minister provided some more money, and the ideas and input of the hardworking and dedicated police were actually brought to fruition with the refurbishment of that police station. It was a brilliant result for the local area, and it showed what you can do when you support the police and police command and when you work with them. This is the record that we in the Bracks government have. We stand by the police and we stand by the judgement of Victoria Police — unlike the Liberal Party, which has a pretty sad record in this regard.

Members may recall — I think the member for Yan Yean has already mentioned this — that the Liberal

Party supported the hardworking and dedicated police officers by saying, 'We will provide you with another 1000 officers. We love you'. What did the Liberal Party do? It cut, it slashed and it burnt, and it took away 800 police officers. In fact there was a final audit, and the actual number of police taken away was more like 1000. It promised 1000 police and it took away 1000 police. Where is the credibility of the Liberal Party? It does not have any. Where is the integrity? It does not have any. It slashed and it burnt.

The Liberal Party also promised to reduce violent crime, but what did it do when it was in government? What did we see? We saw the number of victims of violent crime increase by 27 per cent under the Liberal and National party government. What did the members of that government do in regard to victims of crime? Nothing. They repudiated the victims of crime, they did very little for them and they cut the support for them. It was a scandal the way they treated the victims of crime, and they ought to hang their heads in shame for what they did to them — just as they should for taking away people's occupational health and safety rights, which also affects police officers as public servants.

What has the opposition suggested in regard to domestic violence? The Bracks government has created a complete turnaround in regard to the handling of domestic violence in Victoria, but what does the opposition suggest? It says to the government, 'You are spending too much time on domestic violence'.

Ms Green — Who said that?

Mr STENSHOLT — The opposition said, 'There's too much time spent on domestic violence'. It ought to be ashamed of saying that.

Mr Wells interjected.

Mr STENSHOLT — It must have been the police spokesman in the previous Parliament. We in government are committed to ensuring that family violence is treated by police — our hardworking and dedicated police — as a serious criminal activity. I am well aware of this issue because in every electorate there are examples of domestic violence, and I think the police in my area do a wonderful job in dealing with that issue. I have attended forums on domestic violence with the police, and they have been very responsive and very active. Our hardworking and dedicated police are getting on with the job of ensuring that Victoria continues to be a safe state. What has the government done in Victoria to help our hardworking and dedicated police officers? Let me tell you what it has done. There are now 1400 additional police.

Honourable members interjecting.

The ACTING SPEAKER (Ms Campbell) — Order! The member for Burwood without assistance.

Mr STENSHOLT — I am happy to take their assistance, because it is not worth a cracker. We have 118 more police stations throughout the state, others are under construction and there are more to come. During the election campaign I visited the Box Hill police station, which we are going to rebuild. That is just great. We are giving the police an enormous amount of support in terms of their equipment. Their capacity to counter terrorism has been increased enormously, and we have provided police with better communications. Of course we are cracking down on graffiti, and we want to move ahead a bit further on that. We are cracking down on hoon drivers, which has been a very good exercise, and our police are leading the way in dealing with drug drivers.

We support the police command — unlike the Liberal Party, which wants to interfere with police command. It wants to interpose itself and say, 'You should do this and this'. The secret deal the Liberal Party had with the police was, 'Let's actually cut police command out of it. We will run the force from the minister's office'. We support the police command, we support our wonderful hardworking and dedicated police officers, and we will continue to do so.

Mr WELLS (Scoresby) — I might say that it is a great pleasure to join this matter of public importance, but it is probably best that I read out the statement because obviously Labor members who have spoken have not read it. Not one of them has said anything about it. The statement reads:

That this house condemns the Bracks Labor government for betraying hardworking and dedicated police officers by secretly agreeing to pay hundreds of thousands of dollars to violent, law-breaking and abusive S11 protesters and their lawyers.

Labor members have not mentioned that at all. They have mentioned what has happened in the past but nothing about the protesters. The member for Kew has got the issue spot on, and his statement captures the views of most hardworking and clear-thinking Victorians at this point of time. But what also bothers me is why the Attorney-General, the Minister for Police and Emergency Services, the Premier and the Treasurer are not in here defending the grubby deal they did with Slater and Gordon. Slater and Gordon has received \$700 000, of which \$600 000 was for their fees and \$100 000 was for the protesters. Is it not ironic that \$88 000 comes back to the ALP as a political donation?

This is another grubby deal that stinks to high heaven, and the government is building up a reputation for these grubby deals. It paid the money out to Slater and Gordon, and coincidentally \$88 000 comes back into ALP coffers.

The danger with this payout to the S11 protesters is very clear. The message to the Victorian community is, 'Don't worry about sending your kids to school for a quality education, don't worry about saving your money, don't worry about trying to work hard for a promotion — don't worry about any of those sorts of things. Don't worry about trying to abide by the law, just head down to the next protest and take your kids because, by jeez, at the end of the day you're going to get a cash payment. There is no question about it'. Where is the message to our kids to abide by the law of this state when they see on the TV news footage what is going on and when a couple of years later they turn around and say, 'Hey, Dad, explain to us why these people are getting paid for breaking the law'?

It sends the wrong message to our kids. What happens next time there is a protest? Members should consider what happened at the G20 protests. I could not believe my eyes when I saw the footage on television of police standing back and allowing a free-for-all. If someone from overseas was watching what we were allowing to take place in Melbourne, they would be disgusted. I suspect that once again, sooner or later, there will be another log of claims put in to Slater and Gordon, followed by another claim against the government.

I remember being at the rear of Parliament House when the S11 protest was happening. I, with the then Leader of the Opposition, the member for South-West Coast, went and spoke to the police officers who had just returned from the front line of the protest to get some respite. If I was a parent of any of those police officers, I would be disgusted by what went on. Urine was thrown at those police officers; they were spat on, punched and kicked, and they told stories about ball bearings being thrown under the hooves of the police horses. Now the people who did this to our police officers have been rewarded by the Bracks government.

What sort of message is that sending to the young people in our community? It is a disgrace! A lot of the police officers we spoke to were young men and women from country Victoria who thought they were doing the right thing. They were doing what they were told to do — that is, to come to the front line in Melbourne, protect Victorian property and the world leaders going into that World Economic Forum. That is why police officers get paid.

There is no question that freedom of speech has always been a belief of the Liberal Party, but this does not apply when a bunch of left-wing thugs get together, create havoc and get rewarded for it.

What is the problem with the payout? I want to know what the police did wrong on the day of the protest that meant they had to be penalised — the payout was made against them. In one case there was a police officer down on the ground being kicked. Police officers had to join together and do the right thing to get that police officer up on their feet. They used batons, but what else would you possibly do if you were in that position? If I were a police officer and I saw one of my colleagues down on the ground being kicked, I would do whatever it took to make sure that my colleague got back on their feet. It is a disgrace that the government is going to pay these thugs for kicking police officers while they were down.

Police have to protect colleagues. All sorts of different situations can arise. Firstly, I want to know what the police did wrong. Secondly, what confidence will the police have in the Bracks government the next time they are in the front line? If you are a young police officer from Wodonga, you are told to go into the front line of the protest, and you consider history and the S11 protests, what protection do you think police command or the Bracks government will give you? I would not want to go to the front line, because I would not know what sort of backing I was going to get from the police command and the Bracks government.

If you do everything by the book and by your training, the Bracks government will still side with Slater and Gordon and pay out the protesters. What is this going to do to the morale of the Victorian police force? I would bet members that the morale of those police officers would hit rock bottom. When we ask our brave police officers to go to the front line again, they will say, 'Hang on a minute. What support are you going to give us?'.

There is no question that this matter sets a precedent. The Premier said it does not set a precedent, but of course it does. The next time there is a protest the protesters will line up. I will bet that Slater and Gordon will be in the front line of every protest and will be watching. There is no question that as soon as something happens, a representative of Slater and Gordon will sign up the protesters for business. They will make sure that they say, 'Here is my card. Come and see me. Look at what happened at S11 — we can get money for you'. This payout sets a precedent. Every time there is a protest, the representatives of Slater and Gordon will be there in droves. Protesters should not

worry about buying a Tattsлото ticket, because there is a better chance of getting a cash payout at a protest in Victoria.

The Bracks government said that the payout saves us money. How in blue blazes did the government ever work that out? What was the commercial decision based on? The government is not fixing the problem because it is going to get worse. This issue simply does not make any sense. That is why at the last state election, the Liberal Party made this very clear: if elected, we were going to put \$500 000 a year into a special fund for the Chief Commissioner of Police to fight vexatious complaints. If a police officer is attacked, the Liberal Party says, 'Fight it out in court and more importantly make sure that the police officer is protected. The morale of the police force is paramount'.

I can see what will happen: the protesters demand \$20 000, but the police force says it will cost \$100 000 to fight the matter — but I say it should fight the matter. There is a difference of opinion on the Labor side of the house. The government says, 'No, we are going to save ourselves \$80 000. We say we are going to uphold law and order. There would be no more grubby commercial decisions with Slater and Gordon. This issue is about protecting police officers and making sure their morale is maintained.

If we were elected, we would have set aside \$500 000 per year over four years, a total of \$2 million, to fight vexatious complaints. If that sum needed to be topped up, we would have done that — there is no question about that. We would fight those vexatious complaints tooth and nail to make sure that the principles of protecting our police force were adhered to. In the last minute I have available — —

Mr Nardella interjected.

Mr WELLS — The member for Melton said, 'It is never-ending'. Isn't that just typical? Do not worry about the police force or its morale, the government is there to protect law and order! There are two sets of laws in this state. If you are a grubby left-wing thug attending protests, the Bracks government will protect you. The government says to these people, 'We will protect you and make sure we pay you for the time that you spent at the protest and the time that you lost'. Then there are others in the community who do the right thing all the time, or in most cases. If there is a lawful direction by a police officer, those people obey it. There appears to be one rule for them and one rule for those grubs who turn up to S11 protests — and they get paid for it. It is an absolute disgrace.

Ms DUNCAN (Macedon) — I agree with the opposition that this is a matter of public importance, and it is quite useful to air some of the issues that have arisen in the debate today. I do not know that anyone would agree with the behaviour that occurred at the protests on that day in 2000. Most of us would have seen the news footage and been equally horrified by the actions taken by some of the protesters, some of which have been outlined to us — the throwing of fishhooks and ball bearings under horses feet, and the throwing of bottles of urine.

All sorts of things occurred at the protests on that day and subsequent days. The opposition may recall that the Premier, who was caught up in some of that action, was absolutely outraged and horrified and I think referred to the perpetrators as thugs. I do not think anyone would argue that any of that behaviour from protesters was justified or in any way condoned. As I said, we saw scenes of protesters abusing police, and we would all agree that that was a terrible thing and would all condemn it.

I understand charges were laid against many of those protesters on that day. They were found guilty of offences against police and presumably offences against property and against people. But arising from that action, whether we like it or not, there were 47 plaintiffs who issued writs against Victoria Police. Who are those 47 plaintiffs? I do not know who they are. Are they those who were throwing fishhooks and bottles of urine at police? I do not know. The opposition does not know. Yet in all of this debate we have 47 plaintiffs — —

Honourable members interjecting.

Ms DUNCAN — If the newcomers on the back benches — even the newcomers on the front benches — would listen for a short time, they might actually learn a little bit about the law. Here we have 47 plaintiffs who issued writs against the police, and over there we have a whole bunch of protesters, some of whom were charged and some of whom probably were not charged, but in this debate the opposition is saying, as if it were a matter of fact, that the 47 plaintiffs are the same people we saw on film footage abusing police. The opposition is making that assumption, so when we talk about these 47 plaintiffs, whoever they are and whatever action they felt they had against the police, we are making the same assumption — that they were part of one homogeneous group and were all protesters who were there on those days. I point out to the opposition — —

Mr Burgess — Do you support the payment?

Ms DUNCAN — We keep getting the mantra ‘Do you support, do you support?’. I will get to that.

The ACTING SPEAKER (Ms Campbell) — Order! The member for Macedon, without assistance from the opposition.

Ms DUNCAN — The point I would make is that I do not know who the 47 plaintiffs are. I guarantee that the opposition does not know who the 47 plaintiffs are. It would have no idea what action or non-action they may have had against the police. I know this is a sticking point for the conservatives, but that is why they do not like the separation of powers — although they do when they do, and they do not when they do not. If they agree with it, that is fine, and things can be at arms length. But if they do not like the outcome, then they think there must be something else they can do: they either remove common-law rights or interfere in some way in the process. I point out again that the opposition is speaking from a position of ignorance, as we all are in this debate, because we have no idea, and I am sure the Attorney-General, who is at the table, has no idea, of the strength of those claims or the nature of the writs that were served against the police.

The opposition accuses us of not supporting the police. Let us assume that we ran the case, and let us assume that the insurers and the police together made the decision to proceed with the case. We heard the Leader of The Nationals say that he would like to have seen that occur, and I am sure there are many who would like to have seen that occur.

Mr Nardella — The lawyers.

Ms DUNCAN — There would be lawyers who would have liked to see that occur. I am sure many people on the sidelines would have liked to see that case run. But let us assume it did run, and let us have a look at what might have occurred as a result. We would have had — —

Mr O’Brien — They might have won.

Ms DUNCAN — They may have won. They would have won, though, in many years time. This was settled five years after the fact. The trials presumably would have run on for many years. We would have had 953 police hanging around a court unsure of whether they were going in as witnesses or of how they were to be named. We probably would have had multiple joint trials that would have gone on for years.

Honourable members interjecting.

Ms DUNCAN — The opposition in its barrage now is still making the assumption that we know who the 47 plaintiffs were and we know what action they took. We have no idea. But what I can assume is that the police and their lawyers knew very well, they knew who the plaintiffs were and they knew what sort of case they might have. Let us also keep in mind — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Campbell) — Order! The member for Macedon, without assistance.

Ms DUNCAN — Let us also keep in mind that this was to have been a civil action, so we are talking about burden of proof and about the balance of probability. It is a lower standard. Some of the previous speakers, including, I think, the Leader of The Nationals, tried to make a point about this being a policy decision by the government. This is not a policy decision by the government. This is, I believe, a considered response by the police and their insurers after looking at this in its entirety with a forensic microscope and taking into account all the circumstances of the 47 plaintiffs, not this ‘rabble of protesters’ that we have been hearing about here all morning. They looked at the case against those 47 plaintiffs and at what would happen if we ran this trial. There would have been multiple trials and huge legal costs. What has occurred in this instance is typical of what occurs every single day in courts around this country.

Like it or not, lawyers and defendants will sit down together and will work out what they believe is appropriate, not what politicians sitting in Parliament think five or seven years down the track. They will look at the facts and make a decision to settle or not to settle based on the facts, not on what the Premier thinks, not on what the Attorney-General thinks, and not even necessarily on what individual police or individual lawyers think. They will make a decision on what they believe is the best outcome in all of the circumstances, not to do so to hang the police out to dry, not to leave them to defend themselves as individual plaintiffs on writs, and not to make them have to rock up to court.

I would ask if opposition members have ever asked these police officers about it. We would all be potentially peeved with the outcome. But on balance, what would we prefer the outcome to have been? It is a moot point anyway, because the decision was not made by government. I am sure if you asked the Premier personally you would find it may not even be his preferred position. It was not his decision to make. That is what we call — to include just a little bit of legal studies 101 — the separation of powers. It is not a

policy decision of government; it is a decision made by lawyers and by police.

Just listening to members of the opposition, you would have to think that if you followed their line of argument — and it is often hard to follow — this must be the dumbest insurance company in the world. It must just love to give money away, saying, ‘Let’s just give it away. We don’t think we have a case, but let’s hand it over’. As the debate has continued, I think I have the opposition’s take on this. I read Andrew Bolt’s article in the *Herald Sun* that constitutes the great research the opposition is using. It seems to me that he understands the settlement; that is not particularly difficult for him to understand, because he has some brains. But he seems to think that if the court costs go against the plaintiffs and they have no money, the lawyers should pay the legal costs of the plaintiffs. That is unique. Where in the world has this ever occurred? From listening to the opposition I think what is behind this is that it was a Labor law firm that took this action. If it had been a conservative legal firm, the opposition would have had no problem.

Mr O’BRIEN (Malvern) — I rise to support the matter of public importance proposed by the honourable member for Kew, condemning the Bracks Labor government for betraying hardworking and dedicated police officers by secretly agreeing to pay hundreds and thousands of dollars to violent, law-breaking and abusive S11 protesters and their lawyers.

The World Economic Forum held in Melbourne in September 2000 was supposed to be a showpiece for Melbourne. It was supposed to show Melbourne in its best possible light to the rest of the world. Who told us this? None other than the Premier himself. Listen to this answer from the Premier to a question without notice on 7 September 2000:

As most, if not all, honourable members appreciate, the World Economic Forum is important for all Victorians, no matter what walk of life they are from. It is a chance for Victoria to put its best foot forward and to demonstrate the way we hold and conduct international events, as we do with major events in this state.

It certainly showed the way Victoria holds and conducts international events under a state Labor government. It showed a city where important international visitors, invited guests to our city, were stopped from going about their lawful business and instead were set upon and assaulted by violent thugs from the political left. It showed a state where our police force could be deliberately targeted for the most foul, physical attacks by these political thugs. And

ultimately it showed a state where the Premier’s political interests in pandering to the extreme left in the labour movement were deemed more important than the interests of decent, law-abiding citizens or the brave men and women of the Victoria Police who were sworn to protect them.

How did this come to pass? It is a matter of record that the worst elements of the political left, including elements of the trade union movement, conspired to attempt to shut down the World Economic Forum. This was done by means of what members of the left, including their paper of record, the *Green Left Weekly*, called ‘blockade democracy’ — an abuse of the English language that would make even the Bracks government’s media unit blush; it would make George Orwell turn in his grave. There is absolutely nothing democratic about the use of physical force to prevent others from meeting simply because you disagree with what they have to say. It is the antithesis of democracy. It is closer to fascism. Yet that is what occurred on the streets of Melbourne in September 2000.

Only one group stood in the way of this mob rule, and that is the men and women of Victoria Police. They bore the brunt, literally, of this mob’s efforts to control the streets of Melbourne around the site of the World Economic Forum. They suffered the most terrible injuries and indignities in defending the rights of others to go about their lawful business. Even their police horses were attacked by these cowards without a conscience who passed themselves off as protesters. Reports of horses having their bridles pulled to cut their mouths and marbles and ball bearings being thrown under their hooves to make them fall showed just how low elements of this mob were prepared to sink to try to control our streets.

For the physical and psychological scars that many of our frontline police bore through the three days of the World Economic Forum, what did they receive in return? From the demonstrators they got a lawsuit. And what from the Premier? What did the Premier give these people? The promise of a barbecue! He promised a barbecue where he would say thank you to the police on behalf of the people of Victoria. Acting Speaker, do you remember this barbecue? Did you attend this barbecue? For the police members who endured so much, Premier Bracks and his government were going to put on a barbecue to show their appreciation. What happened to it? The Premier cancelled it.

While the protesters got the gravy, the police barbecue got the chop. While the protesters got thousands of dollars, the police literally got not a sausage! Why was that? What caused the Premier to break yet another

promise — this time the promise to properly thank the Victoria Police for all they had endured in trying to keep control of Melbourne during the World Economic Forum? The answer is weakness — weakness in the face of attacks from the left of his own party and the trade union movement and weakness in the face of those who cast their lot with the mob rather than the rule of law.

Let me quote an article from the newsletter of the Electrical Trades Union (ETU) of October 2000. It is entitled 'BBQ Bracks and the World Economic Forum'. I am happy to table this if the Attorney-General would like it tabled. It states:

The ETU Victorian branch state council last week moved and adopted the following resolution:

The state council of the Electrical Trades Union of Victoria condemns the current Premier of Victoria, Steve Bracks, for his backing and encouragement of police command to commit acts of violence against protesters at the World Economic Forum.

The demonstrators have the legitimate and moral right to protest against corporations who wage economic and environmental warfare against working people both in Australia and overseas.

Steve Bracks stands condemned for his unjustified support and encouragement of police command to commit acts of brutality against peaceful demonstrators.

We demand that Steve Bracks unreservedly apologise to those demonstrators and compensate those who were injured in the pursuit of a better world.

That was the Electrical Trades Union. In the face of union condemnation of the barbecue and the demand that the Premier compensate the demonstrators, what did our brave Premier do? Like a well-trained puppy dog the Premier rolled over. He rolled over and he cancelled the thankyou barbecue for police. As we now know, the government also rolled over and paid hundreds of thousands of dollars to compensate the protesters. It is lucky that Dean Mighell did not also demand the right to tickle the Premier's tummy, because I am sure the Premier would have rolled over and given in to that as well, and that would have been a very unpleasant sight for all concerned.

It was not just the ETU that the Premier buckled to: the Trades Hall Council unanimously passed a motion condemning the Premier's stand. A transcript of *The World Today* on ABC Radio broadcast on 20 September 2000 quotes that man for all seasons, the then state secretary of the Australian Manufacturing Workers Union, Craig Johnston, as saying the Premier had lost touch with his traditional supporter base.

Mr McIntosh — Was that before or after he was in jail?

Mr O'BRIEN — I am not sure. He is obviously a reformed character. He is probably getting references from the Bracks government as we speak.

But faced with displeasing Craig Johnston or supporting members of the Victoria Police, let the record show that the Bracks Labor government turned its back on the police. Even the Premier's own Williamstown branch of the ALP passed a motion condemning the Premier. *The World Today* also reports the ALP Elsternwick branch treasurer, Marlene Campbell, as saying that the Premier has completely lost touch with the views of the party's grassroots. Sadly that is probably right, because the party that used to represent working Australians — honest, salt of the earth, law-abiding people — now throws its lot in with the vandals and thugs of the World Economic Forum protests. And now this government has paid off the protesters.

It has paid \$700 000, and reportedly around \$600 000 of that amount is going to the Labor aristocracy Slater and Gordon, which conveniently is also a donor to the Labor Party. I am sure that the next young couple who are struggling to afford their first home because of this government's stamp duty bill will feel a warm inner glow knowing that \$700 000 of taxpayers money is going to demonstrators and their lawyers, who also donate to the ALP. We know that the Bracks government is embarrassed by this payout precisely because it has been kept secret. Usually this government cannot promote itself enough — at taxpayers expense.

This deal was kept secret because it is a disgrace. The people who deserve to be compensated for these events are the members of the Victoria Police who were on the front line, but they have received not a cent and not a sausage. But the professional demonstrators — and I use the term 'professional' advisedly, because they are being paid — who were illegally at a public meeting and were properly moved on by police, and their Labor lawyers, got hundreds of thousands of dollars.

Nothing could more clearly show the warped priorities of this government. When they are faced with the choice of backing violent demonstrators and union thugs with no respect for the rule of law or backing the dedicated members of the Victoria Police, Premier Bracks and his government pander to the left rather than upholding the right, and for that the Premier and this government stand condemned.

Ms BEATTIE (Yuroke) — It is delightful to follow yet another silk who seems to have lost his way to the courts and come into Parliament. I will get back to that point later, because what this matter is about is not what those opposite would have you believe. This is about a normal process that takes place every day. What happens is that when a writ is issued against an individual police officer in the state of Victoria in practice the police handle the claim and deal with it. That is exactly what has happened in this case, and the insurer has dealt with it.

If we follow the logic of what those opposite are saying — that somehow the government should have interfered in this process — then we should interfere in every Transport Accident Commission case that the insurer agrees to settle and we should interfere in every WorkCover claim that the insurer sees fit to settle. That is the logical extension of what those opposite are saying.

They sit there and crow over their defence of the fine men and women of the police force. I agree — they are fine men and women in our police force — but it has been proven time and again that it is this side of the house that defends the men and women of the police force, not that side of the house. The police are constantly under attack by that side of the house. I refer to events in the other place where the Chief Commissioner of Police was called upon to resign by a member of the Liberal Party. We have seen over the years that the Liberal Party has constantly attacked police numbers, sacked police and, despite promising extra police, continued to slash police numbers. How do you maintain law and order when you are slashing police numbers? You do not. What the Bracks government has done is restore more police to the front line in order to maintain law and order.

Getting back to this matter of public importance, what we have is 953 police officers whom the plaintiffs lawyers intended to call. So we have 953 police officers and 47 plaintiffs. If the court sat for 6 hours a day and each one of those people gave evidence for 1 hour — so we would have 953 police for 1 hour each and 47 plaintiffs for 1 hour each — that would have meant 159 days for the police and another 8 days for the plaintiff, a total of 167 days of court time. I ask members: who would have been the beneficiary of 167 days of court time being tied up? Yes, it would have been the mates of the member for Kew. He constantly comes in here and drops the names of this one and that one in the courts. It would have been a silks picnic.

That is what members on the other side wanted: they wanted a silks' picnic instead of the case being settled. The insurer has settled, but they do not want it to be settled. They would have liked their mates, the silks, to have been making all that money. I have heard figures like \$1000 a day — 167 days at a \$1000 a day! They would have had their mates like Peter Farris — —

Mr Lupton — That's cheap!

Ms BEATTIE — That's cheap, is it? My friend the member for Prahran said \$1000 is a bargain basement price for a silk. There you are! We see which ones would have made the money on this. Instead the insurers have done the right thing. Even Andrew Bolt, the pin-up boy of the right, has said that settling out of court was the right thing to do. He was distracted in the middle of his article, saying that those who had had Dow Corning implants were just 'weeping women'. Andrew Bolt got lost on the way, but even the pin-up of the right says it was the right thing to do. He must have been scratching his nails on the blackboard as he wrote that down, but even he said that.

What we have here was a normal process. There was an insurer and an insurer's client, and they came to an agreement for 953 police and 47 plaintiffs that \$700 000 should be paid out. In the big scheme of things it is not a great deal of money. Those opposite would say, 'It is not the money that counts, it is the principle of it'. Yes, it is the principle of it, and the principle is that this side of the house constantly supports the police force. It supports the men and women of the police force during the parliamentary attacks that are constantly being made against them by the Liberal Party, which says the police are not doing their jobs and which wants to close more police stations and sack more police. It just does not get the fact that this is a normal run-of-the-mill case. The insurer negotiated in close consultation with the police over the future conduct of this case, and it determined to settle.

There seems to be some sort of misapprehension that when it was determined that the parties should settle they should have filed into the Premier's office or the Attorney-General's office and asked whether it was all right to do so. Of course they would not do that; it does not happen with the Transport Accident Commission, and it does not happen with WorkCover. Of course the insurer did not consult with the government. The opposition just does not get it — it was a commercial decision. The insurer weighed up all the matters, including the potential legal costs, which, as I said before, were enormous.

We always hear the opposition bleating about access to justice, but the courts would have been tied up for 167 days — and that would have been so only if the 953 police and the 47 plaintiffs had given evidence for 1 hour each, and it would not have included the preparation time or the discovery process. What those opposite want is for the government to interfere with the police and with the insurance agencies. Just imagine what sort of society we would have under a Liberal government! It is quite terrifying.

Honourable members interjecting.

Ms BEATTIE — We see all the new chums up the back cheering on the sort of society where politicians consistently interfere with the legal processes. I say to the new chums that they should read some more and think about the consequences of what they are doing instead of being a cheer squad for the member for Kew, who cannot wait to get out of this place, take up silk somewhere and get his hands on some of the money going at the bargain basement price of \$1000 a day.

Even Victoria Police Deputy Commissioner Kieran Walsh says it was a sensible thing to do. I ask you, Deputy Speaker, did the former Liberal government endorse what happened at the Richmond Secondary College with the use of pressure tactics? Of course it did not, because politicians should not interfere with the police force. The Kennett government was right in not interfering in the Richmond Secondary College case. Of course it should not have interfered, and the Liberals should do the same again.

I implore those new members to start reading, consider the logical outcome of what they are suggesting should happen and, instead of being a cheer squad for the member for Kew, who will leave this place and take up silk one day, think about things.

Mr R. SMITH (Warrandyte) — I rise to support this matter of public importance and speak for the many members of my electorate and the broader community of Victoria who have expressed their total disgust at the Bracks government's decision to reward these violent protesters at the World Economic Forum in 2000.

I note that the government has wheeled out its big guns to speak during this debate! I am sure no government minister wants to have their name on the record defending the indefensible. It is ironic that this indecisive, do-nothing government has finally made a decision — but it is so far off the mark as to be absolutely laughable. I have listened to the contributions of government members and to their interjections. They have done nothing but play the man

and have not addressed the matter of public importance — but it is very difficult to defend the indefensible.

In my short time in Parliament I have been overwhelmed by the number of people who have commented on this issue publicly, both in the media and on websites. Indeed people who have come to and rung my office have been disgusted by this. As the member for Kew pointed out, 96.4 per cent of the public phoned in to vote against this. The government needs to listen to those people and to the police, who are also disgusted by it.

Our police officers were forced to endure three days of violence and intimidation from the protesters, who by arriving armed at the blockade openly flagged their intention to be violent. They blocked and smashed cars and buses and attacked public and private property, and they attacked our police. The police were there to protect members of the community and the property they were patrolling. I agree with some members opposite that we do not know who the 47 protesters are, but if we had gone through the court process, we would know who they are and we would know whether the police were justified in doing what they allegedly did.

The then Premier of Western Australia, Richard Court, was trapped in his car for almost an hour. The car was smashed, and the windows were spat on. Protesters got up onto the car and incited further violence. I wonder whether, if our own Premier had been in the car, he would have been so quick to forgive and reward the people who did this.

The S11 protest organisers who posted inflammatory comments on their website and the left-wing lawyers who had been planning for two months prior to the protest were just waiting for this outcome. The member for Malvern has talked about the barbecue that the Premier decided to hold as a gesture of gratitude for the work the police had done. I thought that was a great idea at the time. It was a token gesture, but at least it was a gesture, because the police had gone through so much. It was only days before the Premier caved into the left-wing loonies and backed away from that offer. I am sure then that the seeds were sown and that agitators all over knew that this Premier was a soft touch.

These professional agitators then began legal proceedings against Victoria Police for injuries they claimed were caused by officers, including for compensation for shock and anxiety. In another of the government's secret deals, those agitators are now being paid off for their blatant disregard for the law.

The Premier says that a precedent has not been set — but it has. We saw the same sort of professional agitator-led protests at the G20 meeting last year. We saw the same indiscriminate violence, the same disregard for public and private property and the same violence against our police. And sure enough, despite the restraint of our officers, the allegations of police brutality pop up again. Guess what? The same lawyers are lining up. And why wouldn't they — it worked last time!

Members would have seen the footage: cowards with covered faces charging and throwing bins at the heads of the police, and inciting further violence. It is offensive that our police have to tolerate the abuse and threats of these people, and I applaud our police for showing the restraint that they did.

I have had meetings with my local police officers, many of whom were at the recent G20 protests. They speak of colleagues who had shirts ripped from their backs and suffered scratches down their faces, yet this government wants to reward the kind of people who did that!

One of my local officers is a mother. She is currently off work with injuries sustained during those riots. I am sure no member on either side of this house seriously believes that this officer will have the opportunity to sue anyone, and I doubt that this government will be quick to pay any compensation of any sort to her.

I firmly believe that by allowing these payouts, this government has abandoned our police force and has shown a complete lack of respect for our police officers' commitment to protecting our community's people and property. This action will severely damage the morale of the force and hinder its ability to control those empowered professional agitators at future protests. This government has failed in its responsibility to protect the people of Victoria. No-one has any doubt that the emboldened protesters will go further to demonstrate their complete disregard for police and property at further protests. They will only be encouraged by what the government has done.

The fact that the Premier tried to deflect the blame, as he so often does, by referring to the Victorian Managed Insurance Authority (VMIA) as a private insurer is a further example of this government's reluctance to take any responsibility. The Premier said:

The private insurer gave advice to Victoria Police that they wanted to settle legal costs.

The words 'private insurer' would certainly indicate an independent third party, yet the VMIA's own website states:

What is the role of the VMIA?

The VMIA is the statutory authority, reporting through the Department of Treasury and Finance, established to provide insurance for state assets and risks, to deliver risk management services to state departments and agencies and to monitor the effectiveness of risk management across government.

The Premier's comments were a deliberate attempt to mislead the public. He is out there saying, 'It's not our fault, it's not our decision; we've taken advice from elsewhere'. I do not think anyone really believes that the VMIA does not act with the government.

Now we have a situation where we reward those who break the law. Already one serial protester has announced he will be using his payout to fund a similar protest elsewhere. He has proudly and openly said that. Another, Rod Quantock — who the member for Melton kindly pointed out to me yesterday — who has tight Labor Party links is also receiving a payout from this grubby deal.

The *Herald Sun*, in its 4 March editorial, said it best:

... the proper response to lawsuits against police would have been to test them in court, and to hell with the cost ...

I have heard government members talk about it tying up the courts and costing too much, but when did we ever put a price on justice?

If those opposite would listen to the community, they would hear similar sentiments from all corners of the state. The broader community is unable to see any reasoning behind the decision, other than perhaps a desire by the government to show that it is sympathetic to the more extreme elements of the left wing. If that is the case, it is a sad indictment on a government which constantly repeats the mantra of 'governing for all'.

Mr LUPTON (Pahran) — I am pleased to speak in this debate and to oppose the matter of public importance proposed by the member for Kew. The matter we are debating today is really just another example of this lazy and incompetent opposition putting forward a matter of public importance, which, even on a cursory examination of its contents, shows that it does not understand the nature of the matter it is raising, it does not understand the way in which these matters are dealt with independently in the state of Victoria, it does not understand matters to do with the rule of law, and it does not understand the public policy

that goes behind the decisions we are dealing with in this issue.

When we look at the matter of public importance before the house we see that in its terms the opposition is seeking to link an alleged betrayal of hardworking and dedicated police officers with a payout that was agreed to by the Victorian Managed Insurance Agency and Victoria Police in relation to matters that do not have anything necessarily — and on the evidence do not have anything — to do with any particular violent, law-breaking or abusive actions carried out by the particular people who had determined to sue members of Victoria Police.

The way in which this action got to the point where it was settled by agreement between the parties is an important one for the house to understand. The approximately 47 plaintiffs who brought the action were seeking damages from some 953 police officers who were named in writs. They were all of the police members who attended the World Economic Forum.

It was important for the government in the first instance, once the action was launched, to make it very clear that we as a government stood behind and indemnified Victoria Police completely. That is what the government did. In 2005, when this action was launched, the government made it clear that all of the police involved in the writ would be indemnified. We stood by our police; we made sure they avoided facing any civil liability at all as a result of this legal action. That is the first and very important point that this house needs to understand in relation to this issue. There has been no abandonment of police. We stood with the police, we indemnified them, and we made sure that they were fully and completely protected in the legal system. That is our responsibility, and that is what we did.

The police insurer in this case, as is normal and as is appropriate, was the Victorian Managed Insurance Agency. The VMIA is a statutory body, but it is a commercial body; it is an insurance company that operates on commercial insurance principles, and it operates independently of government decision making. The way the VMIA handled this claim was that it took over the conduct of the matter, and the normal arrangements that were entered into were that the police and the VMIA had conduct of the matter as a normal insured legal action.

The way the matter was ultimately resolved was that the lawyers for the plaintiffs negotiated with the VMIA, on behalf of the police, the defendants. That was the appropriate and proper way in which this matter was

handled. It was not a matter for the government; the government was not involved in that process. The VMIA and the police determined to settle the matter, and the consent of the government was not required in those circumstances; it was the VMIA and the police who were authorised to handle the matter.

That was an appropriate way for any matter to be dealt with notwithstanding the peculiar and obviously sometimes emotive and difficult personal issues that were involved in the particular legal case. But there being peculiar and unusual circumstances of a legal case does not give the government a right or an opportunity or a responsibility to intervene and in some way compromise the independence of the legal process, the independence of the police operational process or the independence of the insurance process, and to get involved in this sort of matter when it should have been outside the process.

It is also important to bear in mind that there are historical precedents for this type of outcome in a legal proceeding of a similar nature. The one that comes readily to mind is the case where people who were involved in protests at the Richmond secondary college back during the days of the Kennett government took civil action against police. A rather similar situation occurred where a negotiated settlement between insurers, police and plaintiffs was arrived at. The Kennett government stood outside the process. It did not interfere, and a settlement was reached.

Some people may agree with the settlement and some people may not agree with the settlement, as is the case with the current circumstances we are debating and considering today. The point of principle in the matter is that the government did not interfere with it. The independence of the legal process and all of the participants in the legal case were protected by the Kennett government in those days. That was the correct decision, as it has been by the Bracks government in the recent situation.

There has been no evidence, and certainly no evidence has been put before the house today, that any of the 47 plaintiffs involved in this legal action were either charged or convicted of any violent, law-breaking or abusive behaviour or that any of the persons who may have received any compensation as a result of this legal outcome were in fact guilty of any criminal offence at all. All of us who recollect the circumstances of the protest at the World Economic Forum understand and know that there was action taken by protesters at that time which was reprehensible, which no sensible person who understands the proper nature of the right to peaceful protest would agree with. But there is no

connection and there has been no connection suggested by the opposition in this debate that any of the people who may receive a payout as a result of this commercially negotiated legal settlement were involved in any law-breaking or similar activity at that time.

One might have a genuine argument about whether the law as it stands is appropriate, about the ways in which people bring actions and about the way these matters are resolved. People may have legitimate arguments about the outcomes, and they may have disagreements about whether compensation is appropriate or not in any given circumstances. That does not make any difference to the rule of law. Public policy in these cases is that these matters are dealt with independently and appropriately, as they were in this case.

The Bracks government continues to support its police force by making sure that police in this state are properly resourced, that we have enough police to do the job and that they are given the operational independence to carry out the job that they perform on behalf of the Victorian community. Since the Bracks government has come to office we have seen more than 1400 extra police. We have seen the biggest increases in the police operational budget in this state's history, and we now have more operational police officers in this state than at any time in Victoria's history. Those police officers are doing a terrific job on behalf of the people of Victoria. As a result of their efforts and of the resourcing that the Bracks government has put into community safety we are the safest mainland state in Australia. We will continue to make sure that the police in this state are well resourced and that we have enough police to do the job.

We will continue to increase and improve the numbers of police in this state, unlike the opposition which when it was last in government promised to increase the police numbers but instead cut the police numbers. It slashed the police numbers by somewhere between 800 and 1000, although it promised before the election that it would increase police numbers. The people of Victoria know that the opposition, the Liberal Party in this state, cannot be trusted when it comes to community safety. The people have put their trust in the Bracks government to continue to work for community safety in Victoria, and that is what we will continue to do.

Mr TILLEY (Benambra) — I stand to join in this debate and support the matter of public importance raised by the member for Kew. We have observed the pusillanimous act by the Bracks Labor government for the betrayal — —

Ms Kosky — You read that!

Mr TILLEY — 'Pusillanimous'! In the dictionary it probably is in different words, but it is 'lacking courage, spineless, faint hearted'. You can choose any of those words, but 'pusillanimous' pretty well sums it all up I feel.

Ms Kosky — Bring back the previous member!

The ACTING SPEAKER (Mr Ingram) — Order! The honourable minister should not interject across the table.

Mr TILLEY — We have observed the government's betrayal of the hardworking members of Victoria Police by engaging itself in and exposing what is a building list of grubby deals — no doubt in the future the list will continue to expand. Also there is the expenditure of taxpayers money to a group of equally pusillanimous recalcitrants. Over the last number of years we have seen, without a proper test of the evidence under cross-examination, what these thugs, these bullies, these crooks attempted to bring upon the good name of the men and women of Victoria Police.

But let me indulge myself for some time here. I believe that while I stand in this place I have earned and deserve the right to speak on this matter, because I was there. I was on the front line with these men and women. I stood there, shoulder to shoulder with them and I fought against the attacks, the abuse and the assaults by these crooks, these criminals.

Firstly, in the lead-up to the World Economic Forum we underwent some training. We learnt about how best to ensure the safe passage of the delegates and politicians so that they were able to meet and speak about significant matters of world importance. Although we enjoyed the camaraderie and we had a bit of a laugh from time to time, the people leading our training and tactics were members of the force response unit. These men and women sent a very strong and clear message to us that we were heading into harm's way. From the intelligence that was gathered in the lead-up — and we saw countdowns on websites of the S11 group — we were under no misapprehension whatsoever when we were heading down there that we were going to encounter not only taunts and abuse but physical assaults. Those physical assaults included the use of missiles, whether it be urine, acid or other substances.

The Victorian police force — the leading police force in Australia — has a very proud tradition and a very strong and sound intelligence gathering base. Whilst we were driving down the Hume Freeway to Melbourne

we saw minibuses of these hippies and crooks in preparation, taunting the convoy of buses of police travelling to Melbourne. On arrival we were accommodated in fairly sparse accommodation near the centre of Melbourne. We had to share the same accommodation with some of the protesters. Throughout the morning and night all we could smell was burning cannabis. We witnessed the drunkenness and antisocial behaviour of these crooks and their urinating in the hallways of our accommodation. We were told to just leave them alone and not engage them. It really rubbed against the grain for us as peacekeepers and law enforcers that these people were not dealt with by the law before they were down at the protest site.

I can remember my very first morning going down to the protest site with my colleagues in preparation to defend the rights of democracy. Upon entering the site we were challenged and attacked. We had to use our training to form wedges just to get into the confines and compounds of what could best be described as the Alamo. General duty police predominantly were at the front line for most of the day and the evening. We were the forward defence. In the event of any breach, our better trained and better equipped police in the special operations group and the force response unit could engage and probably use the better training and tactics they had available to them.

I recall being told by protesters at the front line that we were going to lose our houses. Because they saw my wedding band on my left hand to show my commitment to my wife, they said, 'You have a partner, you have a wife'. There were taunts such as, 'Do you think she is safe in your home now? Do you have any children? Do you think your children are safe?'

An honourable member interjected.

Mr TILLEY — Exactly. These are the people that Labor defends. These left-wing socialist — —

Mr Donnellan — On a point of order, Acting Speaker, under the Police Regulation Act I understand that members of the police, and members who are no longer serving, are not allowed to talk about police intelligence. The member for Benambra a couple of times has referred quite specifically to police intelligence. I do not think that is appropriate in this chamber if police regulations specifically state you are not allowed to.

Mr Wells — On the point of order, Acting Speaker, I have been listening very carefully to the member for Benambra, and he has not divulged any of the information regarding police intelligence whatsoever.

He mentioned police intelligence as a passing comment. None of the details has been released. He is entirely within the act, so I would ask you to rule out the point of order.

The ACTING SPEAKER (Mr Ingram) — Order! The Chair is not in a position to rule on that matter. It can if the issue is sub judice, but that is not necessarily what the member has been speaking about. I do not uphold the point of order.

Mr TILLEY — I thank the member opposite for that time wasting when I have been given this opportunity to speak in this house on this very important matter.

When is the Bracks Labor government going to stop rolling out our police men and women as the punching bags for these socialists, left-wing criminals, thugs and the like? I know that when former Western Australian Premier Richard Court was attempting to gain entry to the building, there was a call to set the vehicle on fire. At great risk to ourselves, we collectively went to ensure the safety of Richard Court, who was able to gain access to the area. I was standing only 10 feet away from where the horses were engaged. People were pulling at the stirrups and trying to dismount the riders from their steeds. I can assure you that I was out of breath by the end of that time. I fought with all the energy that I could muster just to ensure that Richard Court could get back to safety.

I can say with great confidence, not only as a Liberal but as a representative of my electorate of Benambra, that many people have contacted me and asked me when the law is going to be used for justice and not politics — and I support them strongly. I think that money would be well spent in ensuring that we see that a precedent is set. A proper legal precedent in a proper legal framework could be set for the future protection of Victoria. How can this government in good conscience go on talking about the expense that would be incurred to test these matters before a court of appropriate jurisdiction when we have seen over the last seven years enormous cost blow-outs and shameless spending on self-promotion? Testing these matters would see Victoria as the leading state in Australia in providing a safe place for each and every citizen.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I stand to speak on this matter of public importance (MPI). I am amazed at the mushrooms on the other side, who sit there and support the thugs who took part in the S11 riots in September 2000 at the expense of our police force. Policemen and policewomen in Victoria

do a wonderful job, but unfortunately the mushrooms on the other side simply support those thugs and do what the minister asks them to do without standing up for Victorians. It is a pity, because I would have thought they would have stood up for their constituents and for the police force rather than for the thugs who took part in the S11 riots.

One of the people who took part is Ciaran O'Reilly, who will collect about \$2000 for his part in those riots. He plans to use the payout to demonstrate against the joint US-Australia military exercise in Rockhampton in May. Mr O'Reilly was jailed for damaging a B52 bomber in New York. Members on the other side are supporting a criminal rather than our police force.

I have read the MPI, and I have listened to members opposite. Very few of them — I think one — has even mentioned the MPI itself. All the others have made general statements about the police and have avoided speaking about the matter. I would like to reiterate the subject of the matter of public importance, on which the member for Scoresby has already spoken. It is:

That this house condemns the Bracks Labor government for betraying hardworking and dedicated police officers by secretly agreeing to pay hundreds of thousands of dollars to violent, law-breaking and abusive S11 protesters and their lawyers.

Not one government member has spoken on the matter of public importance. They have tended to direct verbal abuse at the member for Kew, who fortunately has served his electorate well. Government members have had nothing to say about the thugs who took part in the S11 riots. It is very unfortunate that these members of Parliament have refused to support our police force and our police officers, who have worked hard all these years. They have done a wonderful job, and you would expect the Premier and the government to support them.

Initially the government offered the police a barbecue, but I think the Premier decided not to hold it because of a threat from the trade union movement. Unfortunately supplying some lamb cutlets and some soft drinks was not considered appropriate by this Premier in order to show support for Victoria's policemen and women, who had done a wonderful job. As I said, it is a pity that the mushrooms on the other side refuse to support our police. Instead government members have decided to support thugs who took part in riots and have ensured that those people will receive financial gains for their actions.

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

time for speaking on the matter of public importance has expired.

STATEMENTS ON REPORTS

Environment and Natural Resources Committee: production and/or use of biofuels

Ms ASHER (Brighton) — I would like to make a couple of observations about the report of the Environment and Natural Resources Committee's inquiry into the production and/or use of biofuels in Victoria, which is dated October 2006 but which of course was tabled in this session.

This was a particularly interesting inquiry whose terms of reference were set on 25 July 2006, very late in the piece during the last term of the government. The committee was asked to inquire into the potential for Victoria to manufacture and use biofuels for transport. Indeed there were a range of subsets of those terms of reference, including current circumstances, potential environmental, economic and social impacts, and the role of government in this area.

The committee reported very speedily. Not surprisingly, one of its recommendations is that the committee should receive another reference from government basically to enable it to finish this particular reference. The committee has also called on the government to instigate a number of further research activities. I make the observation that, whilst in the other place a reference for this committee is being debated at the moment in terms of bushfires — which would be particularly valuable and certainly would have the Liberal Party's support — there is for this committee, of which I understand you are a member, Acting Speaker, further valuable work to be done in that area.

Of course we are all interested in the results of this investigation because of the hot political issue of climate change. This issue has received intense interest at both state and federal levels in recent times. Fossil fuels used for transportation purposes contribute about 15 per cent of Australia's greenhouse gas emissions, so clearly if there is potential in the area being investigated by this committee, there may be some possibility of reducing greenhouse gas emissions. The Prime Minister recognised this by establishing the Biofuels Taskforce in 2005, and again very valuable data is available as a consequence of that committee's activity.

Of course the two biofuels are ethanol and biodiesel. I was interested to look at the data relating to current use

and the projections of future use as ascertained by the committee in the brief time it had to consider the 43 submissions made to it and analyse the evidence gained from two days of hearings, which were attended by representatives from the traditional oil sector and the new biofuels industries.

A table on page 7 of the committee's report clearly demonstrates the fall in fuel grade ethanol production over the years 2002–03 to 2004–05. Honourable members in this place would recall the concerns raised over the possible damage to engines, but more importantly I want to refer them to a table on page 10 which indicates the current and proposed fuel ethanol production capacities in terms of megalitres in future years. Again, according to data provided by the industry for the year 2006–07, the projected production capacity is 638.2 megalitres rising to 1188.2 megalitres in the year 2009–10.

Some interesting data on biodiesel was put to the committee. Biodiesel is at a very low level of production, which is clearly outlined at page 21 of the report, but again according to the projections made by industry, the current and proposed biodiesel capacity for 2004–10, the figure for 2006–07 is 789.1 megalitres, rising to 899.1 megalitres in 2009–10.

The committee has traced international developments in this area, particularly in relation to the use of ethanol in Brazil and the United States and biodiesel in Europe. The committee report moves on to analyse the possible impact on greenhouse gas emissions, and I have to say its research on this is inconclusive, which is why the government should provide a further reference in this regard during this Parliament.

Law Reform Committee: de novo appeals to the County Court

Mr HUDSON (Bentleigh) — I have previously spoken on the report of the Victorian parliamentary Law Reform Committee on de novo appeals to the County Court. The inquiry's terms of reference asked the committee to consider alternatives to de novo hearings. The range of witnesses included the Victoria Police, parts of the magistracy and indeed the Director of Public Prosecutions, who had argued against appeals de novo and put forward an alternative, which essentially involved appeals on matters of law to the County Court or to the Supreme Court. Essentially these witnesses argued that magistrates are now legally qualified, that there are appropriate safeguards against wrongful conviction and that the sentencing process is now much more sophisticated.

They also argued that de novo appeals offend the principle of finality in judicial proceedings and that unnecessary duplication and cost result from having de novo appeals. It was also argued that appellants can abuse the process by presenting different evidence in the County Court and that there can be a traumatic impact on witnesses who are at times called on to give evidence twice.

Essentially these witnesses argued that appeals based only on errors of law should be heard in the Supreme Court or the County Court. In considering this issue the committee examined in particular the systems operating in South Australia and New South Wales. In South Australia appeals against conviction and sentence are generally restricted to questions of law. What the committee found was that there has been a significant reduction in appeals from the Magistrates Court in South Australia to about 0.7 per cent.

The committee therefore considered the question of whether or not abolishing de novo appeals would have any impact on the slowing of cases in the Magistrates Court. As part of its examination, the committee looked at the Productivity Commission's *Report on Government Services 2006*. What the committee found was that the court backlog data in the commission's report of 2004–05 showed that the South Australian Magistrates Court heard one and a half times the Victorian percentage of matters pending for more than six months and nearly three times the Victorian percentage of matters pending for more than 12 months. What that suggested was a significant difference in the backlog of cases between the two courts, which could be due to a range of factors, but it did lend weight to the argument that restricting the right of appeal de novo from the Magistrates Court would lead to an increase in the time it takes to hear cases in the Magistrates Court.

The committee also gave serious consideration to the New South Wales system of appeal, which had a similar de novo system to Victoria prior to 1999 but in 1999 introduced legislative changes which resulted in conviction appeals being conducted as rehearings on the transcript of evidence from the Local Court. The committee found that whilst the legislative intention of the 1999 changes may have been to retain de novo appeals, it in fact resulted in a very limited de novo hearing for conviction appeals based on the transcript, which in reality was a very limited form of strict appeal.

The committee examined both the efficiency and fairness of these changes and heard evidence that the 1999 legislative changes had indeed resulted in a significant reduction in the number of conviction

appeals and the time it took the District Court in New South Wales to hear them, which had resulted in significant time and cost savings. There had been a significant decline after 1999 of about 19 per cent in appeals from the Local Court to the District Court. However, there had been a gradual increase in the rate of appeal since 2002 back towards the levels of 1999.

The committee also heard evidence that the 1999 changes may have contributed to a slowdown in the Local Court and an increase in defended matters. Given that the overwhelming number of criminal matters are heard in the Magistrates Court, the committee was unable to come to any conclusion as to whether a reduction in appeal rights to the County Court or the time taken to hear those appeals would contribute to the overall efficiency of the criminal justice system in Victoria. However, we did find that the New South Wales changes may lead to a substantial decline in the fairness and accessibility of the appeal system.

Public Accounts and Estimates Committee: report 2005–06

Mr DIXON (Nepean) — I wish to comment on the Public Accounts and Estimates Committee annual report 2005–06, and specifically chapter 3 which makes some recommendations and key findings regarding report no. 66 of the committee, which was the report on the 2005–06 budget estimates.

I specifically want to comment on one key finding and one recommendation made by the committee. The key finding on page 28 is:

... departmental estimates indicate that in the three years to 2009, the number of secondary teachers graduating from Victorian universities will not be sufficient to meet demand.

This government needs to address this very important issue. It has talked about it, but I think some real work needs to be done on this. As a general statement, that is correct, but you have to drill down into that finding to realise that there are specific shortages in specific areas, especially in IT, science and maths, particularly in regional and country areas of Victoria and also closer to Melbourne in some of the harder-to-staff schools. I think those more specific areas of concern need to be addressed.

There are specific solutions to that rather than just a general recruitment of teachers from interstate. We have to be a lot more narrow in our focus, and the government needs to look at the people who might have these skills, where they live and how we get those people into our schools to allay this very serious

shortage of maths and science teachers, especially at the secondary level, in Victoria.

We must remember this is a committee of the Victorian Parliament. It is not something that is to be buck-passed to the federal government. The Victorian government, not the federal government, has a specific responsibility for state education generally in this state. To be blaming the federal government — and I know the government are wont to do that in an election year — for lack of funding or lack of support is not on in this case. It is just buck-passing. This is the government's responsibility, and it should be moving very quickly on this finding.

It is interesting in this context too that there is some debate going on about the payment of teachers who are excelling in the classroom. It has certainly become part of the federal election debate for all parties, and I think payment is something that should be part of this incentive to attract more suitably qualified people of any age into teaching in areas of skills shortage, especially in our secondary schools.

The key recommendation I wish to comment on is that the Department of Education review its current data collection and recording system so that details of school fees and voluntary contributions collected can be separately identified for reporting purposes. I support this recommendation because in February each year this hoary old chestnut comes up in the papers, where there are numerous examples of schools that are demanding payment of voluntary levies from parents and using all sorts of extortion in some cases to gain that money.

There is an underlying problem with schools in that some schools I know of are short of funds; they are not being supported adequately by the government and therefore the parents are paying the brunt of that demand for extra funding that the school requires. But I think there is a lot of uncertainty not just with parents but in schools, in the media and in the community as to what schools can specifically charge for, what should be part of their everyday running costs and what they should not be attaching to voluntary levies.

In defence of any sort of information gathering and any sort of clarity that will help alleviate this problem, which occurs every year, the government always says, 'The minister will send out a memo reminding schools'. The ministerial memo is just not working. That is all we get every year. We need some action. We need to address the reasons why schools are so short of funds, but we also need to clarify what the problem is. As I said, there is a lack of clarity within the department and among a lot of the people on the floor of the

department interfacing with the public; there is a lack of clarity and understanding in schools and with parents, and I think also with decision-makers and the media.

What is a voluntary fee? What should not be a voluntary fee? Therefore I support the recommendation that this sort of data needs to be collected and clarified, so that hopefully we do not have to go through the farce we go through every February.

**Public Accounts and Estimates Committee:
report 2005–06**

Mr CRISP (Mildura) — Today I rise to speak on the Public Accounts and Estimates Committee report. In particular I wish to talk about chapter 3.5.2, the third dot point, which is to do with the committee's findings. The report found that major projects were managing 14 projects worth \$3.1 billion. One of these projects was the long-term waste containment facility, the toxic waste dump, which is a favourite subject of mine.

The government aborted plans for this project in January 2007. I was very happy with that decision, because it had certainly been something that had put my community through a great deal of pain, and I commend the government for a wise change in policy. Certainly now we can see from the estimates that there was a considerable amount of money budgeted by major projects for the long-term waste containment facility.

Certainly we need now to think about what we are going to do with those funds. I would like to further encourage the government to add some of that funding to the Environment Protection Authority — the people responsible for administering a better government policy — and then beyond that to look at the people of Mildura. Following discussions with community organisations the Mildura Rural City Council spent over \$2 million of its money to assist Victoria to come up with a better waste management facility. Certainly the saving to the government of not having to build that facility could be much better used elsewhere in Victoria.

Our local council has been negotiating with the state government for recovery funding for a couple of projects, and we would like to lend some support to those projects. The first one is Mildura's riverfront redevelopment, which involves the relocation of the freight gate to allow a connection between our city and the river. The hearts and minds of the people of Mildura are connected to the river, but we are not connected physically. We have a rail freight facility in between us and the river, and the relocation of that freight gate is

now a community priority. The second project is our arts centre redevelopment, which is a \$6 million proposal to modernise our arts facilities. These facilities, which were last worked on in the 1960s, are valuable community assets and certainly need to be updated.

Our community identified a number of other projects during the recovery phase from the three or four years of having a toxic waste proposal forced upon it, and they include a sound shell for our younger people, a Red Cliffs library redevelopment, a couple of skate parks and some streetscape works in Red Cliffs and Ouyen. All these projects have been requested and considered by government in discussion with the Mildura Rural City Council, and I commend and support those discussions. To return to the PAEC report, the interest saved by not building a toxic waste dump would certainly be enough to get a number of these smaller projects under way, without the need to dip into the huge amount of capital that will be saved by not building this unwanted facility in northern Victoria.

I believe the government should continue to work with the Mildura Rural City Council to assist my community through the development and recovery phase following the threat of having a toxic waste dump, and according to the committee report there is certainly money to achieve that.

**Public Accounts and Estimates Committee:
report 2005–06**

Mr KOTSIRAS (Bulleen) — I wish to briefly speak on the *Public Accounts and Estimates Committee Annual Report for 2005–06*. I refer in particular to page 28, where the committee's key findings are listed, including the following:

... the departmental estimates indicated that in the three years to 2009, the number of secondary teachers graduating from Victorian universities will not be sufficient to meet demand. The department expects to offset this shortfall by recruiting from other sources such as from interstate, through teachers returning to the workforce, and by implementing other initiatives.

This is a major problem for Victoria, and it is a major problem for regional Victoria. There is a shortage of maths and science and IT teachers in particular, and in some schools teachers who are not qualified in those areas are often asked to teach those subjects. It is not good enough for this government to say 'It is not our fault, it is the federal government's responsibility'; it has to ensure there are enough teachers. This government has to realise that it is the government, and it has to provide enough teachers to ensure that every

school in Victoria has enough qualified staff in every subject. It is not good enough for someone who is not qualified in mathematics or science to be asked to teach maths. It is unfair on the students and it is unfair on the teachers. I call upon the government to do more than just blame the federal government for the lack of teachers or the low number of teachers who are qualified in maths and science across Victoria.

If we are to plan for the future, our students need to have a good grasp of maths and science, especially if we want to see Victoria as the smart state. Unfortunately Victoria is failing under this government, which has not done enough to ensure there are enough qualified teachers in maths, science and IT to meet the demand.

I also wish to say a few words about a key recommendation appearing on page 28. The committee has recommended that:

... the department of education and training review its current data collection and recording system so that details of school fees and voluntary contributions collected can be separately identified for reporting purposes.

I thought that schooling in Victoria was free and that schooling was available for everyone without having to pay any fees. On numerous occasions parents have come to see me to tell me that they have been forced to pay school fees and that their children have been embarrassed at school for not paying fees. As I said, schools are meant to be free and education is meant to be free, and this government has to do more than just send a memo to all schools advising them not to force parents to pay fees and not to make it hard for students to take part in art and craft and other activities that require extra resources. Words are fine, but it is time this government did more by putting some effort into ensuring that schools have all the money they require so that the needs of all students are catered for.

VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL

Second reading

Debate resumed from 13 March; motion of Mr HULLS (Attorney-General).

Mr RYAN (Leader of The Nationals) — As I was saying last evening when debate on this bill was interrupted, there are different divisions in part 2 of the Victims of Crime Assistance Act, the primary act, under the general heading 'Eligibility for assistance'. I

want to devote my comments to division 1 of part 2, which deals with primary victims.

The terms of division 1 are particularly pertinent having regard to the bill that is now before the house. It is important to look at the mechanics of the operation of the primary act, because it gives a better setting for where the bill we are debating fits within the structure of the victims of crime legislation. Division 1 of part 2 provides for the needs of primary victims. Section 7 in division 1 is important because it relates to the issue of who is in fact a primary victim. Section 7(1) defines a primary victim as follows:

A primary victim of an act of violence is a person who is injured or dies as a direct result of an act of violence committed against him or her.

The earlier definitions section of the act refers to what constitutes an act of violence, but I will not read that out as no-one would be surprised by its general tenor. Section 7(2) recites that a person is also a primary victim of an act of violence if that person is injured in one of three circumstances that are set out, those essentially being trying to arrest someone believed to be involved in a crime, trying to prevent the commission of an act of violence or trying to aid or rescue someone who is believed on reasonable grounds to be the victim of an act of violence. If one of the criteria set out in subsections (1) or (2) are satisfied, a person is deemed to be a primary victim under the principal act.

Section 8 sets out the assistance that is available to primary victims. To paraphrase those provisions, subsection (1) deals with the fact that a primary victim is entitled to assistance of up to — I emphasise the words 'up to' — \$60 000. They are entitled to that amount plus — I emphasise the word 'plus' — any special financial assistance that is awarded in accordance with section 8A. Section 8(2) sets out the elements which can constitute that payment of up to \$60 000, and they are basically expenses that are actually incurred or likely to be incurred by the primary victim for counselling; medical expenses actually or reasonably incurred; up to \$20 000 for loss of earnings suffered or likely to be suffered; and finally, expenses incurred through loss of or damage to clothing worn at the time of the commission of the act of violence.

Section 8(3) provides for the exceptional circumstances that can also apply within the ambit of the overall award of \$60 000, including an amount for other expenses actually and reasonably incurred or reasonably likely to be incurred by the primary victim to assist in his or her recovery.

The net result is that section 7 sets out who is a primary victim and section 8 sets out the entitlements, which are valued at up to \$60 000, and the manner in which those matters can be constituted. Section 8A deals with the nub of what is in this bill — that is, the special financial assistance available to primary victims because of significant adverse effects. It says that in addition to the entitlements that the primary victim may have under section 8, a person can also be regarded as a primary victim of an act of violence if that person experiences or suffers any — what are termed as being — significant adverse effect or effects arising from whatever the event was. When you turn to the definitions section in the act you find that the expression ‘significant adverse effect’ is defined as:

... a victim of an act of violence, includes any grief, distress, trauma or injury experienced or suffered by the victim as a direct result —

and I emphasise ‘direct result’ —

of the act of violence but does not include any loss of, or damage to, property ...

Persons falling within that general definition are able to claim under section 8A of the act. I adopt the point raised by the member for Box Hill about the uncertainty that surrounds an entitlement to claim by any individual who might be injured under the circumstances contemplated in section 7(2). I will not go through that subsection again, but after listening to the member for Box Hill and reading that subsection, there seems to be an anomaly in the application of section 8A to persons who were injured in those circumstances.

Section 8A defines the conditions which must be met by any person who is able to make a claim. The section sets out the bases for payment, and the minimum and maximum payments appear in the table in section 8A(5). In the general sense and from the perspective of a common-law claim, the first category of payments up to \$60 000 represents what is termed as ‘special damages payable to a party in the event of a claim being made’ whereas the payments contemplated in section 8A refer to what has been historically referred to in common-law claims as general damages, which were generally described as and attributed to pain and suffering and the loss of enjoyment of life. This bill is dedicated to that element of this broad-ranging piece of legislation.

When you cut to the chase, this is an amendment of the table set out under section 8A(5), and it prescribes the amounts which are, in effect, general damages payable to people who fall within the detailed categories who are able to satisfy the requirements of the provisions.

The table itself is divided into four levels and labelled A, B, C and D. The regulation relevant to this matter is statutory rule 135 of 2000 where the actual categories of acts of violence are defined. The rule reads:

- A Any offence that involves — the sexual penetration of a person; or attempted murder.
- B Any offence that involves — attempted sexual penetration of a person; or an indecent act with, or indecent assault against, a person; or armed robbery; or aggravated burglary; or the deprivation of liberty of a person for the purpose of — sexual penetration; or demanding any ransom for their release.
- C Any offence that involves — an attempt to commit a category B act of violence; or a threat of death; or conduct endangering life; or inflicting serious injury; or robbery.
- D Any offence that involves — an attempt to commit a category C act of violence; or a threat of injury; or an assault against a person; or an attempted assault; or the deprivation of the liberty of a person, excluding a category B act of violence; or an act of violence not otherwise specified as a category A, B, C or D act of violence.

In effect, therefore, we have a cascading series of offences set out in order of seriousness which — depending upon what is the crime which gave rise to the injury and where that crime fits within these tables — then governs the extent to which general damages, for want of a better description, will be awarded to an applicant.

Sitting suspended 12.50 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Police Association: pre-election agreement

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the still-secret letter from the police union that culminated in the secret pre-election deal with the union, and I ask: to whom, in what capacity and to what location was that letter addressed?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question, and again I refute the imputation in the opposition leader’s question. The reality is that we gave commitments on what we stood for in policing, and we are going to stick with those commitments in the future.

Bushfires: firefighter tributes

Ms GREEN (Yan Yean) — My question is to the Premier. I refer the Premier to the recent bushfires that devastated much of regional Victoria, and I ask him to detail for the house some of the ways the government is thanking the many people involved in fighting the bushfires.

Mr BRACKS (Premier) — I thank the member for Yan Yean for her question. Alongside many members of this house, I think the many firefighters — volunteer firefighters, professional firefighters and community members — who did so well over a protracted period of time in fighting fires and protecting our state deserve a thankyou effort from Victoria. We know these fires started early, in fact it was probably the earliest they have ever started in a fire season in Victoria — and they are still of course going, while being significantly contained. We know the extent of the fires. They are probably the worst fires we have had in Victoria since Ash Wednesday. There were about 1000 fires across the state, and they burnt about 1.1 million hectares of land in Victoria, which is one of the biggest burns ever in this state. People lost homes and stock, and businesses were affected significantly.

It is clear, however, that the bushfire toll would have been much more significant without the bravery of our firefighters and the communities which they served. Not only was it the firefighters, it was the community members where those fires were occurring, who had their fire plans, who worked with the Country Fire Authority (CFA) volunteers, who worked with the Department of Sustainability and Environment (DSE) staff, who worked with the State Emergency Service (SES) and who worked with the Red Cross to make sure there was a concerted community effort in dealing with those fires around Victoria.

Today I was at the MCG with the Minister for Police and Emergency Services, with the chief executive of the Australian Football League (AFL) Commission and with the chief executives of the Melbourne Football Club and the St Kilda Football Club to announce that, in consultation with the Volunteer Firefighters Association of Victoria, we have decided to thank firefighters around the state on a common day, Sunday, 22 April this year, with regional efforts right around the state.

It was deemed by the groups representing the 59 000 CFA volunteers and the volunteers from the SES and other organisations that, rather than having one big event, several regional events would be a much more appropriate way to deal with the thankyou for

firefighters around Victoria. Why is that the case? Because we know these fires were fought by communities, they were fought by volunteers in those communities, they were fought by professional and paid firefighters and they were fought by families in conjunction with our firefighters in Victoria.

The AFL, the Melbourne Football Club and the St Kilda Football Club have also agreed, in a joint arrangement, that the first game of the season on Friday, 30 March, at the MCG, the Melbourne-St Kilda match, will be a tribute to the firefighters in Victoria. That is what the volunteer firefighting force wanted: it wanted appropriate recognition at the start of the AFL season. For that match at least — and when I say ‘at least’, we will provide as many as are requested — 5000 free tickets will be offered to emergency service volunteers and staff. As well as that, those ticket-holders will also have vouchers for free food and drink and free travel on V/Line services to attend the match. It will be a true tribute —

Mr Ryan — Did you ask Craig about this? Did you check this with Craig?

Mr BRACKS — No, but I am sure he can tell me now! It will be a good event. This will be a true tribute to the firefighters of Victoria and their families. There will be images and messages on the scoreboard, there will be thankyou messages on the team banners and over the loud speakers, and there will be tributes right through the match and right through the opening of the AFL season. I would like to thank our partners: Andrew Demetriou, the chief executive officer of the AFL; Steve Harris, the chief executive officer of the Melbourne Football Club; and also the chief executive officer of the St Kilda Football Club, Archie Fraser.

Could I also thank the representative staff and volunteers who have assisted with this tribute which will be coming up in both March and April — Volunteer Fire Brigades Victoria, which was instrumental in the design of this program for our state; the Country Fire Authority; the Department of Sustainability and Environment and its partners; and the State Emergency Service. We owe a great debt to our volunteer and professional firefighters in Victoria and the communities in which they serve. We will do what we can to recognise and acknowledge that debt. We will acknowledge those people who fought the fires and also those who supported that effort, including employers and some of the emergency services organisations.

I thank all the partners in this event. I know many members of this house will be a part of the event as we

come up to late March and April, and I know we will all pay recognition to a great and heroic effort in saving Victorian's lives and saving property around the state.

Gippsland Lakes: entrance

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water, Environment and Climate Change. Given the government's often repeated promise to keep open the entrance to the Gippsland Lakes, will the government compensate the Lakes Entrance commercial fishing industry for its losses now that the entrance is effectively closed?

Mr THWAITES (Minister for Water, Environment and Climate Change) — I thank the Leader of The Nationals for his question. As I indicated to him yesterday, our government has committed substantial funds — some \$30 million — to upgrading the port. I might say that is something that Victorians did not see under the previous government. Our government is now investing and ensuring that it is doing everything possible, working with the port and with the local authorities to protect the interests of the local people. I would have thought the Leader of The Nationals would have been endorsing and supporting such an approach.

No government can control nature — no government has absolute power — nor has our government guaranteed to do that. What our government has guaranteed is to invest substantial extra funds, some \$30 million, in improving the management of that port, and that is exactly what it is doing.

Water: rural and regional Victoria

The SPEAKER — Order! I call the member for Lara.

Mr EREN (Lara) — Thank you, Speaker.

Honourable members interjecting.

Mr EREN — Here I am. Here I am!

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition! The member for Lara would make the running of this chamber much easier if he did not invite such interjections.

Mr EREN — I was provoked, Speaker. My question is to the Minister for Water, Environment and Climate Change. I refer the minister to the government's commitment to securing water supplies for regional Victoria, and I ask him to update the house

on the progress of government initiatives delivering on that commitment.

Mr THWAITES (Minister for Water, Environment and Climate Change) — I thank the current member for Lara, an outstanding member, for his question and his interest in water. Right across the state the Bracks government is delivering water projects to meet the needs of our growing regional population — we saw the recent figures for that — and to meet the challenge of climate change and drought.

If you look in the western part of the state, you see we have the Wimmera–Mallee pipeline, which is absolutely vital to the whole future of the west of the state. It is a project that was initiated and funded by this Bracks government. I might say that some two years before the federal government was dragged, kicking and screaming, to this project we had the funds on the table.

I am very pleased to be able to advise the house that some 500 kilometres of pipeline has already been laid. The Grampians Wimmera Mallee Water Authority, the contractor, should be congratulated for the effort — —

Honourable members interjecting.

Mr THWAITES — And the local member, who is saying it is a great project. That is at least one local member who is supporting a government initiative in doing the right thing for his area. The contractor is also doing a great job, laying some 50 to 60 kilometres of pipeline each week. The main headworks are under way from Halls Gap to Taylors Lake, and that will be completed by October.

I am pleased to advise the house that the tender for supply system 5, which is in the north-eastern part of the region, is now out, and it will be let in the next month. I also advise the house that the government and the water authority are now looking at further ways to accelerate this project and accelerate stage 3, which is the trunk which goes to Warracknabeal, Beulah and Hopetoun. That was originally planned for next year.

We are looking at ways we can start this part of the project this year, ahead of time, because this will assist in meeting the drought problems we are facing this year. Currently up to 80 per cent of the water that runs down that channel is lost through evaporation, so the aim is to pipe that channel.

If you look further to the east, to Bendigo, you will see we are getting on with the job of delivering the super-pipe, against the opposition from those opposite and against the opposition from The Nationals.

Nevertheless we are delivering that project. The pipe supplier has started, and the contractors are already on the job laying the pipeline. We have two construction crews working, with a third pipeline construction crew to start shortly. In Ballarat also, I am pleased to say, the tenders were put on the market last week for the Ballarat section of the super-pipe, and that tender will close in April.

There has been some good news also for the super-pipe — that is, the recent announcement by the federal opposition leader, Kevin Rudd, that the federal opposition, should it be elected to government, will commit \$115 million to this project. That is a great commitment. I might say we are seeking a similar commitment from the federal government.

In Geelong, I am pleased to advise the house, the Barwon Downs groundwater upgrade is now going ahead, and we will be getting extra water — —

Honourable members interjecting.

Mr THWAITES — The Liberal policy? I think the Leader of the Opposition has the wrong place. He was talking about a different location.

Honourable members interjecting.

Mr THWAITES — We are delivering. We remember the opposition policy, which was simply to take all of Geelong's share of Lal Lal Reservoir water and give it to Ballarat, which we know would not be a solution. We know it is empty, and we know Ballarat would have run out of water if the opposition had got into government, but we are not going down that path. We are getting on with the job of delivering that extra groundwater from Barwon Downs, and the water will start flowing from April this year.

The other important project in Geelong is the Shell recycling project, which is a very good project. The state government and the water authority have committed \$18 million towards the project. We are still waiting for federal funding. I would have thought, given the state of the water system and the announcements that have been made by the federal government about its interest in taking over water, that we would have had a bit more action and a little less rhetoric. In conclusion, I can only quote — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for Nepean!

Mr THWAITES — I can only quote from the Ballarat *Courier*, which welcomed the \$115 million commitment from the federal Labor Party and said the federal government is dilly-dallying in making a decision. We do not want to see dilly-dallying — we want action.

Water: Thomson Dam

Ms ASHER (Brighton) — My question is to the Minister for Water, Environment and Climate Change. I refer to the fact that the Thomson Dam today is at 19.6 per cent of capacity and I ask: at what level will pumping be required to access further water from the Thomson, and are the necessary pumps and infrastructure in place at the moment to allow pumping to commence?

Mr THWAITES (Minister for Water, Environment and Climate Change) — I thank the opposition spokesperson for her question and congratulate her for actually showing some interest in water. We have not seen a single statement from her about the national water takeover. We have seen nothing from her on major projects like the Wimmera–Mallee pipeline, we have seen nothing about — —

The SPEAKER — Order! The minister, to answer the question.

Mr McIntosh — On a point of order, Speaker, the minister is debating the question. It is not an opportunity to attack the opposition. He should be just answering the question.

The SPEAKER — Order! I uphold the point of order. I was just in the middle of bringing the minister back to answering the question.

Mr THWAITES — The opposition spokesperson is trying to run a scare campaign. Unfortunately for her, there is nothing in her claims. As Melbourne Water has indicated, the Thomson is part of the overall management of the Victorian water system. It is, as the member indicates, currently at 22 per cent — 20 per cent — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby, the member for South-West Coast, the Leader of The Nationals and the Deputy Leader of the Opposition!

Mr THWAITES — The Thomson Dam is part of the overall Melbourne system. It is connected to the other reservoirs in the system. As Melbourne Water has

indicated, there will be no need for pumping in the immediate future. The Thomson would need to get below 13 per cent before it would need such pumping.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby and the member for South-West Coast!

Mr THWAITES — Melbourne Water has already advised that it is treating the Thomson, quite properly, as part of the overall system. That includes the Upper Yarra Dam, which has had substantial extra water in it during the fire season. Because of the fires there was more water pumped out of the Thomson into the Upper Yarra than might otherwise have been expected. But Melbourne Water will continue to manage the whole system very competently, as it has done in the past.

Rail: V/Line services

Mr HARDMAN (Seymour) — My question is to the Minister for Public Transport. I refer the minister to the government's commitment to making regional Victoria a great place to work, live and raise a family, and I ask the minister to detail for the house how the government's investment in V/Line services is delivering on that commitment.

Ms KOSKY (Minister for Public Transport) — I thank the member for Seymour for his question, and indeed I would like to say that Victoria is a great place to take a V/Line train. This government has demonstrated time and time again its commitment — —

Honourable members interjecting.

Mr Bracks — They are the ones you closed down.

Ms KOSKY — That's right! I can understand why the opposition is not interested in V/Line or in regional rail, given that its only interest when in government was in closing different tracks and stations. But this government's record stands in relation to our commitment to V/Line services and to regional rail. We have seen a massive investment in regional rail on the Ballarat, Bendigo, Geelong and Traralgon lines, and V/Line patronage in 2006 grew by 21.2 per cent. That is a 21.2 per cent growth in patronage in 2006 from the previous year. That is the highest annual rate growth for many decades. It has been extraordinary. Victorians are voting with their feet and using the service. We have increased the services — —

Mr Donnellan interjected.

The SPEAKER — Order! I ask the member for Narre Warren North to withdraw that statement.

Mr Donnellan — I withdraw.

Ms KOSKY — We have increased the number of services available by 400, delivering more than 2000 extra seats per weekday on the Ballarat line and on the Bendigo line. That is 2000 extra seats every weekday on those services. Four hundred new services are being provided.

An honourable member interjected.

Ms KOSKY — The Nationals member says it is a pity there is no-one in them. He obviously has not listened to my previous comment that we saw patronage grow by 21.2 per cent in 2006. That is a lot of people who are voting with their feet and using V/Line services. We have also increased the level of service to Echuca by 350 per cent, and I know that the local member is very pleased with that increase in service. That is a real boost for tourism, it is important for students, it is important for workers and it is important for other travellers. And we have made V/Line more affordable. We slashed the fares on 4 March by an average 20 per cent — —

Mr Mulder interjected.

Ms KOSKY — An average.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth will stop that ceaseless interjecting.

Ms KOSKY — Let me give some detail of what that average means. Maximum train fares from Warrnambool and from Wodonga have been halved overnight. But the benefits are not limited to longer journeys. I refer to Geelong. Over the last year the price of many trips from Geelong has been reduced by up to 50 per cent — for example, a weekly ticket to commute from East Geelong to St Kilda for work is now only \$57.10, and that includes unlimited travel around the Geelong transit system and the metropolitan Melbourne area. Before April 2006 that cost \$115 and involved buying three tickets, so that is an incredible reduction in price. We are seeing the benefits for commuters who are using the system, and of course it is growing, as I have said.

We know we have more to do. We are not going to rest on the improvements that have been made to date. We will deliver new V/Locity trains and carriages, we are going to update the older rolling stock and we will be

rolling out the new myki ticketing system, which is one ticket for all Victorians. We will be doing much more with our train, tram and bus services right around Victoria, because we are committed to making sure that we grow our transport system right across Victoria.

Federal member for Wills: character reference

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Mokbel reference scandal, and I ask: was his former Minister for Small Business personally advised at the time that a reference had been submitted with the relevant licence application by her husband, the federal member for Wills?

Mr BRACKS (Premier) — The definitive answer to the question asked by the Leader of the Opposition was given by the head of the liquor licensing commission, which indicated quite clearly that it made an independent decision to refuse the licence. The imputation and references made in the Leader of the Opposition's question are absolutely and totally wrong. It is an inappropriate imputation for this house.

Drought: government assistance

Ms DUNCAN (Macedon) — My question is to the Minister for Agriculture. I refer the minister to the Bracks government's commitment to supporting all Victorians suffering from the drought, and I ask the minister to advise the house of the Bracks government's request to the federal government to consider an exceptional circumstances declaration for those regional shires not yet covered.

Mr HELPER (Minister for Agriculture) — I thank the member for Macedon for her question and her ongoing commitment to rural and regional communities in her electorate and more widely across Victoria. The Bracks government has continued and continues to support farming families and farming communities throughout Victoria as they are affected by the drought.

Since September 2006 we have committed more than \$150 million to support farming families and farming communities. We are supporting farmers through the water tank rebate in the Wimmera-Mallee area, for example, and we are supporting farmers throughout Victoria with the 50 per cent municipal rate subsidy. My department, the Department of Primary Industries, has visited some 490 farmers and conducted workshops which have been attended by some 7000 people, to assist those individuals with their drought-response decision making and to make that decision making

more appropriate and timely for their particular farming enterprises.

We have also instigated a program to support the building of stock containment areas, which has been enormously successful throughout regional areas and has resulted in an enormous amount of land being protected from erosion.

Mr Mulder — On a point of order, Speaker, the minister is clearly reading his answer, word for word, and I ask you to ask him to raise his eyes and address the answer to the Parliament, not to his written answer.

The SPEAKER — Order! I ask the minister whether he is reading a document or referring to notes.

Mr HELPER — I am referring to handwritten notes, which I am happy to make available to the member opposite afterwards if he wants to verify that they are handwritten notes.

The SPEAKER — Order! The minister, to continue his answer.

An honourable member interjected.

Mr HELPER — I have not spellchecked them! Before I was so rudely interrupted by the member for Polwarth, who clearly does not care a great deal about farming families, I was moving on in my answer to the question asked by the member for Macedon. Today I wrote to my federal counterpart, the Honourable Peter McGauran, asking the federal government to consider an exceptional circumstances (EC) declaration for the following municipalities: the shires of South Gippsland, Baw Baw, Bass Coast, Yarra Ranges and Cardinia, and the City of Casey. If the federal government proceeds to declare them as exceptional circumstances areas, that would make the whole of Victoria, with the exception of the metropolitan Melbourne area, declared as an area of exceptional circumstances.

I want to make members aware that the process from now on is that after the state application, which is based on information from local government, farmers and farming organisations such as the Victorian Farmers Federation, is received by the federal government — and the information we provide goes to the impact of the drought on different farming sectors and the climatic circumstances surrounding the drought — the federal government will consider that application and may make a decision to declare prima facie exceptional circumstances for those shires. If the federal government then continues to consider the application, it may declare a full EC.

The state government has decided in good faith that if the federal government declares prima facie exceptional circumstances, a lot of the support that the state government provides in drought circumstances will kick in upon that prima facie declaration by the federal government. That includes a 50 per cent rate subsidy, the drought apprenticeship retention bonus and \$300 000 worth of infrastructure grants to the local government areas mentioned, which will bring forward community-building projects in those areas. It will also make available business continuity packages through Regional Development Victoria.

In summary, we are working together with the federal government to make sure that we support farming communities around Victoria through the very difficult circumstances facing those communities. Working together in a collaborative approach, we will get through this drought and recover speedily.

Mr McIntosh — On a point of order, Speaker, I ask you to ask the minister to table that for the advantage of the entire house. He said he would make it available, and I ask that he make it available to the Clerk.

Honourable members interjecting.

The SPEAKER — Order! The constant assistance is not necessary. The minister did say that he would be happy to table that document. Will he table his notes?

Mr Helper — I am sorry, I did not say that. I indicated to the member for Polwarth that if he wanted to satisfy himself that they were handwritten notes, I would be happy to show them to him after question time.

Mr McIntosh — On the point of order, Speaker, the member for Polwarth's point of order related to the fact that the minister was reading it. He denied that, but from subsequent observation he was clearly reading that document. Accordingly I ask him to table the document that he was reading to the house.

Mr Thwaites — On the point of order, Speaker, twice now we have had claims from the opposition side that a member has been reading a document. Those claims are false. The member has said that that is not true, and I call on you, Speaker, to ask the opposition to not continue making points of order with no substance and making false claims.

Ms Marshall interjected.

The SPEAKER — Order! I can see and hear the member for Forest Hill!

Mr Mulder — On the point of order, Speaker, the minister quite clearly indicated to the house that he was going to make the document available, and I ask that he now table the document for the house.

Mr Batchelor — On the point of order, Speaker, the rules of this Parliament require documents to be tabled only if the member is quoting from them. There were no suggestions at all during the time of the answer given by the Minister for Agriculture that he was quoting from any document. He did not say that, and the accusation was not made against him, and in those circumstances he is under no obligation. He has said that he is prepared to show them to the member for Polwarth so as to indicate to him that they are just handwritten notes. I had the advantage of sitting next to him, and I can assure the member for Polwarth that they are handwritten, and there should be no need to take this matter any further.

Mr Thompson — On a point of order, Speaker —

Honourable members interjecting.

The SPEAKER — Order! I will rule on the point of order. The Minister for Agriculture did say that he would be happy to make the notes available to the member for Polwarth. He did not say that he would be happy to make them available to the house. He said he would be happy to show them to the member for Polwarth.

Mr Thompson — On a further point of order, Speaker, from *Rulings from the Chair* and the practices of the house it is understood that answers to questions without notice should not be read. This has been a practice where some latitude has been exercised, and historically numbers of members in the chamber have been able to deliver their response to a Dorothy Dixier without reading their notes but referring to their notes. There have been examples in this chamber — on 1 March and again today — when it has been apparent that there has been a direct viva voce reading of the answer into the *Hansard* record. A point of order was raised earlier today, and another yesterday, in relation to whether the Chair had been misled.

The two issues on which I seek advice from you, Speaker, are your guidance to government members as to whether, when they are providing answers to questions without notice, they are to read their answers or whether they can refer to notes; and secondly, when a member suggests that he is referring to notes and a subsequent examination of the *Hansard* record and his notes indicates that he was reading the notes, if a

determination needs to be made as to whether you as Speaker have been misled.

The SPEAKER — Order! I do not intend to hear any more points of order on this matter of members either referring to notes or reading from documents. I have an advantage over some members of the opposition in that I could clearly see from here that the minister had handwritten notes. I do not believe he was reading from a document.

I call the member for Pascoe Vale.

Ms CAMPBELL (Pascoe Vale) — My question is to the Treasurer. Can the Treasurer advise the house how the government has responded to the — —

Mr Ryan — On a point of order, Speaker, I stood to take the call previously.

The SPEAKER — Order! I am very sorry. My apologies to the member for Pascoe Vale. I call the Leader of The Nationals, and I apologise for that error.

Water: Melbourne supply

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a recent proposal to pipe water from northern Victoria to Melbourne, and I refer to comments attributed to the chairman of Goulburn-Murray Water, Don Cummins:

Once you start water flowing in that manner, jobs and farmers go with it — it is immoral to move water vast distances.

I also refer to the government's own sustainable water strategy, which says:

... the government does not support Melbourne buying water from irrigators in northern Victoria to meet Melbourne's future consumptive needs.

And I ask: does the government stand by that commitment?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. Our policy has been to find savings for the irrigation system which have accrued — for example, the Living Murray project — by purchasing surplus water which was over and above the entitlement and to legislate as compensation for those rights.

Mr Ryan interjected.

Mr BRACKS — Yes, we have. In the case of Bendigo and Ballarat we are building pipelines — a super-pipe — which will transport water to where it is most needed for those communities, and we will

purchase that water on that basis. We have already committed to those matters. In relation to — —

Mr Ryan interjected.

Mr BRACKS — Sorry, I thought the Leader of The Nationals had asked his question, and I am happy to answer it. In relation to other proposals which have been made by interested irrigators and groups, they will be addressed on their merits, as you would expect with any proposal put to this government.

Transport: congestion report

Ms CAMPBELL (Pascoe Vale) — My question is to the Treasurer. Can the Treasurer advise the house how the government has responded to the Victorian Competition and Efficiency Commission inquiry into managing transport congestion?

Mr BRUMBY (Treasurer) — I thank the member for Pascoe Vale for her question. Today the government released the final report of the Victorian Competition and Efficiency Commission in relation to transport congestion in Victoria, and with it the government's 38-page response to the options recommended by the VCEC.

The Victorian Competition and Efficiency Commission was established just over two years ago. Its job is to examine economic efficiency issues and to tackle regulation in our state. It has produced two previous reports, which have been very well received — one on regulatory impediments to regional economic growth; and the second on regulation in the housing industry. This is its third and most substantial report.

The draft report was received by the government last year, and the government was able to use that draft report to feed into the process which culminated in the *Meeting Our Transport Challenges — Connecting Victorian Communities* document. Many of the recommendations that were made by the VCEC in relation to improving our road system, our freight system and our public transport system have been taken up in Meeting Our Transport Challenges. Meeting Our Transport Challenges is the biggest transport package this state has ever seen — it is \$10.5 billion over 10 years. Many of the big recommendations there — the triplication of the Dandenong line, the duplication of the line between Clifton Hill and Westgarth, the 25 per cent increase in buses in the outer suburbs, SmartBus, and the \$1 billion Monash–West Gate freeway widening project — came out of Meeting Our Transport Challenges.

This is a good report. It indicates that Melbourne, to some extent, is a victim of its own success. We have had more growth, more jobs, more people and more freight movements — and all of those things create more pressure on our transport systems. Despite that, the report gives the government and the state credit for introducing a number of measures to tackle congestion.

Of the 58 recommendations that have been made by VCEC, the government has accepted, in part or in full, 52. Of those 52, the government has accepted the recommendation in relation to trialling time-of-day tolling, but we have made it very clear in our response that that will not mean any increase in peak tolls. We will talk to the tolling operators, CityLink and EastLink, about the arrangements for a trial. We hope they are prepared to come to the table. We do believe there is merit in a trial in both reducing peak congestion and potentially removing some of the traffic that presently uses suburban streets and semi-arterial roads.

A further recommendation is in relation to off-peak public transport fares. I should say that that already happens to a degree, but once the new automatic ticketing system, myki, is in place we will be able to trial arrangements right across the transport system. Again we have accepted that recommendation for a trial.

Finally, I should say that one of the other recommendations concerns arrangements for the provision of motor vehicles for senior public servants. The report says that the system is not neutral between cars on the one hand and public transport on the other. I have today written to the federal Treasurer, as suggested in the report, asking him to examine the taxation arrangements. I should also say that as part of the Council of Australian Governments study of urban congestion it is examining the tax arrangements between the use of motor vehicles on the one hand and public transport on the other.

Ms Asher interjected.

Mr BRUMBY — Of course in relation to the tax arrangements, as the Deputy Leader of the Opposition asks, if you are salary sacrificing a motor vehicle, that is a reduction off gross income. If instead you give somebody \$10 000 in public transport, that is off net income, it is not off gross, and so the cost is different.

In relation to congestion charging, the report recommended that the government conduct a further study on a London-style congestion charge. The government has rejected that. We do not believe that that is appropriate at this time. On balance this is a good

report that makes a number of very sensible recommendations. The government has accepted 52 out of the 58.

We thank the VCEC for what was a very wide consultation program. We thank too a number of the business and community groups that contributed. I think the initiatives outlined in Meeting Our Transport Challenges and those other recommendations agreed to in part or in full today will make a difference in further reducing transport congestion in Melbourne and elsewhere in Victoria.

The SPEAKER — Order! The time set aside for questions has expired.

Mr Mulder — On a point of order, Speaker, you will recall that the Minister for Agriculture indicated that he would provide me with the documents that he was reading from and that he would make them available. He is now refusing to do so. He has totally misled the house. I ask that you direct him to hand those documents over, as he indicated he would during question time.

Mr Helper — On the point of order, Speaker, I clearly stated that I would show the member for Polwarth — —

Honourable members interjecting.

Mr Helper — In deference to the valuable time spent by members on this side of the house, where we concentrate on significant issues, as opposed to that side of the chamber, where there seems to be a dense concentration of people who do not give much of a hoot about major issues in this state, I am happy to table the notes that I took, if that satisfies the nitpicking member for Polwarth.

VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL

Second reading

Debate resumed.

Mr RYAN (Leader of The Nationals) — Ironically, Speaker, I resume my speech on the victims of crime!

This important legislation has its focus around the new table which this legislation introduces into the principal act. The essential purpose of this table will be to — —

Honourable members interjecting.

The SPEAKER — Order! Stop the clock. I ask members to show some respect to the Leader of The Nationals as he continues his contribution.

Mr RYAN — Its essential purpose will be to increase the measure of the payments which are set out in the act by an amount of about 30 per cent — and in the case of category A payments, they will be increased by 33 per cent. To take the actual figures, it will mean that the minimum payment will increase from \$3500 to \$4667, whereas, also in category A, the maximum payment will go from \$7500 to a figure of \$10 000. The categories cascading down to D will accordingly be increased from the benchmarks which exist in the present legislative form.

There remains in the regulations a capacity to pay to the people who are the subject of the crimes which are set out in categories B, C and D amounts of money over and above the maximums shown in the table if the tribunal determines that such should be the case. The maximum, mind you, would be set at the absolute amount of \$10 000 as set out in category A and the actual maximum amount will vary according to the tribunal's determination as to whether, for example, a crime within category D is deserving of the maximum payment in category C. Accordingly in terms of the way the regulations are now constructed, there will be no change to that aspect of the legislation or to the regulations themselves.

The other point to be made is that these amendments will apply to acts of violence which occur on or after 1 July 2007. If a person is a primary victim as a result of two individual acts, one of which is before the operative date and one of which is after, then the legislation will be deemed to take effect as from the date of the earlier event so that the person concerned has the advantage of the amendments to the legislation.

Although the delivery of this speech has been in three parts, and in that sense it is a bit like the good old days, when it would take me a couple of days to finish, I am nevertheless pleased to have been able to make this contribution to the debate on this legislation. The notion of government assuming its proper responsibility to do the best it can to accommodate victims of crime is something I think we all endorse in this chamber. Different attempts at doing so have evolved over the course of the years, but whereas the mix and match might change, the basic intent of everyone concerned is to make sure, as best we can, that from the perspective of government appropriate allowance is given to compensate those people who are the innocent victims of crime within our community. For those reasons The Nationals do not oppose this legislation.

Debate adjourned on motion of Mrs MADDIGAN (Essendon).

Debate adjourned until later this day.

NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

Second reading

Debate resumed from 28 February; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr CLARK (Box Hill) — This bill and the plebiscite it proposes are a political stunt, a waste of time and money, and a stacked and manipulated abuse of the democratic process. The bill will be strongly opposed by the opposition. The bill is a political stunt because there is absolutely no suggestion that the commonwealth has any intention whatsoever of overriding existing legislated Victorian prohibitions on nuclear facilities.

It is a waste of time and money because it will cost millions of dollars to hold a plebiscite on what is likely to be a hypothetical question set by the government for partisan political purposes. It is a stacked and manipulated abuse of democracy because the bill gives complete control over the entire plebiscite process to a single minister in the Bracks government, the Minister for Energy and Resources. The minister can determine whether or not a plebiscite is called, what the timing of the plebiscite will be, what the wording of the question will be, what the method of voting will be and what the wording of the cases both for and against the plebiscite will be.

To add insult to injury, we must ask ourselves who is the minister who has been given such sweeping powers to manipulate this supposedly democratic process. It is a man whose greatest claim to fame as a champion of democracy was the Nunawading how-to-vote card scandal. The minister, when secretary of the Victorian division of the Australian Labor Party, deliberately designed — —

Mr Wynne — On a point of order, Speaker, clearly the honourable member is straying well outside the remit of this bill. I ask you to bring him back to the bill at hand.

The SPEAKER — Order! I do not uphold the point of order.

Mr CLARK — The point I was making, which the minister sought to stop me from making, was that the man who has been given these sweeping powers under this bill is the man who was secretary of the Victorian ALP. He instigated the designing of a how-to-vote card that was intended to mislead and deceive the voters — something that led to dramatic changes to the law to prevent any similar abuses in future — in circumstances that took the Premier of the day, John Cain, multiple attempts to get a legal opinion that finally said the secretary of the ALP should not be charged with a criminal offence.

This is the man to whom this bill proposes to give total authority to set every aspect of the plebiscite that is being proposed. On top of that, as the ultimate in hypocrisy, this bill proposes to require a plebiscite if the commonwealth government makes even a suggestion that there might be a nuclear facility in Victoria, whether or not it takes any steps to implement that facility. In contrast, if the Bracks government were to decide to proceed to build a nuclear facility in Victoria, no plebiscite whatsoever would be required. If that is not enough to demonstrate the sham of this proposal, I do not know what is.

The Bracks government has demonstrated to date its ability to turn on a sixpence in terms of policy reversals. We recall before the 2006 election the ridiculing of proposals by the opposition for the speedy construction of a desalination plant in Victoria to meet our emerging water crisis. Subsequent to the election the Deputy Premier — —

The SPEAKER — Order! I bring the member back to the bill.

Mr CLARK — I will certainly direct my remarks to the bill. The point I am making is that this is a government that is prepared to change its policies on various issues very quickly. It is therefore highly relevant that this government leaves open in this bill the ability itself to introduce a nuclear facility in Victoria without holding a plebiscite. I mentioned a desalination plant as one instance; I mention the no-tolls policy prior to the 2002 election as another example. So it is certainly not hypothetical that the Bracks government, which now claims to be opposed to a nuclear facility, could suddenly turn around and decide to construct a nuclear facility.

Should it do so, it puts itself or any other future Victorian government under no obligation whatsoever to conduct a plebiscite. This is a bill directed solely at the federal government in an election context. In essence, it is simply a giant taxpayer funded

push-polling exercise designed to be held in the run-up to the federal election.

Let me put on record some of the mechanics of the bill. What the bill does is require the Minister for Energy and Resources to initiate a plebiscite of Victorian electors if the minister is satisfied the commonwealth government has taken, or is likely to take, any step supporting or allowing the construction of a prohibited facility in Victoria.

The bill amends the Nuclear Activities (Prohibitions) Act 1983, which I point out to the house is one that contains a comprehensive range of prohibitions on nuclear activities in Victoria, including the construction of nuclear facilities. The bill amends this 1983 act to apply the new provisions relating to a plebiscite if the minister is satisfied that the commonwealth has taken, or is likely to take, any steps supporting or allowing the construction of a prohibited nuclear facility in Victoria, including steps to make or amend the commonwealth law or exercise a power under commonwealth law to facilitate construction of such a facility, or has adopted a policy position supporting or allowing the construction of such a facility.

I make the point that this wording is so broad that simply a proposal by the commonwealth government to repeal the existing commonwealth-level prohibitions on nuclear facilities, which of course apply across Australia, could satisfy the trigger point in this bill for a plebiscite. Even if the commonwealth did nothing and said nothing about either the Victorian legislation or a nuclear facility in Victoria and therefore was making no attempt whatsoever to override Victorian legislation, this bill is drawn so broadly that in those circumstances the minister would be entitled or, by the wording of the bill, required to hold a plebiscite of Victorians.

As I said earlier, the bill empowers the Minister for Energy and Resources to determine what question is going to be asked at the plebiscite. It requires the minister to conduct the plebiscite at the time the minister considers, as the bill puts it, to be the most advantageous to the health, welfare and safety of the people of Victoria, which in practical terms means whenever the minister feels like it.

The bill applies the provisions of the Electoral Act 2002 on constitutional amendment referenda to the plebiscite with various modifications and provides for the distribution of an argument of up to 2000 words against the proposal approved by the minister and a 2000-word argument in favour of the proposal approved by the minister after consultation with the commonwealth

minister or, if the commonwealth minister declines to be consulted, after a reasonable opportunity.

As I said earlier, this means that the Minister for Energy and Resources will determine what the case on the one side is going to be and what the case on the other side is going to be. I also make the point in passing that, given the way the provision in the bill about the wording of the arguments for and against the proposal is phrased, it clearly considers that the question is going to be worded so that the affirmative is in favour of what is alleged to be the commonwealth-supported position while the negative will be against that position, which of course gives the minister enormous scope to set up a straw man for the purpose of conducting this charade, which the government is seeking authorisation to undertake.

The bill authorises the minister to decide that voting will be by postal voting, in which case the Local Government (Electoral) Regulations 2005 are applied with various modifications. The bill also allows the registered officers of registered political parties to appoint scrutineers.

As I said at the outset, this proposal is an abuse of democracy. If you are going to have a plebiscite, you should have it on a specific question which is openly debated and set by a public process, preferably by the Parliament. Under this bill one could imagine the sort of distorted questions and propositions that the minister could dream up for the question to go to voters which, he is going to allege, represents the commonwealth position, with no opportunity for anybody else to gainsay his assertions.

Again as I said, this is a man who has a past record of careful devising of electoral documentation in order to mislead and deceive voters, in this previous instance into misleading and deceiving them into thinking that a how-to-vote card issued by the Labor Party in fact was a how-to-vote card issued by another party giving preferences to Labor. This is a charade, and the view of the opposition is that if the Labor Party wants to spend millions of dollars campaigning against the Howard government, then it should do so using ALP funds, not taxpayer funds.

The government cites two prior votes which it claims as precedents for the measure that is currently before the house, the first being a referendum that was held on 1 June 1904 on the subject of scripture lessons in state schools, and the second being a referendum held on 24 March 1956 on hotel trading hours, and specifically on the question of 6 o'clock closing. It might also be mentioned that there has been at least one other series

of similar votes across Melbourne in the form of the so-called local options polls, as to whether or not various parts of the city should be declared dry areas, which was held in 1928. The minister at the table will know that that led to the then cities of Camberwell and Box Hill voting in favour.

But let us look at the two precedents that the minister cites, because they are illustrative of the flaws, abuses and potential consequences of the proposal in the way that the government is seeking authorisation. The first example, on scripture lessons in state schools, is one in respect of which I would refer interested members to the *Hansard* of 5 July 1904, at pages 39 and following, in which there is a speech by the Honourable J. Balfour, a member of the other place, which sets out an account of that referendum.

The referendum was held in conjunction with a general election, and Mr Balfour, who was a supporter of a referendum being held, outlines the history, which is that the referendum was offered by the Premier on condition that those who supported the introduction of the teaching of scripture in public schools would refrain from heckling candidates at public meetings. The deal was done and then Mr Balfour pointed out:

It is quite clear that a referendum should always be a very clear and distinct issue. This house has always objected to the referendum, and it has done so on the ground that it was afraid that the referendum would come to mean a referendum of legislation. I voted twice in favour of the referendum — once on the question of female suffrage, and next on this same question — to ascertain the views of the public on the introduction of the scriptures into the state schools. But these two matters could be put in each instance as a simple yea or nay, and when the campaign council decided to accept a referendum, and to abstain from active interference with the election, it was on the promise that the question framed would be satisfactory to them.

Mr Balfour went on to outline that in fact three different questions were put to voters. They were put in a tortuous and complex way, and a whole series of disputes followed the referendum about what the vote meant, as the results were ambiguous because the questions were very poorly phrased. I think that is a striking example of the risks that we would run if the house were to support this legislation and give the Minister for Energy and Resources total power and entrust to him the setting of the question, with this house having no say whatsoever on the question.

The second referendum that the minister cites as a precedent was the 1956 vote on 6 o'clock closing of hotels. From the research that I have been able to do, this referendum took place in the run-up to the Melbourne Olympic Games of 1956, and it has been said that the referendum was conducted on the basis

that there was a fear that Melbourne would look ridiculous to international visitors if it were not possible to get a beer or other drink in Melbourne after 6 o'clock, and accordingly the government put this referendum to the people. In this instance the question was framed in a clear, simple and straightforward way. It was:

Are you in favour of the extension of hotel trading hours on weekdays until 10 o'clock in the evening?

From the government's point of view, the only trouble with that straightforward question was that members of the public were then in a position to express their views, and they did. From the report I have they voted down the referendum, with only 6 out of 66 Victorian electorates voting to move to 10 o'clock closing.

So on the one hand we can see the consequences of the 1904 referendum and on the other hand the consequences of the one conducted in 1956 — and both provide very useful lessons in relation to this bill and to the importance of making sure there is a clear and open question for voters rather than one that is manipulated by the government of the day, as happened in 1904 and as would happen under this legislation before the house. It also sends a timely reminder to the government that citizens can speak their minds very loudly and clearly when the result is not manipulated the way this bill seeks to do.

More broadly, on top of the flaws and abuses that I have referred to, there is the cost of conducting this plebiscite — a cost which as far as I am aware the government has not made public an estimate for, but which is sure to run to many millions of dollars. Indeed my understanding is that the commonwealth republic referendum, which was conducted on a much larger scale and covered the whole of the nation, ran to tens of millions of dollars, so certainly a plebiscite as proposed under this bill would run into multiple millions of dollars. I would certainly challenge government speakers in this debate or the minister in closing the debate to put on the public record what it is expected any plebiscite under this legislation would cost. Whatever it is, it would be money being wasted and misused for partisan political purposes, for the reasons that I have stated.

That money would be better spent on directly reducing greenhouse gas emissions, and the government would be much better off focusing on the critical greenhouse issues confronting Victoria and the world, rather than abusing the greenhouse issue for partisan political purposes. If the accepted bulk of scientific opinion is correct, Victoria and the rest of the world face one of the biggest environmental challenges ever faced by

humanity. We face, according to the scientific predictions, the potential transformation of many aspects of the world's environment beyond what we have ever seen, beyond the range of human experience at least dating back many thousands of years, and likely to a point at which, if it gets to a certain level, it will be incapable of being restored.

This change, according to the bulk of scientific opinion, is likely to take place within the lifetimes of many of us here today and certainly within the lifetimes of our children. This scientific opinion is repeatedly and increasingly identifying the need for urgent and sustained action across the world to avert what scientists identify as a looming crisis. It is a crisis in terms of magnitude, according to that evidence, which the state government has failed to inform the community about. We hear the experts talking about reductions in the level of greenhouse gas emissions on a global basis of the order of 70 or 80 per cent compared with the level of emissions in 1990. That is a global average, and for developed nations like Australia the reduction required to meet that target is likely to be even greater. On the one hand we are confronted with this task which the government talks about a lot, but at the same time as talking about it, it is on the other hand engaging in the hypocritical sham of calling for federal government action but failing to exercise its own responsibilities for emission control to actually specify emission reductions.

As we know, Victoria has vast deposits of brown coal. The best long-term outcome for Victoria will be if we can develop genuinely clean brown coal technology that results in emission levels that are vastly lower than they are at present and compatible with globally sustainable greenhouse emission level reductions of the sort I have referred to and of the sort identified as needing to be achieved.

There is bipartisan agreement on trying to achieve this sort of brown coal technology. Both state and federal governments are supporting carbon capture and storage (CCS), otherwise referred to as geosequestration, and supporting the trial that is currently being undertaken. The Liberal opposition is also strongly supporting research into CCS and other low-emission technologies, and indeed support for that research was one of the key aspects of our greenhouse reduction policy at the last election.

We all desperately hope that this technology and/or other technologies will be proven to work so that we can continue to make full use of our brown coal reserves while also pulling our weight in global greenhouse emission reductions. We should also

continue to give our support to promising lines of research into other technologies — in particular into solar power, through projects such as solar concentrators or the design that I refer to as the tower of power, which relies on channelling rising air into a generator that would run possibly kilometres into the air. If we can achieve a breakthrough in research in those areas, we may solve all our greenhouse problems by combining these various lines of innovation.

That of course is not to disregard other potential sources of clean energy which at present seem to have a more limited role but which have the potential to be valuable if properly planned and implemented, such as wind power. It is important to keep those technology options as open as possible, and it is important to bear in mind and give full rein to the scope for human ingenuity to achieve results, particularly when that ingenuity is given liberation and the potential to achieve under a free market system.

Time and again humanity has shown itself able to come up with all sorts of unexpected solutions and to achieve remarkable progress. Although at a lower level than the current greenhouse challenge, we can look back to the situation in the United Kingdom, for example, with the notorious pea-soup fogs of London and the polluted Thames River. They were challenges which might have seemed insurmountable but which have been overcome. In Victoria we can look at the great successes achieved by the Environment Protection Authority, which was set up by the Hamer Liberal government.

We have to give free rein to technology possibilities. We need to keep the technology options as open as possible to support all promising lines of research in the hope that human ingenuity will come up with solutions to our current huge challenges, as it has to the challenges of previous generations.

The need to keep technology options open is something that has come through time and again from various studies. One that I have referred to previously in this house is the study by the National Generators Forum, but a similar conclusion was reached in a report of the energy futures forum of the Commonwealth Scientific and Industrial Research Organisation that is dated December 2006 and entitled *The Heat is On — The Future of Energy in Australia*. I will quote just one paragraph from page 8 of that report:

The cost of addressing climate change is lowest for Australia when it can choose from all available technologies, in partnership with energy efficiency improvements and demand management.

What flows from this is that we need to keep open considerations about whether or not nuclear power should be a future option for Australia.

We have had very strange arguments coming from the Premier which seem to me to be internally contradictory. We have had the Premier not directing himself to environmental issues but on the one hand maintaining simply that nuclear energy is too expensive and on the other hand saying that we have to put a price on carbon, which of course will increase the price of alternative sources of energy, in order to reduce greenhouse emissions and encourage renewable technologies. If you put that price on carbon, depending on where you put it, that will change the economics of nuclear as well. But it is not just up to us as a Parliament to try to second-guess what the most suitable form of technology should be. What we need to do is consider and have the discussion about the pros and cons of the potential use of nuclear energy in Australia. We need to keep our options open, and we need to carry the debate and the investigation much further forward.

It may well prove that nuclear technology is not a viable option for Australia, either because of the results of a more intensive investigation of the science relating to it and the environmental implications of it or because it may be superseded by the technology which is being supported by state and federal governments or by other technological breakthroughs. Certainly the nuclear industry argues strongly that, with current technology, the concerns about mining operational facilities and waste storage can be laid to rest. What we need to do is the research and an assessment of the facts and not get sidetracked into an argument that is based simply on hysterical assertions.

We may well conclude that there are problems with nuclear power, but we cannot reach that conclusion until we have done a thorough investigation in the first place. We may well find that technological solutions supersede any need for nuclear power while avoiding all possible concerns. But we have not found that technology yet, notwithstanding all the efforts that we are all committed to putting into finding it.

In the meantime, as I said, we need to have a discussion about the nuclear option for Australia, free of the manipulation and the partisan-political distortions that Labor is trying to introduce into the debate at the same time as it is moving to amend its platform to support the mining and export of uranium. Only when this discussion has progressed and there is some form of concrete and specific proposition out there in the public arena that is relevant and applicable to Victoria can it

even begin to be worthwhile considering holding a plebiscite. We are certainly nowhere near that position as yet.

As I said at the outset, this bill shows yet again that the Labor Party is not seriously interested in tackling greenhouse gas problems. It is interested only in political positioning and in using the greenhouse gas issue for partisan ends. This bill is a particularly blatant example of Labor's willingness to distort and manipulate the forms of democracy, and it should be rejected by this house.

Mr WALSH (Swan Hill) — I rise to make a contribution to the debate on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. The first thing to put on the record in relation to this bill is that it is not a bill about whether you are in favour of or against nuclear energy, it is not a bill about whether you think solar energy should be used instead of nuclear energy, it is not a bill about whether wind power should be used instead of nuclear energy and it is not a bill about any other form of power generation versus nuclear energy. It is a bill about having a plebiscite in the event that the federal government makes some supportive comments about nuclear energy. I will come back to that issue in a minute.

The Nationals believe this bill is just a political stunt by the Bracks government in a federal election year. It is a sham piece of legislation. It is a gross injustice to the Parliament of Victoria and a gross misuse of parliamentary resources to use the legislative process as a partisan electioneering tool. If the plebiscite were ever carried out, there would be a huge cost to Victoria, just for political point-scoring in a federal election year. That is all this is about. I think this bill takes the Bracks government's credibility to an all-time low, and it is an example of how it will use the resources of this Parliament and the resources of government just to score political points in a federal election year.

The bill amends the Nuclear Activities (Prohibitions) Act 1983 to facilitate the holding of a plebiscite in Victoria in the event that the commonwealth government takes action to support or allow the construction of a prohibited nuclear facility here in Victoria. Looking further into the bill you see in proposed section 12 that the trigger for enabling the minister to hold a plebiscite will be the commonwealth government's making or amending a law of the commonwealth, exercising a power under the law of the commonwealth or adopting a policy position supporting or allowing the construction of a nuclear facility in Victoria. I find it rather strange that we could have a plebiscite here in Victoria triggered by the

federal government adopting a supportive or permissive policy position.

I also find the definition of a policy position fascinating. All political parties go to elections with policies, so in this instance the situation could arise where the federal coalition — or the federal Labor Party, for that matter — could have a policy position that was in some way supportive of nuclear energy. Would that mean that the minister here in Victoria could then trigger a plebiscite because a political party had a policy position that was supportive of an intelligent discussion about a particular issue? If that is not a gross misuse of the Victorian Parliament and Victorian resources, I do not know what is.

If you look at the process for holding such a plebiscite, you will see that it is all one-way traffic, as the member for Box Hill said. The responsible minister will have the power to call a plebiscite if he believes the federal government has done something to warrant it, but he will also have effective control of all the information the people of Victoria will get in casting a vote in such a plebiscite. That is not democracy, and that is not how to go about doing things in a democracy. Again, this is all about politics, and it is an absolute sham.

The minister would have the responsibility of preparing the whole case for the argument in favour of the proposal, and after consultation with the federal minister he would have the power to prepare the argument against the proposal. But if the responsible federal minister did not respond, the minister could go ahead and prepare the argument anyway. It is all about one person having the power to put all the information in front of the people as to what may happen with the proposal.

When The Nationals received this bill we wanted to amend it, but we were told that because it has such a narrow focus it would be a very hard bill to amend. What we wanted to do was to move a reasoned amendment asking that this bill be withdrawn until it could be reintroduced with a power that plebiscites could be held in local government areas as to whether there should be wind farms in those areas. If we are talking about the sort of emotive issues that the discussion of nuclear power will raise in this debate, perhaps the government should introduce a bill to allow a plebiscite on whether there should be a wind farm in a certain area, because that issue would be very emotive for the people who live in the area where the wind farm would potentially be placed.

Later today or tomorrow a bill about stem cell research will be second-read in this place. Perhaps we should

have a plebiscite on that issue. I would have thought the stem cell issue would be a more important issue to hold a plebiscite on than the federal government's adoption of a supportive or permissive policy position on the nuclear industry.

Another issue that could justify the holding of a plebiscite would be the addition of fluoride to the water supplies of our towns. There is nothing more emotive than the issue of putting fluoride in our town water supplies, but this government is silent on that too, because it does not necessarily attract the political attention that the issue of nuclear activities will attract in a federal election year.

This is a sham of a bill that is being used just to embarrass the federal government. The Bracks government believes that by introducing this bill it may in some way help Kevin Rudd and the federal Labor Party win the federal election. The Bracks government needs to be careful about what it wishes for. The Bracks government has now enjoyed seven years in office and seven years of economic prosperity in Victoria and in Australia, principally because the Howard-Vaile coalition has been able to deliver some of the best times we have ever had in this country. If this government gets what it wishes for and uses the likes of this bill for a political benefit in order to change the federal government, those economic good times may not necessarily continue.

During the economic good times we have seen the Victorian budget go from \$19 billion in the first Bracks government to something like \$35 billion now. That has been brought about by the continuing economic prosperity we have had in Australia, and because the economy is going so well we have had continual growth in taxes and continual growth in the other revenue-raising parts of the economy. But as I said, that may not last if there is a change of federal government.

Whether all that money has been well spent is a debate we could have at a different time, but the Victorian government has enjoyed record income because Australia has had such a strong economy.

Mr Helper — A well-managed economy.

Mr WALSH — Whether it is a well-managed economy or a strong economy — whatever adjectives you want to use — it has been delivered by the Howard-Vaile coalition government. The Victorian government should not kid itself that what it has been doing has made the economy strong. If anything it has been an impediment to the economy, but fortunately the federal government has kept things on track.

Clause 4 of this amending bill provides for the repeal of the act on the first anniversary of its commencement. Given that this bill is such a sham and such a cheap piece of political opportunism, I think we should change the repeal clause so that the act is repealed after the federal election so it does not remain on the statute book in perpetuity. It is all about cheap politicking in a federal election year.

Mr HARDMAN (Seymour) — I have the pleasure of speaking on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. The explanatory memorandum states:

The bill will amend the Nuclear Activities (Prohibitions) Act 1983 to facilitate the holding of a plebiscite in Victoria in the event that the commonwealth government takes action to support or allow the construction of a prohibited nuclear facility in Victoria.

Members have heard the opposition support some renewable energy like wind energy, but that support is only in theory. Whenever wind farms are proposed, the opposition opposes them. The Bracks government has a proud history of reducing greenhouse gas emissions and leading the way in Victoria.

I do not agree with accusations made by Liberal Party members during their contributions to this debate. The calling of a plebiscite will not be on hypothetical grounds. The trigger for the plebiscite is stated in the purpose of the bill. It will happen if the commonwealth government acts to support or allows the construction of a nuclear facility in this state. Provided the commonwealth government does not do that, there will be no plebiscite. There were some good contributions to this debate, but they were followed by a typical personal attack on the minister, which was not called for.

The Liberal Party has the opportunity in this debate to take a position on nuclear issues. Like all other issues that Victorians are concerned about — for example, national water reforms — the Liberal Party has failed to take the opportunity to disagree with the federal government's position regarding an important issue for Victorians. I cannot believe The Nationals response to the bill. Its members said that the issue of nuclear power facilities in Victoria is not an important one. I find that quite amazing, because my constituency is very concerned about it. I have received emails from constituents of the electorates held by The Nationals, because I have the pleasure of representing an electorate that borders those electorates.

Why has the Bracks government decided to bring in this bill? Obviously the Prime Minister has a real

interest in developing a nuclear industry in Australia. The Bracks government is opposed to a nuclear power industry in Victoria. We have made that clear. At this stage the nuclear power industry is not an economic one, and it would cost 20 to 50 per cent more — conservatively — to generate the same amount of power in a nuclear power facility than in a new coal-fired power station. Obviously because the government would be required to attract investment to start up a new station, it would disadvantage other renewable energy industries that the Bracks government proudly supports presently in Victoria, such as the wind industry, the solar industry in the north-west of Victoria, the clean coal projects like those demonstrated at the Hazelwood power station and the other renewable sources of energy across the state.

People are concerned about the safety and health aspects of nuclear radioactivity and, most importantly, the storage of nuclear waste. Until the specific issue of the storage of that waste is addressed, I personally cannot support nuclear power. There are long-term security problems because of that issue. There have been suggestions that Puckapunyal would be a good place to put a nuclear waste facility. I think that would be a stupid location because it is actually an army base where fighter planes drop bombs and where cannons are used. I would oppose any suggestion that a nuclear facility should be located at that army base. Thank goodness there will never be a facility there regardless of which party is in federal government.

The Victorian government has a longstanding commitment to a nuclear-free state. The location of nuclear facilities on Victorian land is prohibited under the Nuclear Activities (Prohibitions) Act 1983. A nuclear facility in Victoria would only result in a marginal saving of fossil fuels.

This bill is a plebiscite bill. It is one of our election commitments to Victorians. We said we would bring this bill into Parliament if we were re-elected. Victorians overwhelmingly voted for the Bracks government at the last election. They have given us a mandate to introduce this bill, and I think many people would hold us to account if we did not introduce it. At present Victorians would vote against a proposal for a nuclear power plant in this state for obvious reasons, regardless of its location but especially if it were to be located anywhere near their own homes. If a plebiscite were held, all Victorian voices would be heard.

New section 14 of the bill requires the responsible minister to arrange a plebiscite if the commonwealth government moved down the path of constructing a prohibited nuclear facility in Victoria. The minister will

decide the questions and timing of the plebiscite. That plebiscite could be held in either conjunction with a state election, which would obviously significantly cut costs, or at another time which would not clash with federal government or local government elections. Plebiscites can be conducted by postal ballots, which is similar to the local government elections, or by attendance ballots. A postal ballot would obviously significantly cut costs. The government believes that plebiscites should only be used sparingly. There have only been two plebiscites in Victoria: the first was held on 1 June 1904, as referred to by the member for Box Hill, and was about scripture lessons in state schools; and the second was held on 24 March 1956, and was about hotel trading hours.

New section 14A inserted by clause 3 deals with the provisions of the Electoral Act 2002 relating to adapting referendums. This will allow for the preparation of arguments to assist voters to make a decision. New section 14B adapts and applies the postal voting provisions in the Local Government Act 1989 and the Local Government (Electoral) Regulations 2005.

The Australia Institute's nuclear sites report listed 19 possible locations for a nuclear facility, four of those being in Victoria — one in South Gippsland around the Yarram, Woodside and Seaspray areas; one at Western Port at French Island, Hastings, Koo Wee Rup or Coronet Bay; at Port Phillip around Newport, Werribee or Avalon; and at Portland. Those sites have been based on a number of specific criteria, about 11 in total, including proximity to the national electricity grid, near major centres where there is electricity demand, near suitable transport infrastructure, close to sea water for cooling purposes, and another seven were listed.

Due to the concerns I have outlined previously, people do not want a nuclear facility near their homes, and many are opposed to their being established anywhere in Victoria. I believe the poll found that 27 per cent of people are adamantly against nuclear facilities, and I think 72 per cent are against having one placed near their homes. The Bracks government is at one with people on this issue, and therefore this plebiscite bill is necessary. Obviously the Bracks government has done a lot to reduce carbon emissions. We are getting on with the job, and we are doing more.

Support for clean coal projects, solar projects and carbon storage in the Otway Basin are all very important ways of going about tackling greenhouse emissions, and the Victorian renewable energy target scheme is a way to encourage the development of renewable industries. I commend to the house this bill

about a plebiscite on nuclear prohibitions and wish it a speedy passage.

Mr NORTHE (Morwell) — I am grateful for the opportunity to comment on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. Acting Speaker, in light of earlier comments in the chamber, I will be referring to some notes, so I hope that is okay. This issue goes to the heart of my electorate of Morwell, the energy capital of Victoria, and I am pleased to contribute to this debate today. The issue of nuclear power has been a topic of conversation particularly in my community along with the future of brown coal use in the Latrobe Valley, and there are many projects moving forward today, which is very pleasing from my perspective.

The question I pose is: why is a plebiscite required on this issue? My research shows that the Nuclear Activities (Prohibitions) Act 1983 prohibits the following: exploration of uranium, mining of uranium and construction of nuclear reactor facilities for the enrichment or disposal of nuclear fuels. I am not really sure why we need to make this amendment particularly in light of that.

A question has been raised by members on this side of the house as to the costs associated with and the resources required to conduct such a plebiscite. As the member for Swan Hill alluded to, there are certainly many more important projects, I would have thought, that we could be conducting a plebiscite on — for example, the member for Mildura could suggest the issue of a toxic waste dump in his electorate, or as has been discussed here today, a plebiscite on channel deepening. I say we should not waste money and resources on this but should look at further research into and development of cleaner coal technology, which has been raised many times. Maybe we should conduct a plebiscite on the community's views on the government's decision to conduct a plebiscite on the present issue. The community may be concerned about using the money and resources of taxpayers on this topic.

There are a number of clean coal projects occurring as we speak in Gippsland, and they have been mentioned in the house this week. I commend the state and federal governments for seeing that we have a use for brown coal technology. We are moving reasonably quickly in terms of making sure that we reduce CO₂ emissions. The announcement this week regarding an HRL development plant is certainly one dear to my heart. It will also see a reduction in water use, which will be vital to the Victorian community, and is something we are all very conscious of at this point in time.

As I mentioned, all forms of government have made commitments to brown coal utilisation for power generators, and that is what I believe we should be spending money such as this on, not on a plebiscite on a particular issue. Briefly on HRL's announcement this week, the federal government is contributing \$100 million towards a \$750 million clean coal power station in the Latrobe Valley. I certainly raised in the lead-up to the election the need for us to have a planning process started now so as to be ready for a new baseload power station.

As the house would be acutely aware, the demand for electricity is growing quite rapidly, and whilst we have to look at our current use of power, there is a need for us to plan and ensure we are ready for our future use of power. In the lead-up to the election I also mentioned that we should push to use lower emission technology in our power generators.

Certainly the announcement of the funding going to HRL this week goes a long way towards assisting in that. As has been recognised in the house previously, we have had 500 years of access to a resource, and it is something we should now be utilising as a cleaner technology, which we are intending to do.

Again, I insist that we should be making further investments in future developments and looking at other alternatives for power. The creation of the HRL demonstration plant will obviously assist employment in the Latrobe Valley, where the unemployment rate is higher than it should be for a mining community. It is welcome news for our community that 300 jobs will be created to help construct this 400-megawatt demonstration plant. Once the plant is up and running we believe 30 to 40 employees will be able to access full-time work, so it is very exciting news for the Latrobe Valley. I commend all forms of government for getting on board. Everybody really supports these types of developments.

HRL, the company that has been successful in obtaining this funding, has been in the Latrobe Valley for about 11 years. I commend it on its efforts and the research it has done over a period of time. What this 400-megawatt plant will do is reduce CO₂ emissions by 30 per cent and halve water consumption. This is really the technology we need to develop and get up and running in our current power stations as quickly as possible. In regard to the reduction in water consumption, the government should have a look at our consumption levels. Maybe it needs to revisit its strategy for piping recycled water from Melbourne to Gippsland. Again, more funding for this is the way to go.

Just in closing, I think the plebiscite on this issue is unwarranted. Better resources and funding should be made available to look at further technologies in power generation.

Ms BEATTIE (Yuroke) — As members of the house well know, the Labor Party has a longstanding commitment to having a nuclear-free state. Indeed the location of nuclear facilities on Victorian land is prohibited under the Nuclear Activities (Prohibitions) Act 1983. That is why I am particularly pleased to speak on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill, because as other members have said, there is one critical word in this. The bill provides for a plebiscite in Victoria if the commonwealth government supports or allows the construction of a nuclear facility in this state. If the federal government does not go ahead with that, the opposition parties have nothing to fear at all.

I would like to know what all the fuss is over. Unless the Howard government has done some sort of secret deal with the parties opposite to say it is going to build a power station in this state, then the opposition parties have absolutely nothing to fear. All this bill does is allow for a plebiscite if the commonwealth government supports or allows the construction of a nuclear facility in this state. We remain firmly opposed to the introduction of nuclear power in Victoria, and we will not let the commonwealth ignore the views of the Victorian people on this issue.

The establishment of a nuclear facility in Victoria would create substantial and long-term security, environmental and health and safety problems and result in only marginal fossil fuel savings. We made an election commitment — we went to the people saying there would be no nuclear plant in Victoria — and we have a mandate.

Mr Walsh — You also said there'd be no tolls.

Ms BEATTIE — The people clearly understood what they were voting for, and we have a mandate. I want to say to the house that the opposition has not learnt anything at all in seven years. Years ago it trampled over the rights of people, it sacked the Auditor-General and it sacked democracy in this state; but it still has not learnt, and it is still afraid of democracy.

The bill is about having a plebiscite in this state. I would like to ask both the opposition parties and the Independent what they have to fear about democracy. There is nothing to fear about democracy at all.

Mr Ingram interjected.

Ms BEATTIE — I would like to know what members on that side of the house fear about democracy, and we on this side of the house would like to know what secret deals they have done with Ron Walker on this.

Honourable members interjecting.

Ms BEATTIE — Talk about secret deals! Was Ron Walker just sitting down with Prime Minister John Howard and talking about Liberal Party fundraising aspects when he said, 'By the way, Uncle Johnny, I am going to start up a consortium to build a nuclear power plant in this state.'? You talk about secret deals: we think some secret deals have gone on too.

But this is basically a very simple bill to allow a plebiscite. Anyone who is enrolled to vote in Victoria will be allowed to participate in the plebiscite. As with other voting situations in Victoria, voting will be compulsory. People can vote in a plebiscite in two ways: by postal vote or by attending a ballot organised through the Victorian Electoral Commission. The plebiscite would be triggered by the commonwealth's decision to support or allow the construction of a nuclear power plant in Victoria. The minister may decide precisely when the plebiscite is held.

There are many people on this side of the house who are concerned that the commonwealth government wants to ride roughshod over Victorians' wishes. In the few moments I have left to speak I would just like to repeat that there is nothing to fear: if the commonwealth does not allow the construction of a nuclear power plant, then this plebiscite will not be triggered. The millions of dollars that members opposite have been talking about as the cost of the plebiscite will not be spent unless John Howard decides to do what he has done with the industrial relations laws — go in with his extreme laws and ride roughshod over the wishes of the Victorian people. I am delighted to speak in support of the bill, and I am also delighted to say that we on this side of the house are committed to keeping Victoria a nuclear-free state.

Dr SYKES (Benalla) — It gives me pleasure to speak on behalf of The Nationals on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. As previous speakers have indicated, the bill will amend the Nuclear Activities (Prohibitions) Act 1983 to facilitate the holding of a plebiscite in Victoria in the event that the commonwealth government takes action to support or allow the construction of a prohibited nuclear facility in Victoria.

As previous speakers have said, particularly the members for Box Hill and Swan Hill, this bill is a sham. It requires action only if the commonwealth government makes a move to consider the introduction of nuclear power in Victoria. However, it does not in any way constrain the Victorian Labor government, and whilst it says at the moment that it is committed, with legislation supporting it, to being a non-nuclear state, the government is noted for its Bracksflips — and there could well be another one in this case. This legislation does not bind the Bracks government in the same way that it seeks to bind the federal government.

It was interesting that the member for Morwell and the member for Yuroke outlined the existing legislative restrictions on the construction of nuclear power plants in Victoria in that the Nuclear Activities (Prohibitions) Act 1983 prohibits the exploration for uranium, the mining for uranium and the construction of a nuclear reactor or facility for the enrichment or disposal of nuclear fuels. The power is there at the moment, which raises the question of why this plebiscite is necessary. Also, the issue arises as to why the Bracks government is doing a backflip.

I was also interested that the member for Yuroke made some reference to a mandate, that the people of Victoria voted for the Bracks government. That is fine, except that people in two-thirds of Victoria's land mass did not vote for the Bracks government, they voted for The Nationals. One of those seats where they voted for The Nationals was Morwell in the Latrobe Valley, a Labor heartland. It is a seat which was held for something like 33 years by Labor but which is now in the hands of The Nationals — and being well represented by The Nationals — because the Labor Party did not represent its battlers. Now the electorate has an Aussie battler in The Nationals looking after what the Labor Party failed to do.

I also have a concern in relation to the Clayton's consultation on the part of the Labor Party, which says it will have a plebiscite and will listen to the people, but will it act on what the people say? That concern comes from experience.

We had the situation in north-east Victoria where there was a proposal to put in a toxic dump and the people said no. The people said, 'You've got it wrong'. In November 2003 the people said the government had it wrong, but the Labor government persisted with so-called consultation and participation with people for another six months — three months after they had made a decision not to proceed with a toxic dump in that area. During that time the government subjected the local community to an untold amount of emotional

stress so that — members should listen to this — two people from the five families whose places were earmarked to have the toxic dump located nearby are still suffering emotional stress. That is my concern about whether this government would listen to a plebiscite.

I also raise an issue which is current in north-eastern Victoria, and that is Lake Mokoan, where there has been a sham of consultation. A plebiscite was taken in relation to Lake Mokoan — the member for Yuroke should listen before she departs the chamber — and over 90 per cent of Victorians said they did not favour the decommissioning of Lake Mokoan. What did the Bracks government say? It said, 'We are going to do it anyway'. This is an example of its idea of a democracy; this is the Labor government representing the people; this is the government that says, 'We will listen to the people and we will act on their behalf'.

In line with the government being democratic I intend to read part of a letter that I received from the Benalla District Environment Group (BDEG) because as a local member, I seek input from the community in relation to bills brought before this house. The Benalla District Environment Group indicates that it fully supports the proposed amendment bill and has asked me to support it. In this case, this being a democracy, I am going to exercise my democratic right not to support the bill, even though it has requested me to. These people believe the Bracks government because the BDEG says:

The proposed bill amendments will give the people of Victoria, whom we believe to be well informed and rational about this issue, the right to choose how they feel towards nuclear activities. It also helps to prevent the invocation of federal government powers in regards to nuclear activities.

They go on to give some other reasons as to why they support this bill. It just so happens that whilst I respect the views of the BDEG, and I put those views to the Parliament on its behalf, I am afraid I do not share their trust in the Bracks government. I have indicated that in relation to the Bracks government's handling of Lake Mokoan. The Benalla District Environment Group has supported that process because they bought the Bracks government line that there would be a return to a world-class wetland, albeit with a budget of only \$1 million for rehabilitation. It has now been shown by the Bracks government's own figures that the rehabilitation cost will be at least \$24 million. Equally there are other failings in relation to the proposal.

Whilst it is fine to have support in principle for the intentions that are sometimes put up, when we get to the nitty-gritty the Bracks government does not listen to

people, and this plebiscite would be nothing but a sham. As a result of that, I strongly support The Nationals position in opposing this bill.

Ms RICHARDSON (Northcote) — It is with great pleasure that I rise in support of the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. I welcome this latest initiative of the Bracks Labor government, which has always remained committed and vigilant in its opposition to the establishment of nuclear energy in this state. The purpose of this bill is to provide for a plebiscite if the federal government seeks to override the wishes of Victorians and the Bracks Labor government and proceed with a nuclear power station in this state.

Every poll of Victorians reveals strong opposition to any suggestion that nuclear power stations should be established in Victoria. In fact 66 per cent of Australians are opposed to nuclear power, and 75 per cent of them are women. The strongest opposition to nuclear power comes from Victoria, with 71 per cent of Victorians being opposed. Despite this, the Howard federal government is committed to nuclear energy. The Bracks government has sought to further protect our interests by providing an opportunity for Victorians to voice their concerns about nuclear energy and hold the federal government to account if it chooses to proceed with nuclear power.

It is just as well that the Bracks Labor government remains vigilant on nuclear power. The Liberals have no regard for Victorians' concerns on this issue; just like their response to the Victorian government's and other Victorians' concerns about their industrial relations agenda. Our concerns are meaningless in the minds of Liberals. We even have a list of possible nuclear power station sites identified for Mr Howard to consider. Specifically in Victoria these sites include Yarram, Woodside or Seaspray in South Gippsland; French Island, Hastings, Koo Wee Rup or Coronet Bay in Western Port; Newport, Werribee and Avalon in Port Phillip; and Portland. This all builds on the report commissioned by the Prime Minister and released in December last year, which is titled *Uranium Mining, Processing and Nuclear Energy — Opportunities for Australia*. This report presents a scenario where 25 nuclear power stations could be established in Australia by 2050.

Despite the serious environmental concerns surrounding nuclear power and the wastes generated and despite the concerns about the increased costs of nuclear power stations — somewhere between 20 and 50 per cent — the Howard government is set to proceed. Given the state Liberals' track record on the

environment I am not surprised that they have decided not to support this bill. However, given past performances I will be interested to see how the Greens party responds to this important Labor initiative. I urge Greens party members in the upper house to support this bill, to break their deal with the Liberals and to support the environment and the people of Victoria. Some might regard my plea to the Greens to be a little bit unnecessary — surely the Greens will support Labor on this important measure. But if members of the Greens do support Labor, it will be the first time they have done so in this Parliament.

We all know about the deal with the Liberals that resulted in Greens party candidates in more than 20 seats in Victoria saying it was okay to vote Liberal and issuing a split ticket in order to direct some of their voters to support the Liberals. At the last state election in Bayswater the Greens party supported former Liberal Party member, Gordon Ashley, by giving its preferences to him before Labor. In the state seat of Scoresby the Greens party gave its preferences to Family First before either the Liberals or Labor. In the upper house the Greens have continued their cosy deal with the Liberals. In fact in the upper house they have voted with the Liberals 12 times but not once with Labor.

Moreover during a debate on water, a vitally important environmental issue for all Victorians, members of the Greens were a no-show; they boycotted that debate. Again we have a clear vote for the environment and the people of Victoria. One would think this bill would be straightforward for members of the Greens, but given their cosy deal which was evident at the election and their record in the upper house, we can only hope they break with tradition and say no to the Liberals, say no to John Howard and support Labor on this important bill.

Mr CARLI (Brunswick) — It is with great pleasure that I rise to speak on this bill. Having been an opponent of nuclear power in this state for many, many years, it is a great pleasure to support this bill, which will force a plebiscite if the commonwealth government ever thinks about putting a nuclear power plant in this state.

I remember the debate on the Nuclear Activities (Prohibition) Act of 1983 and marching through the streets of Melbourne in support of the government. We marched in support of the Cain government as it introduced the bill to prohibit nuclear activities in this state to make Victoria a nuclear-free state. At the time I was working for the Brunswick Electricity Supply. We were doing a lot of things that are now very fashionable

but were not very fashionable in 1983 — that is, looking at renewable energy and experimenting with some renewables.

We now have the CERES (Centre for Education and Research in Environmental Strategies) park in Brunswick, which operates a whole series of renewables, from windmills to solar panels. In 1983 when I was working for the electricity supply we were planning that sort of activity. We were also doing demand management in people's homes. Certainly it is very fitting that the Bracks government is now continuing the work in terms of demand management and reducing our use of energy and is also looking at renewables and the potential for clean coal. What we need to provide in this state is clean energy, and we need to provide ample energy for our industry and households.

The issue of nuclear power in Victoria has received strong popular opposition. A recent poll undertaken by the Australia Institute indicates that Victoria has the largest number of people opposed to nuclear power plants. It is not surprising that that is the case; Victoria has always been the centre of opposition to nuclear power and other nuclear activities. We now have a federal government that is considering the introduction of nuclear power in Australia. The Prime Minister has called for a robust debate, and there should be a robust debate. There is nothing more robust in a debate than the ability to vote and gauge people's opinions. If we are going to have a robust debate, and if the federal government chooses to press ahead with nuclear power in the state of Victoria, the people should also be given an opportunity to vote.

What this bill does is protect the people's democratic rights and ensure that they have a say in whether there should be nuclear power in the state of Victoria. The commonwealth government cannot simply ignore the views of the Victorian people on this issue. It involves a democratic principle, because we took a commitment to the last election. During the last election campaign we gave a commitment to the Victorian people that there would be a plebiscite in the event of the commonwealth's acting to support or allow the construction of a nuclear facility in this state. Hence we have a mandate to implement this election commitment.

Plebiscites do not happen very often in this state, nor in any other state or the commonwealth. But this is important; it is an exceptional issue that has very deep roots in Victoria. For many decades there has been a very powerful antinuclear movement in this state, and there is no doubt that the popular sentiment is opposed

to a nuclear power plant. We have the situation in Victoria where the Bracks government is pressing on with renewable energy. We have supported and are still supporting the clean-coal technology at the Hazelwood power station. I heard the member for Morwell talking a bit about that in the debate earlier, and I am pleased about his support of this very important demonstration technology in the Latrobe Valley.

We have the demonstration of the large solar plant in north-west Victoria. I understand it will be the largest solar plant in the southern hemisphere, if not the world. We also have a trial of carbon storage in the Otway Basin, the deployment of renewable energy throughout Victoria, and a renewable energy target for Victoria. That is all very important. We have had opposition to wind power and wind turbines from the Liberal Party in this chamber, and we have heard opposition from The Nationals as well. Yet wind turbines and wind power along with solar power and possibly geothermal energy are all renewables that have to be developed, and we need to ensure that they are exploited for the benefit of Victoria.

We are in a situation in Victoria where we believe, and certainly the polls tell us, that the overwhelming majority of Victorians do not support a nuclear power plant. The federal government has called for a robust debate on nuclear power — and so there should be. There should be a robust debate in which we consider the problems associated with the nuclear cycle and in dealing with nuclear waste, and the added risks created for an economy and a population in having to deal with nuclear waste and any associated potential accidents that could create problems that could last for not only some years but many hundreds of years. The Bracks government believes in protecting the democratic rights of Victorians by putting into law the need for a plebiscite in case the commonwealth government should choose to press ahead with building a nuclear power plant.

Some sites have been identified in Victoria. In the recent study undertaken on behalf of the federal government four sites were identified — at South Gippsland, Western Port, Port Phillip and Portland. They are all sites that were chosen because of the availability of sea water, because they are close to the national electricity market and network and to the major demand centres, they have suitable infrastructure, and they are buffered from major population areas. They have been chosen as potential sites, and Victorians want their interests protected — and that is exactly what this plebiscite will do. It will protect the interests of all Victorians, but particularly those who

live in areas around potential nuclear sites. It is very important that we support these rights.

We also have to look at nuclear power as an industry that may not be suitable for Australia. I certainly do not believe it is suitable for Victoria, and I do not believe it is suitable for Australia. It will cost considerably more to produce, and it is very hard to estimate the cost of nuclear power production because it depends on how you cost the treatment of the waste. Since we do not adequately treat the waste for the long term, we would have a potentially enormous liability in having a nuclear industry. We would face the issue of the cost of its generation, and we would have the added risk of what to do about the nuclear waste. How would we treat it? Where would we leave it? In all the years that there have been debates about nuclear power, the issues involving disposal of nuclear waste have not been resolved.

The United States of America, under former President Jimmy Carter, decided that it would not treat spent nuclear rods, which are basically all left in storage, because there was a belief that if the reprocessing of the rods occurred and there was a greater production of plutonium, that plutonium could potentially be used for a dirty bomb. That is a real risk. As soon as you start developing the nuclear cycle, you have a risk that some of the materials — very small amounts, that is all you need — can be taken out of the cycle and used in acts of terrorism. That is a genuine risk; it was certainly a risk identified under the Jimmy Carter administration. I see no reason to make me believe that that risk has lessened in recent years — in fact, it has obviously increased in recent years.

Australia has to look very seriously at whether it wants to be part of a nuclear cycle. If it wants to take responsibility for not only the use of nuclear power but also the reprocessing of its waste, it has to concern itself with the treatment and use of plutonium, and it has to deal with various radioactive by-products that emerge as waste out of the nuclear site. These are big issues which are not fully costed and for which we do not have a full technical resolution.

I believe the risks associated with nuclear power in this country are too great. We certainly have alternatives in terms of renewables, but we also have alternatives in developing clean coal technology, which will create enormous possibilities for industries, for the electricity generation of Victoria and for the future prosperity of all Australians.

Mr CRISP (Mildura) — I rise to speak on the Nuclear Activities (Prohibitions) Amendment

(Plebiscite) Bill. I will go straight to the second-reading speech, where it says:

There are alternative sources of energy that offer better opportunities for —

Victoria. I would like to talk about some of those opportunities.

The future demand for power in Victoria will be considerable. This bill was prompted by the Switkowski report, and there are certainly some areas of it that are worth considering. The future demand for energy will be considerable. Since 1974 the demand for energy in Victoria has trebled, and by 2050 it will double again. So we have a considerable problem with where we will find the future energy for Victoria.

As time goes on Victoria is becoming dependent on electrically powered technologies. I believe the bulk of this electricity will continue to be used by industry and commerce, but domestic consumption is also expected to rise. The government has set a high bar on this issue — a carbon-constrained source of a large amount of energy. Currently Australia is getting its energy principally from black and brown coal. However, this demand in the future, in a carbon-constrained approach, will be extremely difficult to cope with. Despite the developments and the new technologies, the amount of power that will need to be generated will have to come from somewhere else or from improved efficiencies.

As members would know, as was disclosed in a Nationals policy paper, the demand for baseload power is increasing by 2 per cent a year; and the demand for peak load, by 3 per cent a year. This increased demand reflects Victoria's expected economic growth of 3 per cent or more per annum. To sustain a future, we need to secure our energy for the future.

How can we go about having a more efficient way of using our power? Certainly improved energy efficiency can delay investment in generation capacity, but there will be complications as we go about the process. What can we do to have an energy-secure future? There is one area which is not mentioned among the sustainable technologies and which I will talk about now — that is, power factor correction. I have tried to explain this to a number of my colleagues, who have prompted me to keep it simple. Their advice to me was, in telling the time, not to tell people how the clock works.

For the benefit of members on the other side trying to grasp power factor and power factor correction, it might be best to relate it to how the factions work versus what actually gets done. It is the same as what is occurring in the electricity industry. Power factor is the difference

between the apparent power, which the power station sees, and the real power, which is actually doing the work.

Mr Nardella interjected.

Mr CRISP — The ratio is power factor. It can save around 10 per cent of energy, which is not uncommon. I will leave my contribution there, because it was at about this point that my colleagues were threatening to put me out the window!

The equipment that is available to industry to correct power factor has come a long way in recent years, particularly with electronics. There is now equipment available to correct power factor out there among our industrial and commercial users. However, the repayment period is extensive and can range over 10 or 15 years, so many businesses are not in a position to undertake that.

Mr Nardella interjected.

Mr CRISP — Yes — the power factor correction equipment has benefits beyond just those to the energy suppliers.

Honourable members interjecting.

Mr CRISP — Thank you for the interjections from my side. One day members of my party will get to understand this, because I will stay on my feet here until you do! The community can benefit by investing in this technology, in partnership with industry, to save us the investment in new capacity.

We need to face the fact that every energy-saving possibility needs to be identified. This one is not identified in the second-reading speech, and I think it is one that is worthy of investigation.

Certainly if we want to make Victoria a great place to live, work and raise a family, perhaps we need to get real and make sure we can have a shower and turn the lights on, to be able to watch television or sit around at home at night. Work needs to be done. All these things need to be covered because Victoria may well be able to stand up to water restrictions, but power restrictions certainly will not be very welcome. This is yet another way we can secure our energy future.

Mr INGRAM (Gippsland East) — It is a pleasure to speak on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. At the outset I say it is interesting to see some of the positions members are taking on this bill. To follow on from the member for Mildura, I am wondering whether he is going to have to

vote on this plebiscite in Victoria or whether he will vote in New South Wales, but that is another issue! We know that any nuclear plant in Victoria will not be near his house because he lives on the other side of the river.

Honourable members interjecting.

Mr INGRAM — I will not take up the interjections from the member for Swan Hill. On the plebiscite — —

Mr Walsh — On a point of order, Acting Speaker, the member for Gippsland East has cast aspersions on the member for Mildura by saying that he lives in New South Wales when his official residence is in Victoria. I would like the record corrected.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Mildura is in the chamber. If he disagrees with the honourable member for Gippsland East or wants a withdrawal, he has to raise a point of order with the Chair.

Mr INGRAM — There have not been many plebiscites in Victoria's history. Previously I have said that on some very important public policy positions, we should consider it more often. The Victorian people should have a say not just during elections about who they elect to govern them but to have a voice on making particular changes. One issue we raised in the past was public funding of elections. If the government believes that public funding or another policy change is supported by the community, let us put it to the community.

The introduction of nuclear power plants in Victoria would be a major change in our current, accepted beliefs about energy use and the generation of electricity in this state. We have not quite got to the stage where the Victorian community is supportive of nuclear energy. I have investigated this issue in a great deal of detail, and my personal view on nuclear power is that probably in the future we will need to look at options like nuclear power for the generation of electricity in this state, but I do not think we are quite there yet.

Other countries, particularly the Scandinavian countries, generate nuclear power. It is the major source of their electricity generation. They do a very good job of it. Their public system has good quality controls in their generation of nuclear power and in their storage of waste, and they make sure that they have good security in place to make sure that it is dealt with.

One of the concerns in Australia is we probably do not necessarily have that faith in our public institutions to make sure that these safeguards are put in place

adequately. Also I do not think we have faith in the private industry not cutting corners. If members examine some of the publicity about nuclear power plants they will understand that it is a real issue in Victoria and in Australia. The *Herald Sun* of 13 March had an article about how a nuclear plant 'giant' had talks here:

Westinghouse Electric ... said it had been approached by Australians looking to set up nuclear power —

facilities in Victoria. They said they had discussed some of the issues with government regulatory authorities.

In the immediate term I do not think we have done anywhere near enough to address the need for power, particularly renewable power. We have seen a lack of investment in things like solar power in Australia. We have an enormous solar resource, but we do not utilise it. We have exported most of our scientific expertise in those areas.

Wind power is amazing. I think The Nationals indicated they would like to move a reasoned amendment that dealt with wind power. I have asked my constituents about their view of wind power, and there is overwhelming support for it and its use in Victoria. I think the community supports a number of activities.

I refer to some of the polls that have been taken. There was a very interesting article in the *Australian* of 10 March, headed 'Generation Y says why not go nuclear'. It states:

About 45 per cent of Australians backed nuclear power while 40 per cent remain opposed ...

The surprising thing was that the source of support in the 18-to-35-year-old demographic was the strongest, with some 49 per cent of them supporting nuclear power. I do not think it can be said that in the future we will not be coming back here and debating this issue.

The comment was made that this legislation was a bit of a political stunt. Probably there is some truth in that statement, but I do not think it hurts to have this protection. There are a number of ways of doing it. Either government could come back in here and remove this legislation from the statute book, or government could change the law so that it would not require that to be done, but that would require public debate, and I think a large percentage of the population would still be opposed. We could have that debate.

This bill gives a certain amount of protection to make sure that governments that get elected cannot say they

have a mandate for nuclear power. If you listen to some of the recent debates, it seems that the federal government is indicating that it would like to have the federal election on basically whether we should have nuclear power in Australia. I do not think the community is going to vote on that one issue. I do not think that is the most important issue that is going around at the moment. However, I think it would be a travesty of our political system if, in the aftermath of that election, the government said, 'We now have support for nuclear power in this country', because I do not think that is the case. There needs to be a greater level of scrutiny and discussion about this issue.

I will be supporting the legislation. Whilst it is probably not necessary and there are other ways of potentially doing this, I still think this is an important statement to say that we need to take into consideration the views of the community when we are proposing major changes in public policy like the construction of nuclear power plants in this state. With those words, I support the bill.

Ms LOBATO (Gembrook) — I am very pleased to follow the member for Gippsland East, and I welcome his support for this legislation. I would just like to contribute briefly and speak about my support for this bill and my complete opposition to nuclear power being established in Victoria. The purpose of this bill is to facilitate the holding of a plebiscite in Victoria in the event that the commonwealth government takes action to support or allow the construction of a nuclear facility in Victoria, given that nuclear facilities are banned and shall remain banned by the state government. The government believes that plebiscites may be conducted with respect to issues that are constitutionally significant. The possible overriding of the state law by the commonwealth — and therefore the lack of regard for Victorians — makes it vitally important for Victorians to reinforce their opposition to any potential nuclear power plant in this state.

In 1983 the Nuclear Activities (Prohibitions) Act was introduced into the Victorian Parliament. The objects of that act were:

... to protect the health, welfare and safety of the people of Victoria and to limit deterioration of the environment in which they dwell by prohibiting the establishment of nuclear activities and by regulating the possession of certain nuclear materials, in a manner consistent with and conducive to assisting the Commonwealth of Australia in meeting its international nuclear non-proliferation objectives.

In 1983 the commonwealth and the state sought to protect people and the environment. Now the commonwealth is showing frightening signs of giving up on that very commitment.

The Howard government has for many years discounted and argued the science of climate change and laughed at not only environmentalists but also renowned scientists. Recently though it has had a change of heart. I question this change of heart. I do not believe that finally the Howard government has been convinced about the severity of the drought conditions or the bushfires being experienced throughout most of the country. I believe they have found an excuse to carry out an agenda that creates a new industry, regardless of its impact.

The Howard government never had time for the brilliant knowledge of Tim Flannery prior to the end of 2006, when the renowned scientist explained his position regarding nuclear energy. However, the government played with the words of Tim Flannery and made them suit their purpose. Now if I were Prime Minister, I would make someone like Tim Flannery Australian of the Year, and I would have done it many years ago. However, John Howard would not do it until Tim Flannery stated his limited support for nuclear energy.

What Tim Flannery has actually been saying is that he believes if we are going to dig up every one of the earth's resources, we should not just export it and make the disposal somebody else's problem; we should take responsibility for the export instead of just reaping the benefits. Nuclear power cannot be discussed without raising the issue of waste. Australians do not want nuclear waste in their own towns or regions, yet they also do not want to participate in the shipping of such dangerous materials to Third World countries. Out of sight is not out of mind. If Australia as a nation is not prepared to store the waste that it creates, it cannot expect other nations to take up that burden. That is what Tim Flannery has been talking about.

In the *Age* on the weekend Tim Flannery states that 'when properly costed, nuclear power will not be an economically viable option'. He points out that although wind and solar power cannot at the moment provide all of our energy needs, the technology behind them is developing so rapidly that within just a few years the outlook may be very different.

A huge aspect of this issue that has not been spoken about is the water needs of nuclear power. As a nation facing severe and ongoing drought conditions, we have to question whether the use of our precious and limited water resources for nuclear power plants instead of for household and agricultural uses is justifiable. This is especially the case when as a country we are so well positioned to take advantage of clean, renewable energy that does not create the damaging and difficult social

and environmental consequences of nuclear energy. The member for South-West Coast just laughs and laughs because he is very happy about the prospect of a nuclear power plant being located in his very electorate, which is what has been touted. I am sure that his constituents are not supportive of that.

I was about to sit down, but I just want to stress the importance of looking at all renewable energy sources. As a responsible and environmentally sustainable state, we should be concentrating on what are already there as prospects in terms of solar, wind and clean coal technologies. I commend the bill to the house.

Mr SCOTT (Preston) — I too am pleased to rise in support of the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. I understand that a large number of government members would like to speak on the bill, so I will keep my comments brief. In particular I would like to focus on the reasons why this is a special issue unlike others and why, apart from the constitutional issues, a plebiscite is both an appropriate and a reasonable action for this government to take.

A nuclear reaction is unlike other chemical reactions. In fact it is not a chemical reaction as standard chemists know it. Most members would be familiar with the equation $E = mc^2$, but I suspect that very few would understand it. Vast amounts of energy can be released by a nuclear reaction, be it through fission or fusion. Most nuclear reactors — and all modern nuclear reactors — are fission reactors, where controlled fission reactions heat water and create energy through that process. This is an important point, because the material used in such reactors is radioactive and remains so for an extensive period. Depending on what material is used as fuel — be it thorium, uranium or plutonium — there is a different half-life, so it is radioactive for a different period of time. At best it is hundreds of years, and at worst it is many thousands of years. These toxic radioactive materials pose significant risks to the community. It is not like a normal chemical reaction, in which there is no nuclear process.

I will draw a simple analogy. If at an atomic level you imagine molecules being arranged like balls, in a chemical reaction those balls might be rearranged. But in a nuclear reaction you are either fusing those balls or you are smashing them to create new ones. This is a very different process, and the molecules and elements involved are quite different in their properties. We have to take this very seriously, so I certainly support this bill, and I would — —

Dr Napthine interjected.

Mr SCOTT — The interjection, while being of a puerile nature, does not address any of the critical questions involved, including what you do with the waste. Essentially the assumption is that there will be hundreds or thousands of years of political stability. This is the fundamental threshold question that has to be dealt with. The waste has to be stored somewhere. It can be stored in synroc, it can be stored underground and it can be stored in various other ways, but it will still be there and still be radioactive and will be accessible by someone. Supporting nuclear power assumes that there will be political stability and that people — —

Dr Napthine interjected.

Mr SCOTT — I will deal with that interjection in a second. The isotopes required for nuclear medicine are of much smaller quantity and of a much smaller nature. There are the same issues, but you are dealing with waste of a much smaller nature, and the power production — —

Dr Napthine interjected.

Mr SCOTT — The point in question is that if large amounts of nuclear material are produced for power generation, then the waste created has to be stored on a very large scale, and this is an issue that no-one has ever successfully dealt with. No-one has come up with an answer that deals with this issue. I believe that is a good reason for the government to take this issue seriously and to amend the Nuclear Activities (Prohibitions) Act 1983, and it is why I support this bill. I commend the bill to the house.

Mrs MADDIGAN (Essendon) — I too rise to support the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. To continue the point raised by the member for Preston, it is disappointing that the conservative parties in this place are opposing the bill, because in effect they are saying, 'We support nuclear energy, even though we have no idea what is going to happen to the waste, nor do we know what the long-term capacity might be for storing that waste, either in stable or unstable environments'. The reality is that nuclear energy has not been around for 300 years, so no-one knows what might happen with some of the nuclear storages that are already in use.

I must also say that I was surprised that the member for Mildura seemed to think that nuclear energy is the only way for us to meet our energy requirements in the future. The statistics that have been brought forward show that the introduction of nuclear energy would bring only a marginal saving in fossil fuel use, as the

member for Seymour so clearly explained earlier in this debate. So even that is based on a fallacy.

Any member who has commonwealth land in their electorate should be quite nervous about nuclear power. Essendon Airport, which is in my electorate, is a large area of unproductive land that is used for general aviation. I noticed when the member for Box Hill was making his contribution to the debate that he seemed to suggest that this bill had come out of nowhere and that it was an election ploy by the state Labor Party, but in fact it was the federal Liberal Party under John Howard that raised the debate about nuclear power last May. An article in one of our daily papers — which is sure to be right! — states that on 16 May 2006 John Howard flagged an investigation into the establishment of a home-grown nuclear power industry during an official visit to Washington, which is an interesting place to talk about what sort of power you might have in Australia! Then on 31 May he set up his expert inquiry. As coincidence would have it — and I am sure it is only coincidence — the very next day, 1 June, Australian Nuclear Energy Pty Ltd was registered with some well-known figures, including Ron Walker. You have to congratulate Australian Nuclear Energy for being on the ball and being so ready and so well prepared to register itself as a company only one day later. I think we should congratulate all the people involved in that.

As I said, people who have commonwealth land in their electorates must be a bit nervous. An article about nuclear energy appeared in my local paper recently, because I wrote to the Prime Minister and asked him to give us an undertaking that a nuclear facility would not be built on the Essendon Airport site, which of course he refused to do. It is interesting to note that Bernie Finn, who I think might be a member of the Liberal Party in the upper house, was not prepared to stand up for the residents of the western suburbs and speak against having a nuclear power plant in Essendon. He is quoted in the *Moonee Valley Community News* of 6 March as saying:

I'm not aware of what the federal government has in mind on this one.

Perhaps he should speak to Australian Nuclear Energy, because I feel it might be able to help Mr Finn's understanding of what the federal government is about. Interestingly enough, the same article contains an excerpt headed 'Secret sites', which states:

In 1997, a confidential cabinet submission became public, showing sites were being secretly assessed to separately house a reactor and fuel processing plant.

Several potential sites near airports were identified by the research reactor and spent fuel siting cabinet submission dated July 29.

Of course airports would be excellent sites, because they already have excellent road infrastructure leading to them, which removes the capacity for the state government to try to prevent the development of infrastructure that leads to commonwealth land.

Having a plebiscite is a great idea. You would think, 'Why would you not have a plebiscite? Why would you oppose having one? Do you not want to know what the people of Victoria think about it? Do you not believe in a democratic process?'. On that basis I gather you have to say that the conservative parties are saying, 'No, we do not'. In the short time I have left I am very pleased to say that I support the bill and wish it a speedy passage through the house.

Mr HOWARD (Ballarat East) — Likewise I am very pleased to support the bill before the house, which by its nature not only emphasises that the Bracks government has taken a clear stance in opposing the production of nuclear electricity within this state but also goes a step further, as we have heard, by saying that if the federal government wants to go against that stance, then we would call a referendum to allow the people of Victoria to make their views clear on this matter.

In the brief time I have to speak on the bill I want to emphasise the difference between this government and the Howard government in terms of looking at our energy needs, including looking at alternative energy sources. We in the Bracks government have recognised for a long time that greenhouse gas emissions are of concern, and we have had an extensive program of encouraging alternative energy sources. In particular we have been looking at solar energy and also at wind energy. Last week I was pleased to be able to visit the Waubra wind farm, which is now under construction in my own neighbourhood.

As people will be aware, this farm will have 128 wind turbines when it is completed at the end of next year, and it will be the largest wind farm in the Southern Hemisphere. It has only gone ahead on the basis of state government support and the announcement, ahead of last year's election, that we would be increasing the requirement for renewable energy being placed upon energy providers. This is one example of significant action that this government has taken. Of course the government has been pursuing a full range of alternative energy sources, but it does not believe in any way that nuclear energy is a source that it wants to pursue.

By contrast the federal government has only recently recognised that the majority of people across Australia are quite concerned about our greenhouse emissions and have recently started to show that they are taking an interest in the issue. The federal government has been able to use that to say, 'This is a good reason to introduce nuclear power'. We do not believe in that agenda. We think they are pushing nuclear power for all sorts of other reasons — and Ron Walker might be able to suggest some of those. Clearly the bill is about making this government's stance very clear, which is that there are a range of alternatives we need to pursue in dealing with this important issue of greenhouse gas emissions, and this government is pursuing them. Nuclear energy is not an alternative we want to pursue, and we frankly need to be quite concerned about the federal government's pushing of that issue.

I am very pleased to support this bill. I think the additional stance of having a plebiscite is a very appropriate way to go. It lets the federal government know that if it wishes to go against the clear views of this government it will have to deal with a plebiscite which will clearly show the views of Victorians on this matter.

Mr STENSHOLT (Burwood) — I rise to support the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill, which is about providing for a plebiscite if it is necessary. We have had a couple of plebiscites in Victoria. Members might remember the 1904 plebiscite on scripture teaching in schools, and in 1956 there was a plebiscite on hotel trading. I admit we probably cannot remember the 1904 one. Even the Victorian Electoral Commission (VEC) cannot remember whether it needed enabling legislation!

This legislation makes sure that we have the provision in place in case it is necessary. The Prime Minister, John Howard, has raised this matter of nuclear power. He wants us to have a debate, but at the same time he says, 'Oh no, we don't want to have a debate on where a power plant is going to go' — but being realists, we cannot avoid that. To use the phrase of a former Prime Minister about our current Prime Minister, the old desiccated coconut is looking for a Bikini Atoll! Here he is looking for somewhere to put his nuclear power plant. It is not going to happen here in Victoria if the people of Victoria do not want it. This bill is about making sure we can have a plebiscite in this regard.

I want to mention a few things about this using no less an authority than Andrew Macintosh, whom I am sure many people are familiar with. He said in a paper he has written that two-thirds of Australians, or 66 per cent, are opposed to having a nuclear power plant in

their local area. We are talking about local areas here, and we are talking about Victoria. He said that women are more likely than men — 75 per cent as opposed to 57 per cent — to be against the construction of a nuclear power plant in their local area. I am well and truly within the 57 per cent.

Andrew Macintosh, this great authority, went on to talk about possible locations for these power plants. He named 19 locations throughout Australia. Andrew Macintosh said that in Victoria the possibilities are South Gippsland, Western Port — I am sure there will be some members of Parliament interested in that one — Port Phillip and Portland. Are we going to put a nuclear power plant in Portland? I would be concerned about that possibility put up by Andrew Macintosh. I am sure the people of Portland will be well and truly concerned if the intention is to put a power plant down there on the bay or inland, or whatever. This concern would be able to be addressed through a plebiscite. This bill ensures we will have such a plebiscite, and I am more than happy to support it.

Ms MUNT (Mordialloc) — I am very pleased to rise and speak in support of the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. The plebiscite will be by compulsory voting, either at an attendance ballot or by postal voting, or it may be held on the same day as a future state election. This will give Victorians a voice if the federal government moves to establish a nuclear power plant in Victoria. I have already been contacted by many people who are opposed to the establishment of a nuclear power plant in Victoria and are anxious to have a voice in this matter.

The federal government, as has been said, will consider siting these plants in Victoria in South Gippsland, Western Port, Port Phillip or Portland. I am a member of an electorate that faces Port Phillip Bay, and I heard the member for Flinders on 3AW late last year openly say that he would not oppose a nuclear power plant being built in his electorate. The former member for Hastings, Rosy Buchanan, had she been here today, would have been a strong voice for her area, I am sure. In her absence this government will stand up for local rights in Hastings and Flinders and around Western Port and Port Phillip Bay.

I would like to quickly mention a young girl who came to stay with me 10 years ago. Tanya Chikal came to my home from her home in Kiev in the Ukraine. She came for fresh air, good food, good medical treatment and a good rest to save her little body — she was 10 years old at the time — from radiation poisoning. She was in her schoolyard in Chernobyl and her father was at work at

the Chernobyl power plant on the day the plant exploded, and as a result she was contaminated with radiation. I keep in contact with Tanya. She is still very ill from the effects of the irradiation she suffered on that disastrous day.

We do not need nuclear power plants. We need renewable energy and clean power technology in this state. I do not ever want to see our children affected in the same way that Tanya was affected when she came to my house — and as I said, she is still affected. I commend this bill to the house.

Ms GRALEY (Narre Warren South) — Do Victorians want a nuclear facility in their state? It is a simple, clear decision that the Victorian people are quite capable and ready to make, and I do not think we should be churlish or suspicious of it in any way, as some members of the opposition have suggested.

This government has a longstanding commitment to a nuclear free Victoria. As members of the Labor Party we continue to forcefully argue against nuclear power. As a member of Parliament for some 100 days, when I first got up in this house I talked about the Eureka tradition and how important it was, coming from that tradition, that we continued to recognise that the people are the only legitimate sources of political power.

This plebiscite offers a wonderful and very important opportunity for the people of Victoria to participate. As my colleagues have said, we have had two previous plebiscites, and despite what the member for Polwarth was saying earlier, suggesting that this may be the beginning of a plethora of plebiscites on a number of issues, the Minister for Energy and Resources is on the record as saying that it will be used sparingly.

This is an election commitment: we have a mandate and we intend to deliver on it. There are two very important reasons why plebiscites are very effective. Plebiscites are not a waste of money nor a waste of time, as has been suggested this afternoon. They are a very robust and good means by which the people of Victoria can participate in democracy. It is funny that the opposition benches are quite barren at the moment. I would like to — —

Dr Sykes — Are you saying something that is worth listening to?

Ms GRALEY — Yes, I am. I am suggesting that members opposite are running scared on an issue that in many respects they have been advocates for in the past. I refer to a document I have in front of me entitled *Let's Give Democracy a Chance — Some Suggestions* by the Honourable Peter Reith. He says:

I was to have delivered a paper to your conference on 31 July —

this is to the Samuel Griffith Society —

but three days before, on 28 July 1994, I had spoken at a seminar in Canberra on direct democracy —

referendums and plebiscites —

that I had organised with a number of parliamentary colleagues. As a result there was a lot of political controversy within the coalition opposition about my views on participatory democracy and I was prevailed upon not to make my presentation to your society.

I stand here as a proud member of the Bracks government that is going to give the people of Victoria the opportunity to put up the arguments, hear the discussion and have a robust debate about the life-threatening, life-changing and lifestyle issue of nuclear power.

I am very pleased to say that already in my area of Narre Warren South the debate has begun. The City of Casey is going to establish a number of discussion groups and public forums around climate change. I have even suggested to one of the local councillors that he get Malcolm Turnbull, who does not want a power station in Woollahra — there is not room, it appears — and that he host a debate between Peter Garrett and Mr Turnbull. I think that would be excellent, because one of the things I truly believe in and one of the guiding principles behind my reason for being in Parliament and for being a strong advocate of robust public policy is the concept of intergenerational and intragenerational equity. A plebiscite will serve that purpose of allowing all people of all ages from all backgrounds to have a say in what they want to see in the state of Victoria.

Mr TREZISE (Geelong) — I am very pleased to be contributing briefly to debate on the important bill that is before us today. The bill reiterates the Bracks government's commitment to keeping our state of Victoria nuclear free, and I can assure this house that the people of Geelong have emphasised to me over recent months, if not over recent years, that they oppose a nuclear power station and they support the Bracks government's ban on nuclear power stations in Victoria.

When it was mooted that commonwealth land near the Avalon Airport could be used for a future nuclear power station, there was vocal, wide and strong opposition to the proposal from all corners of the community of Geelong. I can assure you, Acting Speaker, that the people of Geelong know that a nuclear power facility in the Geelong region would create

major security issues, it would have the potential for environmental disasters, and in essence it would pose a real threat to the wellbeing of the people of Geelong. This may sound far fetched, but if a terrorist threat is real to this country, as the Prime Minister likes to continually remind us, then a nuclear power plant in the vicinity of an airport and an oil refinery would be a prime target. I re-emphasise that it is the Prime Minister who continually reminds us that such a threat is real.

This is an important bill to the people of Victoria and to the people of Geelong, and I give it my full support.

Mr CRUTCHFIELD (South Barwon) — I, too, will speak very briefly in support of the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007, and I put on public record my opposition to nuclear power in Victoria. It is an issue that I remember my parents speaking strongly against, and it is certainly one that the Cain government spoke strongly against; if you did a vox pop on the issue, I am very confident you would find that the majority of Victorians would not be supportive of what appears to be a commonwealth juggernaut to impose nuclear power on Australia.

From a local Geelong perspective — the member for Lara would be particularly interested in this issue — airports are prime sites for terrorist attack, as the member for Essendon articulated, and the member for Geelong also touched on the fact that airports are prime sites, particularly when they are commonwealth owned as Avalon Airport is, so the people in Geelong are particularly worried. In the *Geelong Advertiser* of Friday, 2 March, Geelong's major environment group talked about alternative energies.

Mr Andrews interjected.

Mr CRUTCHFIELD — No, it was not Lindsay Fox. I do not think Lindsay Fox is one of the entrepreneurs who have been talking up nuclear power. It is Ron Walker and his Liberal Party links who have clearly been looking at sites in Victoria, such as Avalon, and in South Australia.

I want to put on record the opposition of my residents to this particular industry. In the last couple of seconds available to me I want to point out that what the environment groups are saying locally is we need to focus on alternative energies and that, as most other speakers have said, one of the major beneficiaries of alternative energies are rural communities.

If you look at facilities for solar energy, wind energy or geosequestration, you will see that they are not located in urban environments. They provide benefits in economic terms to rural and remote communities, and

they also provide environmental benefits — and Bourke in New South Wales is one such example. I commend the bill to the house.

Mr BROOKS (Bundoora) — I rise to support this bill which will deliver a forum or a mechanism for the Victorian people to express their views on this important issue. I support the government's commitment to keeping Victoria nuclear free, and there are substantial reasons that Victoria should not go nuclear — economic reasons, security reasons and environmental reasons.

Victoria has a competitive advantage in the production of cheaper coal-generated power and is investing in clean coal technology. On that point I congratulate the federal Labor leader, Kevin Rudd, on his commitment of \$500 million to developing clean coal technologies.

Victoria is leading the way in developing renewable energy such as wind and solar power. I ask whether it is a coincidence that the Prime Minister has resisted carbon trading schemes until now and is suddenly backflipping. Is it just because he sees the polling figures showing that he is being left behind on climate change, or is it also because carbon trading would make nuclear energy more price competitive?

The establishment of a nuclear facility presents an unacceptable risk to the community. Nuclear facilities such as the Lucas Heights reactor in New South Wales have been reported to be targets for alleged terrorists. There are nine people currently before a New South Wales court facing charges for allegedly planning to attack Lucas Heights. Not long ago we saw a large group of protesters just walk on past a lone security guard at the entrance to that reactor. How would the federal government protect us from such risks? Maybe with more fridge magnets! Then there is the ever-present risk of an accident at a nuclear plant and also the possibility of risks associated with transporting nuclear materials to and from facilities.

There is no credible and safe way to deal with long-term nuclear waste. It seems that the Prime Minister is pushing nuclear power as an answer to climate change. While nuclear power is carbon free, it is certainly not nuclear waste free. This desperate lunge towards nuclear power by the federal government is due in part to the fact that it has wasted years in office and done precious little on climate change.

I am very concerned that the federal government is pushing ahead with plans for nuclear energy regardless of the views of Victorians, and I am concerned in

particular that it may seek to utilise commonwealth land to avoid state and local planning regulations.

Both the member for Ivanhoe and I have written to the Prime Minister, seeking an assurance that the Simpson Army Barracks facility at Watsonia and Macleod and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) at Yallambie, both of which are in my electorate and adjacent to the electorate of the member for Ivanhoe, will not be used in any way for the storage or transport of material to be used at or coming from any nuclear power plant. Both these facilities are surrounded by the suburbs of Yallambie and Macleod and are in urban areas that contain schools, kindergartens and waterways.

Opposition members would love this issue to go away because they know they have been caught out following the Prime Minister's lead. They are like Smithers in *The Simpsons* — they will do anything to keep Mr Burns happy. If the Prime Minister rubs his hands together and says he wants a nuclear reactor in Victoria, the Victorian opposition will ask, 'How many?'.

Opposition members say they oppose this bill because they do not want a plebiscite. If they do not want a plebiscite, the answer is simple: tell the Prime Minister to rule out a nuclear plant in Victoria. Nuclear facilities are not safe and we do not want them here. This bill gives Victorians a chance to voice their opinions, and I commend it to the house.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. I am proud to be part of a government — the Bracks government — that takes the magnitude of this issue so seriously that it would go to the people on it. I believe my community is strongly opposed to the introduction of nuclear power. Many people have told me that. Like the member for Bundoora, I would be quite concerned, as would many of my residents, if the commonwealth were to contemplate putting a future nuclear facility at the Simpson Army Barracks or up the road at Puckapunyal in the electorate of my colleague the member for Seymour. I note that the member for South-West Coast has just left the chamber, but I know that my family, who live in the south-west of the state where I grew up, are equally opposed to the idea that has recently been flagged that such a plant could be built in the Portland area.

I am proud to be part of a government that is committed to renewable energy. Like the member for Bundoora I condemn the Prime Minister, who has squandered a

decade being a nay-sayer of climate change when he could have been looking at renewable energy sources and working with positive state governments like ours on emissions trading and a whole range of factors. The Prime Minister has ignored the issue of water, and he has ignored the issue of energy, and now he is proposing something really dangerous that would affect our children and our children's children. As a mother and as someone who had a child at 19, this is one of the issues that really politicised me. For 24 years I have opposed nuclear power, and I am really pleased to oppose it today. I commend the bill to the house.

Mr NARDELLA (Melton) — I support the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. The Liberals and The Nationals have demonstrated today that they are still dinosaurs in relation to nuclear power and climate change. The nuclear energy plan proposed by John Howard, the Prime Minister, was designed to take industrial relations off the agenda. The Liberals and The Nationals in Victoria demonstrate that they are Liberals and Nationals first and Victorians last by supporting John Howard and his climate change sceptics on this matter.

Some opposition members have said that nuclear energy is the way forward in reducing greenhouse gases and addressing climate change. John Howard and the federal and state members of the Liberal Party and The Nationals do not support programs like the mandatory renewable energy target. The federal government has got rid of that scheme. Those parties do not support wind farms; instead they oppose them at every opportunity. They do not support alternative forms of generating power. They think that the nuclear power is the only option, but they have no solution to the problem of the waste produced by nuclear power generators. It takes 250 000 years to decompose the waste that comes from nuclear power generation. If the ancient Egyptians had had nuclear power 4500 to 5000 years ago, we would still be dealing with their waste today.

The Prime Minister has not implemented a carbon trading scheme, as other members have said. He is not fair dinkum about dealing with climate change. The Liberals and The Nationals in this chamber have no solutions to the problem of nuclear power plant meltdowns and the dangers those meltdowns pose for people. Their attitude on this particular matter has been exposed. I support the bill before the house, and I vigorously oppose the agenda of the Howard government to foist a foul process on Victoria.

Dr HARKNESS (Frankston) — The Bracks government will give Victorians a say on any federal

government plans to site a nuclear power plant in Victoria. Like other members, I wish to express my opposition to the proposal to put nuclear power plants in this state. I also wish to express the views of the people in my electorate of Frankston who have spoken to me about this issue.

This bill provides for a plebiscite if the federal government tries to override state laws and establish a nuclear power plant in Victoria. Plebiscites are appropriate for issues like this that raise concerns about sovereignty or are of constitutional significance. The Bracks government quite properly believes that the consequences of introducing nuclear power to Victoria would be significant. This is a time when the federal government is pushing the boundaries of federal-state relations. The Prime Minister needs to declare which of the sites that have been proposed are supported by the federal government.

The Liberal federal member for Flinders supports nuclear power but says the geography of the Mornington Peninsula may not be suitable for a nuclear power plant. He categorically refuses to rule out the possibility of any nuclear power plant on the peninsula. The state Liberal members who represent electorates on the Mornington Peninsula are also not sure whether they are opposed to nuclear power or support a proposal to put a nuclear power plant on the peninsula. They will not categorically say where they stand on this issue, and they will also not stand up to their mates in Canberra. The people of Frankston and of the Mornington Peninsula, and more generally the people of Victoria, need to have the opinions of the Prime Minister and the members of the Liberal Party, including those Liberals who represent parts of the Mornington Peninsula, stated clearly and categorically. They need to rule out the possibility of a nuclear power plant being sited on the Mornington Peninsula.

Ms DUNCAN (Macedon) — It gives me great pleasure to speak on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. I agree with previous government speakers that this issue is about a diversion by the federal government in the lead-up to the federal election. We know that the Prime Minister does not believe in climate change and has little interest in the environment generally. Victoria has a proud history of being nuclear free, and because of legislation which was introduced under a Labor state government in 1983, some 26 years later the Bracks government is reinforcing its opposition to nuclear power in Victoria.

We know that nuclear power is hugely expensive. The issues that arise in dealing with nuclear waste are too

numerous to mention during my brief contribution to the debate on this bill this afternoon. We know that under existing laws the federal government can override the state if it proposes a facility on commonwealth land — and that has always been the case. There is commonwealth land on Mount Macedon, and there are a number of other commonwealth sites around my electorate. I can assure the Prime Minister and the Liberal opposition that the people of my electorate would not support a nuclear facility in the Macedon Ranges. This bill would allow Victorians to have a plebiscite if the federal government were ever to take action to construct such a facility anywhere in Victoria.

I urge the opposition to support this plebiscite bill, because this issue, more than any other issue I can think of — including, for example, drinking recycled water — is essentially an environmental one. Therefore people should have the opportunity to vote on it. The government is making its position clear in this bill by allowing Victorians to have a plebiscite. We believe a plebiscite would give some moral force to the views of the people of Victoria on opposing any federal move to introduce a nuclear power facility in Victoria. I commend the bill to the house.

Mr HUDSON (Bentleigh) — It is a pleasure to speak in support of the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill, which provides for a plebiscite for Victorian voters if the commonwealth government takes any action to allow the construction of a nuclear facility in Victoria.

This bill is necessary, because we have a Prime Minister who is completely gung-ho about the introduction of a nuclear industry here in Victoria. He is gung-ho irrespective of the environmental impacts, the social impacts and the economic costs of such a proposal. It is interesting to hear members opposite like the member for Box Hill arguing that a plebiscite is somehow undemocratic. The member for Box Hill suggested that the question that would be framed by the Minister for Energy and Resources would be somehow insidious or tricky. He drew on a whole range of possible scenarios to demonstrate that. There is nothing insidious or tricky about asking the people of Victoria whether or not they support a nuclear power plant in Victoria, because the answer is yes or no. It would be a very simple proposition; it would not be hard. Members opposite are the only people who are being tricky about this issue. They are running scared. We have heard only the member for Box Hill speak about this issue.

We have not heard at all from the member for Nepean, the member for Mornington, the member for Hastings

or the member for South-West Coast, and the reason for that is quite simple. They know that if a nuclear power plant was going to be built in Victoria, it would be built in Western Port, Gippsland, Port Phillip or Portland. They know it would be built near the major ports, near the major electricity network and near the major road infrastructure. They do not want to be seen to be disagreeing with the Prime Minister, but they know that the Victorian community would not tolerate a nuclear industry in Victoria, and they are running scared on the issue. They do not want to come clean. They want to be tricky about their position.

There is nothing tricky about our position. We are clear. We are opposed to a nuclear power plant and a nuclear industry in Victoria. We support renewable energy and mandatory renewable energy targets, things which are opposed by the opposition. I commend the bill to the house.

Mr LIM (Clayton) — I am very pleased to join other members on the government side in supporting this bill. In Victoria nuclear facilities are banned by legislation, as is mining of or exploration for uranium or thorium. The previous Labor government enacted legislation in 1983 known as the Nuclear Activities (Prohibitions) Act 1983. That legislation was an important piece of public policy which has stood the test of time, and given current moves by the Prime Minister, John Howard, it is timely to revisit this legislation to strengthen it.

Australia does not need nuclear power. Australians do not want it. The Prime Minister is again playing wedge politics but is stopping long enough to give his big business mates advance notice. This important bill will ensure that if the commonwealth government moves to support or allow construction of a prohibited nuclear facility in Victoria, the Victorian government will hold a plebiscite in this state to seek the views of Victorians. The plebiscite could be conducted by either attendance or postal voting. Based on local government elections, postal voting has been found to be cost effective and to increase participation.

Nuclear power can never be guaranteed to be 100 per cent safe. We should not forget Chernobyl in 1986 and the Three Mile Island meltdown in 1979. According to the *American Scientist* of January–February 2007 the United States has at least 108 sites currently designated as areas that are contaminated and unusable, sometimes involving thousands of acres. Is this the legacy we want to leave for generation after generation of Australians and particularly Victorians?

Nuclear power is not a clean green option, and John Howard, a Johnny-come-lately to recognising climate change, should not be proposing it in that context. The alternative forms of power generation we should be pursuing in Australia and particularly in Victoria are in abundance and infinite — solar, wind and geothermal. We should be developing clean coal technology before nuclear. In Victoria we reject nuclear power as an option. In the event of moves by the commonwealth to go nuclear we are committed to giving Victorians a voice through a plebiscite. I commend the bill to the house.

Mr SEITZ (Keilor) — I rise to join my colleagues in their support of this bill and in rejecting the opposition's claims regarding nuclear power generation in Victoria. The bill amends the Nuclear Activities (Prohibitions) Act 1983 to facilitate the holding of a plebiscite in Victoria in the event that the commonwealth government takes action to support or allow the construction of a prohibited nuclear facility in Victoria. That is important. In my area of the western suburbs people are certainly opposed to it, and they have made it very well known over the years that they are not interested in a nuclear facility. It is strange, when European countries, the most advanced countries, are pushing renewable sources of energy such as wind farming, that our Prime Minister is now talking about creating nuclear energy plants.

I wonder if this is another one of his children overboard schemes that he is running up before an election, as he has done in the past to divert people's attention from the politics of this country and what is going on in Iraq. I would urge members not to be fooled by the Prime Minister and the tactics he is employing now but to reject his nuclear energy proposal altogether right across Australia. In particular I ask that they support this government in allowing the people of Victoria to have a say and get the message home to the Prime Minister, because I am sure that when we have a plebiscite it will be carried, with the majority opposing any nuclear facility in Victoria. I commend the bill to the house.

Mr EREN (Lara) — I am pleased to speak on the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill, but due to time constraints I need to be brief. I want to start with the words of Margaret Thatcher, who is not someone I would usually want to quote, but members on the other side of the chamber might want to consider them. She said that we are not in politics to ignore people's worries, we are in politics to deal with them. Certainly nuclear power plants are very scary for the people of Victoria. There is no question about that, but members opposite have a real

issue with listening to the Victorian community and with democracy. A plebiscite will give the Victorian community the option to decide whether it wants a power plant in Victoria or not.

Leading up to the election we as a government were committed to bringing this bill before the house, and we have done that. People obviously supported that, so here we are. This is a real opportunity for the opposition to show some courtesy to those people out there who agreed with the government in relation to this matter.

We are very concerned about some of the plans the Howard government has for Victoria and particularly for Geelong. Avalon has been touted as a possible nuclear site, and the people of Lara are obviously very concerned about that. The case for or against nuclear energy notwithstanding, there is the irrefutable fact that building a nuclear reactor in Geelong would make it a much less appealing place for people to live. The *Geelong Advertiser* reported on 28 February that the federal Liberal member for Corangamite, Stewart McArthur, said there are no plans for a nuclear power plant in the Geelong region. But he failed to say whether he would support the idea if the federal government made the decision to impose such a power plant on Geelong.

Mr Andrews — He's into fossil fuels.

Mr EREN — Yes indeed, Minister!

The people of Geelong need to know where the federal member for Corangamite, Stewart McArthur, stands. To say it is not an issue is just not good enough. The Prime Minister has announced an inquiry into nuclear power, so we must remember that this issue is being pushed by the federal government, yet Mr McArthur has put his head in the sand on this very important issue and neglected his responsibilities in Canberra to represent the views of his electorate and the wider Geelong region including the people of Corangamite. It would be absolutely deceitful of him not to do the right thing in terms of representing that community. Also, let us not forget the 'never, ever' GST. The Prime Minister said we would never have a GST, but we now have one.

As I said, there are time constraints on members in this debate, but I take the time to refer to an interesting article in the 50/50 column of the *Herald Sun* of 5 March, in which Brad Martell, of Highett, made a very good point:

If we have a vote on nuclear power, how about the electorate that has the most 'yes' votes get to have the reactor built there?

Opposition members today have said that not everybody voted for the Bracks Labor government; indeed, not everybody voted for the Bracks Labor government, but if they are suggesting that those who did not vote for the Bracks government therefore support a nuclear power plant, I encourage them to suggest that the Howard government build it in their electorate. I support the bill.

Mr BATCHELOR (Minister for Energy and Resources) — I would like to thank all the members who have contributed to today's debate, including the members for Box Hill, Swan Hill, Seymour, Morwell, Yuroke, Benalla, Northcote, Brunswick, Mildura, Gippsland East, Gembrook, Preston, Essendon, Ballarat East, Burwood, Mordialloc, Narre Warren South, Geelong, South Barwon, Bundoora, Yan Yean, Melton, Frankston, Macedon, Bentleigh, Clayton, Keilor and Lara. I thank all of them for making contributions.

The Victorian government has a longstanding commitment to a nuclear-free state, and the location of nuclear facilities here in Victoria is prohibited under the Nuclear Activities (Prohibitions) Act. This has been the case in Victoria since 1983 as a result of a widely supported initiative brought in by the former Cain government. The Bracks government has remained opposed, all the way through that period until today, to the introduction of nuclear power in Victoria.

What do we now find? Notwithstanding that this issue was resolved by the Parliament in 1983 and that no government since then, certainly not the current government, has sought to change those conditions, the commonwealth government has ignored the views of the people of Victoria as expressed through this Parliament and through successive elections. The commonwealth has signalled its intention to ignore those views and is determined to impose what would be illegal activities upon the people of Victoria. That is what the Prime Minister, John Howard, wants to do — he will be known as Illegal Johnny because of his desire to bring nuclear power, nuclear processing and nuclear waste storages to Victoria, which are all banned activities in this state.

All that we are seeking to do in this bill is to fulfil an election commitment, with which we went to the last election, saying firstly that we continue to be opposed to the building of a nuclear power plant, and associated waste and storage facilities here in Victoria; but in addition, we said we would give the people of Victoria the opportunity to have a say through a plebiscite if we were returned to government.

The people of Victoria saw the good sense of that, and they not only supported the policy but they supported the party and returned us to government with that mandate. Today the Parliament is implementing that election promise. I understand that opposition members do not have much support for delivering on the things that they have committed themselves to, but this government does have support and it will deliver on its commitments.

Plebiscites should be used sparingly. However, the introduction of nuclear power and nuclear waste and storage facilities in Victoria raises concerns about the sovereignty of this state and that is why we believe that the exceptional circumstances would exist to warrant the conduct of a plebiscite if the commonwealth government were to move against the people of Victoria in a high-handed fashion by using legal technicalities to override the longstanding support, expressed at successive elections, for this policy, and to override contemporary opposition to these sorts of facilities, as expressed in a whole range of public opinion polls. The most sincere and intense opposition to these nuclear facilities is in fact found in Victoria, as compared to the reactions of other jurisdictions.

I thank all of the people who spoke on the bill today. It is interesting to note that four members of The Nationals spoke; the one and only Independent member of the chamber spoke — so 100 per cent of the Independents; there were 22 members of the Labor Party who spoke on it, but only one member of the Liberal Party. I think that is a very disappointing response by the Liberal Party. The Nationals have been honest and up front and expressed their views, as is their obligation in this chamber. We do not agree with them but they have had the gumption to come in here and express them.

What we want to know is what the Liberal Party is really up to. It has sent in its shadow minister on this matter, the hapless member for Box Hill, and really we are finally finding out the truth of the matter. It appears that the Liberal Party in Victoria have been pulled into line by John Howard and Peter Costello and Malcolm Turnbull and is preparing to support the establishment of nuclear facilities in Victoria.

We are seeing the Australia Institute identify the reasons that contribute to choosing sites where people are likely to push — where the Liberal Party is likely to push for nuclear power stations to be located in Victoria. We have seen reports that likely sites are down in South Gippsland, in particular Yarram, Woodside and Seaspray; in Western Port, at French Island — I wonder what Kylie Minogue would think

about living next door to a Liberal Party power station — and Hastings, Koo Wee Rup and Coronet Bay. There have even been suggestions put forward for locations around Port Phillip, at Newport, Werribee, Avalon, and, of course, at Portland. Why have these locations been put forward? They have been put forward because each of them has access to powerlines, has access to water for cooling and has access to users of power — that is, large cities to use that nuclear power.

We have not heard the Liberal Party refute and reject these locations as sites that the commonwealth is likely to choose for these facilities because of locational factors. I say to the people of Victoria: if you want to know where these facilities are likely to be located, if you live near a transmission line — if you are within cooe of a transmission line in Victoria — you ought to start worrying. These are the sites where John Howard and the Liberal Party are seeking to locate these nuclear power stations, nuclear waste facilities and processing facilities — all of which represent activities that are illegal in Victoria.

The Leader of the Opposition has failed to join the debate. This is an appalling set of circumstances, and clearly the only conclusion that we can draw from this is that the member for Box Hill really represents the Waylon Smithers of the Liberal Party.

An honourable member interjected.

Mr BATCHELOR — For the edification of the member for Box Hill, Smithers is Mr Burns's loyal lickspittle, who shows, I am told, an intense devotion to his job. This is an absolutely accurate description of the member for Box Hill — he is 'a stickler for rules, disdainful of his underlings and generally willing to do Mr Burns's dirty work at the power plant'. The real question is: who is the Mr Burns of the Liberal Party? Who is that millionaire, with financial interests involved — shares in these companies — who is in there supporting the nuclear power facility? Who is the member for Box Hill's Mr Burns in this parliamentary Liberal Party?

This government offers the people of Victoria the opportunity to have a say. If they fear the actions of the federal Liberal Party, which is in cahoots with the state Liberal Party, as demonstrated and stated here in the Parliament of Victoria today, we will stand up for them. We will deliver them the commitment that we gave at the last election, and we will provide for a plebiscite if the commonwealth government moves in this underhanded way.

House divided on motion:

Ayes, 50

Allan, Ms	Hulls, Mr
Andrews, Mr	Ingram, Mr
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Bracks, Mr	Lim, Mr
Brooks, Mr	Lobato, Ms
Brumby, Mr	Lupton, Mr
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Pallas, Mr
Duncan, Ms	Pandazopoulos, Mr
Eren, Mr	Pike, Ms
Graley, Ms	Richardson, Ms
Haermeyer, Mr	Robinson, Mr
Hardman, Mr	Scott, Mr
Harkness, Dr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thomson, Ms
Holding, Mr	Thwaites, Mr
Howard, Mr	Treize, Mr
Hudson, Mr	Wynne, Mr

Noes, 32

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr
Napthine, Dr	Wooldrige, Ms

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

INFERTILITY TREATMENT AMENDMENT BILL

Second reading

Statement of compatibility

Ms PIKE (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Infertility Treatment Amendment Bill 2007.

In my opinion, the Infertility Treatment Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill amends the Infertility Treatment Act 1995 by modifying the existing regulatory framework to allow somatic cell nuclear transfer under licence for research purposes, while retaining the existing prohibition on human cloning for reproduction.

The proposed Infertility Treatment Amendment Bill will have the same effect as the recent amendments to the commonwealth bill and will apply them to parts 2A and 4A of the Infertility Treatment Act 1995 to bring the Victorian legislation into line with the commonwealth legislation as amended.

There will be no change to assisted reproductive treatment (ART) procedures or clinical treatment procedures regulated by other parts of the act. The amendment is restricted to parts 2A and 4A of the act which deal with medical research.

Human rights issues

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

The bill has no human rights impacts.

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

As the bill has no impact on human rights it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

HON. BRONWYN PIKE MP
Minister for Health

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

Societies worldwide are grappling with the speed of research developments and new emerging technologies. In the area of stem cell research, the potential to alleviate significant human pain and suffering is great; however, we also need to closely consider the mechanisms and safeguards to allow the progress of this research in a responsible manner.

This bill provides the opportunity to explore the potential benefits of stem cell research in Victoria within a strictly regulated and ethical framework.

This bill amends the Infertility Treatment Act 1995 to be consistent with the commonwealth Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006, passed in December last year.

In 1999, the commonwealth House of Representatives Standing Committee on Legal and Constitutional Affairs conducted an all-party inquiry into stem cell research. In 2001 the committee released its report *Human Cloning — Scientific, Ethical and Regulatory Aspects of Stem Cell Research in Australia*.

This report was considered by the Council of Australian Governments (COAG) in 2002 and it was agreed that the commonwealth and all states and territories would introduce nationally consistent legislation banning human cloning and other unacceptable practices and to allow research using excess ART embryos created prior to 5 April 2002.

Subsequently legislation was passed by the commonwealth and in May 2003, consistent with the COAG agreement, the Health Legislation (Research Involving Human Embryos and the Prohibition of Human Cloning) Act 2003 was passed by this Parliament as an amendment to the Infertility Treatment Act 1995.

The 2002 commonwealth legislation included a clause that required an independent review of its operations within three years. In June 2005, the commonwealth appointed an independent committee — the Legislative Review Committee — chaired by Justice Lockhart. The committee had representatives with expertise in law, ethics, medical practice, science and community representation and all appointments were made after consultation with all states and territories. The committee consulted widely across Australia.

The Legislative Review Committee final report (Lockhart review) was presented to the commonwealth Parliament and to COAG on 19 December 2005.

In October 2006, Senator Kay Patterson introduced a private members bill into the commonwealth Senate. The bill was based on the 54 recommendations of the Lockhart committee. After debate and amendment the bill passed the Senate on 7 November 2006 with a one-vote majority.

In December 2006 the bill passed through the House of Representatives with a majority of 20 votes and the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 was assented to on 12 December 2006.

The bill before us today is based on recommendations of the Lockhart committee and mirrors the commonwealth legislation.

The amendments relate only to parts 2A and 4A of the Infertility Treatment Act 1995. They do not affect in any way the treatment and clinical aspects of ART procedures nor the regulatory role of the Infertility Treatment Authority.

The bill retains existing prohibitions on activities such as:

- placing a human embryo clone in the human body or the body of an animal;
- importing or exporting a human embryo clone;
- creating a human embryo by fertilisation of a human egg by human sperm, for a purpose other than achieving pregnancy in a woman;
- creating or developing a human embryo by fertilisation of human egg by human sperm which contains genetic material provided by more than two persons;
- developing a human embryo outside the body of a woman for more than 14 days;
- making heritable alterations to a human genome;
- collecting a viable human embryo from the body of a woman;
- creating or developing a chimeric embryo;
- developing a hybrid embryo beyond 14 days;

placing a human embryo in an animal, a human embryo into the body of a human other than into the female reproductive tract or an animal embryo in a human;

importing, exporting or placing in the body of a woman, a prohibited embryo.

The bill enables certain types of research involving embryos to be permitted provided that the research is approved by the NHMRC licensing committee (in accordance with legislated criteria) and that the activity is undertaken in accordance with a licence issued by the NHMRC licensing committee.

In summary, a person may apply for a licence:

to use excess ART embryos;

create human embryos other than by fertilisation of a human egg by a human sperm, and use such embryos;

create human embryos (by a process other than fertilisation of human egg by human sperm) containing genetic material provided by more than two persons, and use such embryos;

create human embryos using precursor cells from a human embryo or a human foetus, and use such embryos;

undertake research and training involving the fertilisation of a human egg, up to but not including the first mitotic division, outside the body of a woman for the purposes of research or training;

creation of hybrid embryos by the fertilisation of an animal egg by human sperm, and use of such embryos up to the first mitotic division, if:

the creation or use is for the purposes of testing sperm quality; and

the creation or use will occur in an accredited ART centre.

The amendments put forward in this bill directly correspond to the commonwealth amendments. Note that the use of animal eggs continues to be prohibited except for limited diagnostic use (in accredited ART centres) to test sperm quality (and viability).

Unless a shorter time is specified, the uses of embryos that may be authorised by a licence may only be authorised for development up to 14 days (excluding any period during which development is suspended).

In no circumstances can any embryo be developed, outside the body of a woman, beyond 14 days.

Somatic cell nuclear transfer (SCNT) often known as 'therapeutic cloning' is permitted to be undertaken under licence by this bill. SCNT must not be confused with reproductive cloning. It is not about the creation of an embryo for reproduction. There is no merger of an egg and sperm.

SCNT is different from reproductive cloning. Reproductive cloning is cloning for the purpose of developing or making a human being. Reproductive cloning is prohibited by law and will remain prohibited under this bill.

SCNT involves an egg, unfertilised, with its nucleus removed and having the nucleus replaced by a somatic cell — for example, a skin cell. The resulting embryo clone is allowed to develop for up to 14 days before it is destroyed. The embryonic cellular entity is an intermediate step in the conversion of a somatic cell to an embryonic stem cell; it does not involve sperm. If the nuclear transfer is successful, a process of cell division will begin. This will continue for four to seven days, at which time stem cells can be extracted. In allowing SCNT for the purposes of deriving stem cells, this bill permits therapeutic cloning, but it does not permit reproductive cloning.

The bill amends the definition of a human embryo to be consistent with the NHMRC definition and the definition in the 2006 commonwealth legislation which this bill mirrors.

The point at which a human embryo is defined to commence existence is the identification of the first mitotic division. It is necessary to extend the definition of an embryo to encompass those derived by a technological process such as SCNT rather than just those produced by fertilisation of an egg and sperm. The technique of SCNT does require access to eggs. This has raised legitimate concern regarding the potential for exploitation of women to gain access to eggs.

The Lockhart Review recommended the following regulations relating to donor egg collection:

current consent procedures for participation in medical research must apply to sperm, egg and embryo donors to ensure decisions are freely made;

the NHMRC should develop guidelines for egg donation.

These recommendations have been adopted by the commonwealth, and the NHMRC is already progressing these actions. This provides a balance between the need to protect women from exploitation with a way forward to provide women with the right to donate eggs if they wish to help medical research that may be of benefit to family and friends.

The sale of sperm, egg and embryos is prohibited under the Victorian Human Tissue Act 1982, and this will continue. Additionally, any advertising in Victoria for human tissue (including sperm and eggs) requires the signed approval of the Minister for Health.

The intent of the requirement to gain ministerial approval is to ensure that there is no coercion or commercial transactions involved in advertising for egg, sperm or embryo donations.

Additionally, women who donate eggs through an assisted reproductive technology program must, under the Infertility Treatment Act 1995, be provided with mandatory counselling by an approved counsellor (section 16). The topics to be covered in counselling are specified in the Infertility Treatment Regulations 1997 (section 7). These legislative provisions enable women access to independent advice, support and information prior to donation.

Victoria is internationally recognised as a leader in the field of assisted reproductive technology and the related field of embryo and biomedical research, particularly in stem cell research. We have several leading edge research institutions specialising in this work based in Melbourne. With the financial and infrastructure support of both the Victorian and commonwealth governments we are in a position to further develop and refine applications of stem cell research for the greater public good and the development of treatments, therapies for debilitating diseases, many of which are currently incurable.

Our medical researchers are in general agreement that research into stem cells offers potential benefits to humanity and should be pursued. The reality is that it cannot yet be known which area of stem cell research will lead to the most productive discoveries; however, the promise of stem cells is great.

Our medical researchers hope to be able to use therapies derived from stem cells to treat a large number of diseases characterised by tissue degeneration. These include Parkinson's, Alzheimer's, stroke, burns, heart disease, spinal cord injuries, type 1 diabetes, arthritis, liver diseases and muscular dystrophies. This bill will increase the chances of this

future success by allowing research on stem cells created by nuclear transfer to proceed in Victoria. The advances in this field are already significant. Regenerated cells derived from adult stem cells are already being used to treat leukaemia, lymphoma and several inherited blood diseases.

Government members of the house will be aware that this amending bill is subject to a conscience vote.

Members of the house will be aware that the Victorian Law Reform Commission (VLRC) is currently reviewing assisted reproduction and adoption legislation. While the final recommendations of the VLRC and the government's response to those recommendations are still to be formulated, it may be that further amendments to the Infertility Treatment Act are required, and the medical research provisions within the act may be excised and presented for consideration to Parliament as a separate stand-alone bill.

I believe that this bill strikes the right balance of responsible and ethical research progress as it explicitly prohibits practices that are abhorrent to the overwhelming majority of Australians but also allows research to proceed in an area that receives strong community support. It is hoped that the work to be permitted through this bill will lead to advancements in our ability to combat diseases that currently cause a great deal of suffering to many Australians.

I commend this bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield.)

Debate adjourned until Wednesday, 28 March.

PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The ACTING SPEAKER (Ms Munt) — Order! The Speaker has examined the Prahran Mechanics' Institute Amendment Bill and is of the opinion that it is a private bill.

Mr WYNNE (Minister for Local Government) — I move:

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

Motion agreed to.

Debate resumed from 15 February; motion of Mr WYNNE (Minister for Local Government).

Mr K. SMITH (Bass) — The variety of bills that comes before this house never ceases to amaze me. We have just been listening to the second-reading speech on the Infertility Treatment Amendment Bill, which is an important piece of legislation that is going to go through the Victorian Parliament. Now we are talking about the Prahran Mechanics' Institute Amendment Bill, which is a bill we very much support. But the variety of bills we deal with in this Parliament and the understanding we must have of important pieces of legislation I find at times quite overwhelming.

As I said, the Liberal Party supports this bill. In doing so we trust that the house understands that this legislation should — with some luck, if I may say so — fix some of the anomalies that have over the past 150 years plagued this excellent mechanics institute. With regard to the main provisions of this bill, in 2005 the government through legislation reorganised the governing committee's membership to reflect changes made 10 years earlier and to validate decisions made by the corporate body.

This new bill before the house gives the corporate body the power to buy and sell land, including the land in High Street, Prahran — which was actually purchased in 1913 — and to validate its power to lease land held or purchased by it, including the building currently being leased at Swinburne University. This has gone on for some years, and it is nice to finally iron out some of the anomalies in the legislation.

This is the only mechanics institute in Victoria that has its own piece of legislation. It was originally passed in 1899, so this institute has been in place for a long period of time. Coming from a trade background I found the idea of mechanics institutes very interesting, so I learnt a bit about what they are all about and how they came into being. The Prahran Mechanics Institute has put out a small brochure that summarises the history of mechanics institutes, how long they have been going and why they were originally set up. The idea flowed from Britain originally and then spread out through what are now the commonwealth countries.

The movement to set up mechanics institutes in Victoria was formed in 1839. So we are going back to a time when there was not an awful lot to Melbourne, which at that stage was a small city by today's standards. The Melbourne Mechanics Institute was formed in 1839 but was later called the Melbourne

Athenaeum. In Victoria alone there have been over 1000 mechanics institutes. Nearly every country town and small city — and probably some larger cities — must have had a mechanics institute. Today there are still 500 of them operating across Victoria. A lot of groups and organisations have set up institutes on the basis of providing libraries, reading rooms, lecture and museum halls, and meeting places.

I have heard that the Prahran Mechanics Institute has a fantastic history library, which it makes available to people. I will give it a plug: you can become a member for \$12, which gives you the right to get out books that are of some interest to you. There are microfiche resources in the library — and that takes me back a fair way. I remember using a microfiche reader when I first got into Parliament. I think things have changed a bit since then. There is no doubt the library would have a few computers around the place as well to provide access to some of the information that is currently available. You have the right to request items for collection, so long as that falls within the library's collection policy. You do not go to that library; you can go to your own library, wherever it may be, and ask a librarian to forward on information you need for research projects.

In 1854 Prahran was far from the bustling suburb that it is today. In fact it was a small village surrounded by swampland, with no municipal council and very few amenities for the inhabitants. It was noticing a steady increase in the population. I do not know whether they would have been experiencing the 50 or 80 families a week that move into the Cardinia and Werribee areas now, but they certainly noticed that there were a number of people moving in. They were coming back from the goldfields. The local minister, Reverend William Moss, rallied the residents in 1854 to set up a mechanics institute for 'the mental and moral improvement and rational recreation of the members'. He must have been a good man to think there were people there in really desperate need of help.

The committee's first moves were to establish Prahran's first library service. It commenced a program of lectures and raised money by public subscription for a building. By 1856 the building in Chapel Street near the corner of Greville Street was declared open by the Governor, Sir Henry Barkly. I am reading this because I think it is really important for the house to have some history of what this organisation is about. I think the Prahran Mechanics Institute would be the leading mechanics institute because of what it has done. As I said before, it is the only institute that has legislation to give it some guidance — which we keep altering from year to year trying to bring it up to today's times.

When the Prahran council was first set up, it actually used the mechanics institute as the first council chambers in the Prahran area. The council obviously held it in quite high esteem. The Prahran Mechanics' Institute Act 1899 talks about the people who were involved in it: Frederick James Sargood, James Stokes and George William Rusden. They were trustees of the Prahran Mechanics Institute, as set out in the 1899 act, which states:

And whereas James Stokes and George William Rusden are now the survivors of them the said trustees, the said Frederick James Sargood having died on the fifteenth day of January one thousand eight hundred and seventy-three ...

This is going back a fair period of time. It goes on to say:

And whereas the said James Stokes and George William Rusden in view of the uncertainty of human life are desirous of providing for the permanent appropriation of the said premises so held by them as such trustees as aforesaid for the purposes of Mechanics' Institution ...

These are the leaders in the area who set up this whole thing in Prahran all those years ago. I am sure that there are streets in Prahran that are named after these people. In fact I would imagine that there would have been a large number of buildings and other properties that were named in recognition of the work that these people have done in their local area in setting up the Prahran Mechanics Institute.

Clauses 3 and 4 of the proposed legislation allow the institute to grant leases, licences and permits in relation to property and particular blocks of land that it holds there.

Clause 5 will insert new section 17 into the act. Under the heading 'Ownership of High Street property' it states:

To avoid doubt, it is declared that the said incorporated body had the power to purchase the land described in folio of the Register —

et cetera. I think it was back in 1913 that the institute actually did this. It has now taken us all of 94 years to legitimise with this piece of legislation the actions that were taken by the leaders of the Prahran Mechanics Institute. I found the whole history of the institute quite fascinating. The fact is it is still going after 150 years. Of course 1854, when they were setting up this mechanics institute, was the time when our forefathers here in Melbourne were looking at building Parliament House. We celebrated our 150th anniversary last year. The mechanics institute obviously celebrated its anniversary a few years before that.

The last time we debated this legislation I was a contributor to the debate. I said the institute also had a public lending library and that, if it is like most libraries, it will be suffering the effects of the Bracks government's cruel cutbacks to library funding. I thought that was quite true at the time. I thought it was typical of what the Bracks government was like in terms of cutting funding to libraries all over the state. But I received a letter from Alf Lazer, who is the president of the institute, probably at the instigation of the member for Prahran, who would have told him, 'Get stuck into this joker'. Mr Lazer said I was wrong. He said:

In fact the Prahran Mechanics Institute receives no regular government funding, and has survived since 1915 on the income generated from the commercial rent of the institute's first (very old) building in Chapel Street, Prahran, and from the very small annual subscription fee paid by members (making up 5 per cent of the total income).

It really humbles me to have to admit that I was wrong. Nevertheless the Bracks government has been terrible with what it has done to libraries across Victoria. Even though the government did not do it to the Prahran Mechanics Institute, it has certainly skun a lot of the poor libraries around Victoria.

We support this piece of legislation. I think it is important to say that I hope in another two years time I am not standing here again, having to put the Liberal Party's position and trying to justify the legislation the government will have brought into the house to try to make some more changes to legitimise something else within the poor old mechanics institute.

In closing I will quote from a document I found on the web while doing some research for my speech on this bill. It is from *A Short History of the Prahran Mechanics Institute as Disclosed in Minute Books*, written by Mr Harry Furneaux. He made meticulous notes of the minutes of the institute in distinctive handwriting, a sample of which appears on the pages I found on the web. He wrote about the institute's history, and I think it is worthwhile to quote him. He wrote:

In concluding this short sketch of this institute — necessarily short at a function of this description, may I with feelings of pardonable pride say that in the face of almost unmountable [sic] difficulties, with little public support, but with dogged perseverance — we have succeeded in building up a mechanics institute, and with the valued assistance of Mr Dean (director of the school) a technical art school, of which our city may be justly proud. With properties (and stock) of a capital value of £38 000 and debts of less than £14 500, an up to date library of 8000 books — a membership nearly 800 — surely we can justify our claim —

... Something attempted — something done ...

The founders were successful in what they set up. They did it with a minimum of fuss, and they are to be congratulated. Although I am probably about 150 years late in congratulating them, at least given the new board that was set up the last time similar legislation went through the chamber, I can congratulate its members for keeping on going. I think they have done a marvellous job, and I hope the Prahran Mechanics Institute keeps on serving the Prahran area.

Mrs POWELL (Shepparton) — I am pleased to speak on the Prahran Mechanics' Institute Amendment Bill on behalf of The Nationals. The purpose of the bill is to amend the Prahran Mechanics' Institute Act 1899. The reason for its introduction is to clarify the power of the Prahran Mechanics Institute and Circulating Library to purchase certain land at High Street, Prahran, and to clarify the power of the Prahran Mechanics Institute and Circulating Library to grant leases, licences and permits in relation to any land held by or vested in it or any building on that land.

The Nationals will not be opposing this legislation, but we believe it is a catch-up bill. We believe this should have been clarified by last year's bill, which I, like the member for Bass, spoke on during the debate. It was called the Prahran Mechanics' Institute (Amendment) Bill 2005, but it was actually debated in February 2006, just over 12 months ago. We now have another bill before the house and the only thing that has changed is the year on the bill's full title.

Last year's bill was brought in to reflect the changes to the Prahran Mechanics Institute (PMI) governing committee which were made after the amalgamation of the Prahran and Malvern councils in 1994. That was needed because those two councils merged and the Stonnington council was formed, becoming the local government authority responsible for the Prahran Mechanics Institute.

The original act said that there were to be nine members of the institute's committee. In 1995, after the amalgamation of the councils, the committee amended the institute's rules so that it would operate with seven members, so the act was changed to reflect the rule changes. Last year's bill was a fairly small piece of legislation that acknowledged the rule changes. However, the bill omitted to state whether the PMI owned and had control over its buildings in High Street, and I suppose it is because of that confusion that this bill has been brought in.

The bill before the house was also brought in to clarify that the PMI can purchase, lease and grant permits over its land. Again, this should have been clarified by the

bill that was brought before the house last year. The Prahran Mechanics Institute is the only mechanics institute in Victoria that is governed by its own act of Parliament — the Prahran Mechanics' Institute Act 1899 — so it is unique. The act was passed to incorporate the PMI and circulating library. It established a governing committee and transferred ownership of the assets and liabilities of the trustees of the original institution to the corporate body, and that included the two parcels of land in Chapel Street, Prahran.

In doing some research for my contribution to the debate on this bill I contacted Stonnington council and the Prahran Mechanics Institute. I received a letter from the Prahran Mechanics Institute and Circulating Library — and the letterhead contains the words 'Victorian and local history' as well — dated 22 February. The letter was written by Christine Worthington for the committee, and it says:

Following your enquiry to Cr Chris Gahan regarding the Prahran Mechanics' Institute Amendment Bill before the house, I am pleased to advise the following:

By an amending act of Parliament no. 2393 (1912) the Prahran Mechanics Institute was given special permission to mortgage its vested property at Chapel Street, Prahran, to purchase land and erect a building on it to establish the Prahran Technical School.

We were recently advised that there may be some doubt as to the power of the Prahran Mechanics Institute to own and deal with real property.

The amendment bill restates some provisions of the 1912 act in relation to the ownership of real property vested in and held by the PMI, and clarifies its power to enter into lease arrangements for the management of the properties.

Ms Worthington enclosed a copy of the 1912 act which was mentioned, and it is quite an interesting piece of legislation. I will not read all of it, but some parts of it are quite interesting. It is titled 'An act to amend the Prahran Mechanics' Institute Act 1899' and is dated 7 December 1912. It says:

Whereas the Prahran Mechanics Institution and Circulating Library Incorporated (hereinafter called the Incorporated Body) is desirous of extending its usefulness and with this object of purchasing land and erecting thereon a building so as to extend the Mechanics' Institution and Circulating Library now carried on and for such time as may be deemed necessary to hold technical classes and for such purpose and for the purpose of paying off existing liabilities desires to borrow money upon the security of the lands hereditaments and premises vested in it by the Prahran Mechanics' Institute Act 1899 or that may hereafter become vested in it ...

It goes on:

This Act may be cited as the Prahran Mechanics' Institute Act 1912 and be shall be read and construed as one with the Prahran Mechanics' Institute Act 1899 (hereinafter called the Principal Act).

It is interesting that the act specifies the amount of money the PMI could not exceed to buy the land. It says:

Notwithstanding anything contained in the Principal Act it shall be lawful for the Incorporated Body with the previous approval of the Governor in Council to borrow a sum or sums of money not exceeding in the whole the amount of Seventeen thousand and five hundred pounds upon the security of the whole or any part of any land which at the commencement of this Act or at any time hereafter is vested in the said Incorporated Body.

It goes on to say:

All moneys so borrowed shall be used only for the purpose of paying off any debt owing by the Incorporated Body at the commencement of this Act and for the purpose of paying for land and erecting thereon a building in which to carry on such Mechanics' Institution and Circulating Library and to hold technical classes as aforesaid or for such other purposes as the Governor in Council may from time to time approve.

It shows that the intent was to be able to have that land and to build the extension, and the bill before us acknowledges and reflects the fact that that should be allowed to happen.

The PMI purchased the land at High Street, Prahran, in 1913 to allow it to expand its services. That is shown in clause 1 of this bill, which clarifies the legality of that purchase, and in clause 5 of the bill, which clarifies that the PMI had the power to purchase the land in High Street at the time of the purchase. I think the council will be happy that this has been clarified, because I know it wanted this specific issue dealt with so there is no doubt that the land in question is under the ownership of the PMI.

The member for Bass talked about the history of the PMI. I will not go into it too deeply, because I know that members who live near Prahran and the member for Prahran himself would know the history of this unique place. However, it is interesting to note that the PMI was founded in 1854 as a meeting place for the local community and as a centre for adult education.

The Prahran Technical School operated on that site for 55 years. The Prahran Mechanics Institute, a lending library, is also one of the oldest in Victoria. I think the member for Bass in his contribution also talked about library funding and acknowledged that the PMI probably does not receive per capita funding from the state government, but I know that other libraries do. As a former councillor of the then Shepparton shire I was

also a member of the Goulburn Valley library. A lot of times our discussion was about the contributions that local government had to make because of the reduction of state government funding. I know that originally it was a fifty-fifty split where local government paid 50 per cent of the contribution, as did the state government, and any cost shifting from the state government to local government meant that local government had to pick up the amount that was reduced.

Unfortunately, over a number of years that has been reducing. It means public libraries are having to find other ways of being able to fund their libraries given that they are not just book lending libraries; they have now become a very important source for the community.

The peak body of all local governments, the Municipal Association of Victoria (MAV), put a submission to the state government for consideration in its 2004–05 state budget. It highlighted the shortfall in the grants. The MAV said it was very difficult for local government to meet the increased costs associated with the sorts of things that increase over the years, such as the wage growth and maintaining quality book stock, the need for the community to have more specialist books, more books on research, books for older people in larger print and books in other languages for some of the migrant communities. There is a need there for increased book stock and more specific book stock.

There has also been an increase in the need for the community to use information technology particularly in small communities that do not have access to computers and to the type of information technology they can get at a library. In dealing with some of the issues involving mobile libraries, it is important to make sure that the people in some of our more isolated communities get the services that a public library should be able to give to them.

The MAV is seeking as a minimum that the total quantum of library funding to local government be recalculated retrospectively using the increase in state population starting from the beginning of the first funding service agreement, 1997–2000. I know that the MAV's long-term objective is to restore fifty-fifty allocations between the state and local government. The reason is so that local government is able to continue raising rates to fund things that the state government should be funding.

There are many mechanics institutes around Victoria. I am not sure of the exact number but I know that most towns have a mechanics institute. There is a fantastic

mechanics institute in Shepparton. It has a board of trustees, many of whom have been on the board for many years. That board makes sure that the reason for the mechanics institute being there is to ensure the community has access to information and to education to help its members upskill. Those needs for mechanics institutes still exist. I know that the board of trustees makes sure that the requirement to have the mechanics institute in Shepparton continues. Unfortunately, a number of those trustees have passed away, but the others are still continuing their work.

Shepparton received a Crown grant in 1877 for the construction of the mechanics institute, and that was built in 1888. I had the pleasure in 2001 of launching the partnership of the proposed Mechanics Institute and Shepparton Access Community Facility, that being a facility that deals with and provides services and education for disabled and disadvantaged people.

It was interesting that, because of the need for making sure the mechanics institute adhered to that building's historic heritage, the architects had to deal specifically with and make sure they were sympathetic to the way the mechanics institute building looked. They had to make sure that was not changed, because it is on the heritage register for Shepparton.

Mechanics institutes around Victoria have provided and continue to provide an important service to the community. As I said earlier, they provide information and education, and a service to their communities. I commend the Prahran Mechanics Institute and Circulating Library for the work it does not just for the community but for the preservation of Victoria's history. I know a number of communities have historic books and registers at the Prahran institute. I commend the bill to the house.

Ms D'AMBROSIO (Mill Park) — I am pleased to speak in support of the Prahran Mechanics' Institute Amendment Bill. The bill is before the house after a request from the Prahran Mechanics Institute (PMI) which came about as a result of recent discussions between the institute and the Swinburne University of Technology regarding a lease arrangement that they have between them.

The question is whether land owned by the institute on which the leased building sits is valid under existing law, and the house has certainly heard other members refer to the same issue — 'ambiguity', shall we say. This bill will ensure that there is clear authority for the PMI to buy and sell land and to lease or seek rental fees for the use of its assets.

The Prahran Mechanics Institute has a very interesting and proud history upon which we should reflect. All mechanics institutes, including the PMI, were certainly the forerunners of what we know to be the public libraries of today. It started off as a very interesting movement in the early 1800s, and the movement for the establishment of the mechanics institutes commenced in Glasgow in 1799. As is described on the website of the PMI, the movement at the time was characterised by its pursuit of 'moral and mental improvement'.

By way of illustration of the benefits that were perceived to be derived from the mechanics institutes of the time by working men — and I say that advisedly — and artisans, I refer the house to the *Oxford Companion to Australian History*. It describes mechanics institutes and in particular the Sydney Mechanics Institute, which was founded in 1833 with the support of Governor Richard Bourke, who as George Nadel showed in *Australia's Colonial Culture* — a book written in 1957 — conceived it as:

... the spearhead of a campaign by moral reformers to counter the effects of convictism. Sound and cheap education is the great moral leveller.

Members can certainly see how the use of mechanics institutes in the Australian context certainly had a changed flavour vis-a-vis our history of convictism and its impact on working men and artisans of the time. Nevertheless, as an historical aside, it is no coincidence that the pursuit of moral refinement attracted support even from amongst the temperance movement, and the Methodists also played a very important role in the development of the mechanics institute movement.

The PMI building was declared open in 1856. Thus the PMI became another milestone in the spread of the mechanics institute movement, designed to give adult working men and artisans at the time free access to information and opportunities for self-education. Like other mechanics institutes, the PMI provided a diverse range of experience to its target group. It was not uncommon for lectures to be given about natural philosophy and the like.

We have also heard that the first PMI act was passed in 1899. The act recognised land located in Chapel Street, Prahran, to be under the control of the PMI; however, no power to buy or sell property was stipulated in that act, and since 1899 there have been several other laws introduced to amend the authority of the PMI.

I would like to reflect on the achievements of the Prahran institute. We can certainly indulge in reflection on the quirkiness or the quaintness of it, but it is important for us to reflect squarely on its achievements,

as it has been a robust institute. The Prahran institute purchased land in High Street, Prahran, and also raised funds to establish the Prahran Technical School in 1908.

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

Ms D'AMBROSIO — The Prahran Technical School, which was established in 1908, was later handed over to government management and continued to operate until 1971. The original building now sits on the Prahran campus site of the Swinburne University of Technology.

In modern terms you would describe Prahran Mechanics Institute and other mechanics institutes as places of lifelong learning. Today there remains just six mechanic institutes in Victoria which offer lending library services — the PMI is one of these. Since 2004 the PMI has operated a Victorian history publishing service at its library. It has survived turbulent times due to resilient local support. It is no accident that in the early days of the institute's history — that is, the mid to late 19th century — supporters were able to rally and exert political pressure on the governments of the time by taking full advantage of much looser party alignments to achieve support for the first and subsequent Prahran Mechanics Institute acts. It took a government interested in state intervention to provide necessary financial support to mechanics institutes for their survival.

There was a refereed article published in the *Australian Library Journal* by Donald Barker in May 2002 entitled 'Funding communal culture: opportunism and standardisation of funding for mechanics institutes in colonial Victoria'. It says:

The opposition of the conservative Haines government to grants in aid to mechanics institutes has been noted, and the defeat of that government in March 1858 and the later election of the Nicholson ministry in October 1859 allowed the issue to be raised once again. Essentially the new ministry was of more liberal disposition than previous governments and was more sympathetic to the principle of state intervention for the purpose of social improvement.

It is good to know that some things have not changed in that regard because of the government we have in Victoria today.

Like other mechanics institutes, the PMI also has a record of improving the education of working people. It is a record of which we should all be proud. The mechanics institutes were forerunners. The Prahran Mechanics Institute was one of the forerunners of free public libraries. The institute generated worthwhile political debate in Victoria in the 19th century. The

Bracks government recognises this legacy and the important community role that the Prahran Mechanics Institute continues to have in Prahran. The bill should not be passed without due respect to this proud tradition.

There is a tradition of statewide and community-based support for institutions that foster self-education and the further improvement of working people of all persuasions. The Prahran Mechanics Institute has this legacy. It is an institute that I am proud to refer to in this chamber today. Lifelong learning, as I have said, is what the Prahran Mechanics Institute is about. Lifelong learning is the ilk of mechanics institutes of the 19th century. They are worthwhile and we come to appreciate them more as time goes by.

As I said earlier, the PMI requested this bill. To my knowledge the Office of Training and Tertiary Education fully supports the bill. I commend it to the house.

Mr HODGETT (Kilsyth) — It is pleasure to join the debate on the Prahran Mechanics' Institute (Amendment) Bill. Opposition members do not oppose this legislation. I support the bill being treated as a public bill. It is a small but important bill which will clarify the powers of the Prahran Mechanics Institute and make sure these powers become law.

In 1913 the PMI purchased a property. It had the power to do this under an amendment made to the original act in 1912. We have been told that the Prahran Mechanics Institute leased a building to Swinburne University of Technology at a peppercorn rental. When the rental arrangement was reviewed an issue arose as to whether the PMI had the power to enter into lease arrangements. Because there were doubts about this, legal opinion was sought and the PMI received a verbal legal opinion on this matter. The legal interpretation was that the Prahran Mechanics Institute had the power to enter into leases; however, the institute wanted clarification of that issue for the future.

The Prahran Mechanics Institute seeks clarification by way of this bill — that is, that the power be enshrined in law. This should have been picked up in the amendments to the act in 2005 and 2006; however, it was not, and therefore it needs to be sorted out now. In terms of managing the land in question, the bill provides the Prahran Mechanics Institute with all the powers it will need, and therefore I support this bill. While the object of the bill is to remedy any doubts about the power of the Prahran Mechanics' Institute Act 1899 and the 1995 rules of the Prahran Mechanics Institute, I think it necessary to speak of the history of

the Prahran institute and also the history of mechanics institutes in general. I will go over these briefly as I know my colleague the member for Ferntree Gully is very eager to contribute to this debate.

The Prahran Mechanics' Institute Act was passed in 1899 to incorporate the Prahran Mechanics Institution and Circulating Library and transfer ownership of the assets and liabilities of the original trustees of the institution to the corporate body. The Prahran Mechanics Institute is the only mechanics institute in Victoria governed by an act of Parliament and is also one of the oldest mechanics institutes in the state. The Prahran Mechanics Institute is a valuable community centre whose activities are in line with the original aims of mechanics institutes: to educate and inform the general public. In particular, the PMI holds a collection focusing on Victorian local history, family history and genealogical items. There is also a small lending library, and a series of lectures and book discussions are held.

The mechanics institute concept began in Glasgow in 1799 when a series of free lectures were organised. In 1799 Dr George Birkbeck of Glasgow had the idea that journeymen mechanics warranted ongoing education and cultural activities. When we talk about mechanics in 1799 we are talking about artisans, tradesmen and working people. The first mechanics institute was established in London in 1824, and the first mechanics institute in Australia was established in Hobart in 1829 — the Van Diemen's Land Mechanics Institute. The objective of that institute was the protection of trade and the promotion of knowledge among its members. Subsequently mechanics institutes were established in Sydney in 1833, in Adelaide in 1838 and in Victoria in 1839 with the formation of the Melbourne Athenaeum. The subject of this bill, the Prahran Mechanics Institute, was established in 1854 and has had a long and proud record since that time.

Mechanics institutes were basically the forerunners of our public libraries and of adult education in Australia, and we have heard earlier speakers in the debate this evening talk about that. Institute libraries were regularly patronised up until the 1950s, even though they were conducted on a subscription basis and the book stock varied when the finances of the institute committee changed. Nearly every town in Victoria had a mechanics institute, but with the passage of time and the creation of enlarged educational, welfare, recreational and library facilities, mechanics institutes gradually lost their pre-eminence, particularly after World War II.

Today over 500 are still operating in Victoria as halls and homes for local organisations. A growing number of these are members of the Mechanics Institutes of Victoria, which was established in 1998. Six mechanics institutes in Victoria continue to offer principally a lending library service. The Prahran Mechanics Institute is unique. It has books and other items about Victoria's history. It also has a small lending library, and it hosts a series of lectures and book discussions.

As a former councillor and mayor of the Shire of Yarra Ranges I understand the importance of libraries not only to urban areas but also to smaller townships in rural areas. Members of the community, particularly people who cannot always afford books, and researchers and students visit and use library facilities. The importance of libraries to our communities — in my electorate, the Eastern Regional Libraries Corporation — cannot be underestimated and should be supported with government funding. The Prahran Mechanics Institute's small lending library would have huge support from its community.

Mechanics institutes across Victoria have been established since the 1850s. They were modelled on the British mechanics institutes whose motto was 'For moral and mental improvement'. The Prahran Mechanics Institute was established in Chapel Street in 1856, and I think it continued with that motto. As has been said by previous speakers, the first Prahran Council, as it was then, held its meetings in the institute's building until 1861, when the new town hall was built. The institute has a long history of service to the community, providing education and making sure the community could use the building for its betterment. The Prahran Mechanics Institute handed over a building in High Street to the education department in 1915; that is now part of a complex that accommodates Swinburne University of Technology's Prahran campus.

This bill will provide for the proper governance of the institute. I wish the institute all the best for the future, and I wish the bill a speedy passage through the house.

Mr LUPTON (Prahran) — I am delighted to be able to speak in support of the Prahran Mechanics' Institute Amendment Bill not only as member for Prahran but also as a member of the Prahran Mechanics Institute itself. It is a great local institution and one that is very strongly supported not only by the local community around the Prahran district but also by many thousands of people around Victoria for the work it does in providing an important resource for local and Victorian history in particular.

The Prahran Mechanics Institute provides a lending and reference library service specialising in Victorian history. It provides very important educational activities relating to Victorian history and encourages and facilitates the study of history in general and Victorian history in particular. The bill before the house tonight was requested by the Prahran Mechanics Institute, and that request was taken up by the government.

I am very pleased that the government has seen fit to support the Prahran Mechanics Institute with this legislation. The bill came before the house as what is known as a private bill, and I congratulate the Minister for Local Government and the house for agreeing to waive the normal costs in relation to treating it as a public bill so that it will be passed and be able to be of benefit to the institute.

The house debated about a year ago an earlier amendment to the Prahran Mechanics' Institute Act, and I think it is worth pointing out to the house why this legislation comes before the house now and how it differs from the legislation we dealt with a year or so ago. The Prahran Mechanics Institute requested that the government bring in this amendment to the governing act because during the course of negotiations in relation to a lease of some of the Prahran Mechanics Institute property to Swinburne University, some doubts were raised about the Prahran Mechanics Institute's ability to own land or enter into leases, licences and permits in relation to that land.

The matters that came to the attention of the institute were not recognised and were not part of the matters that were dealt with in the legislation that was passed through Parliament about a year ago, and the institute has made that clear to members of the Liberal Party and The Nationals in briefing material that has been made available to them. I think it is necessary to note that members of the Liberal Party and The Nationals, while generally being supportive of this legislation, nevertheless have not seen fit to allow the legislation to be supported without taking some cheap shots at the fact that this legislation is being debated now and that these matters, according to the opposition and The Nationals, should have been included in the legislation a year ago.

The fact is that these matters were not recognised, were not known about and were not part of the subject matter of the legislation that we dealt with a year ago. The matters we are dealing with now came to the attention of the institute through these lease negotiations late in 2006. The institute approached the government to bring in this legislation to put beyond any shadow of a doubt the fact that it has the power to own land, to lease land

and to enter into licences and permits in relation to that land. I believe the opposition is not doing anyone a service — the Prahran Mechanics Institute, the government or this house — by attempting to make some cheap political capital out of why we are debating this legislation now.

The mechanics institute has been operating since 1854. It is the only mechanics institute in the state of Victoria that operates under its own piece of legislation, and that was passed in 1899. There was amending legislation in 1912, which had the intent of allowing the mechanics institute to own and lease land and otherwise deal in land. It is that 1912 legislation that is being amended and clarified by the bill that we are debating presently.

The mechanics institute desired to have its ability to own, lease and otherwise deal with land put beyond any shadow of a doubt so that its future arrangements, including its dealings with Swinburne University — with which it has an ongoing leasehold arrangement involving some part of the Prahran Mechanics Institute property — and any other dealings it may wish to have in relation to its land in the future would not be the subject of any legal argument. I think that is entirely appropriate, and the government believes it is appropriate. It is precisely the sort of action that a responsible government ought to take in relation to supporting a very important local institute like the Prahran Mechanics Institute.

The government has supported the mechanics institute in recent years in a number of ways. In particular I refer the house to the grants that have been made to the Prahran Mechanics Institute to establish what is now called the Prahran Mechanics Institute Press (PMI Press). In addition to the library, reference and lending activities of the Prahran Mechanics Institute, it now operates a press and a publishing service which is devoted to the production and publication of local histories and Victorian history.

Since the government made its grant, which I was very happy and pleased to present to the institute on behalf of the government on the institute's 150th anniversary in 2004, the Prahran Mechanics Institute Press has published four major works. The first of those is a publication called *Buildings Books and Beyond — Mechanics' Worldwide Conference 2004*. Back in 2004, the worldwide conference of mechanics institutes was held here in Melbourne. It was a great success, and the Prahran Mechanics Institute played an important role in that. The Prahran Mechanics Institute Press, as its first publication following its establishment, printed the papers and proceedings of that important and prestigious conference.

Since that time PMI Press has published *Frontier French Island* by Ruth Gooch, which is a history of French Island; and another publication, *Flood, Fire and Fever — A History of Elwood*, written by Meyer Eidelson. Meyer is a very well-known local historian in my area. He has been a very important part of the St Kilda Historical Society in my part of Melbourne for many years and has done some great work. That book of his is to be commended. Another publication that PMI Press has been responsible for is *No Shops in Acland Street — The Autobiography of An Entertaining Lady*, by Helene Jacoby Swieca. She was a very well-known St Kilda identity over many years and was particularly renowned for singing and taking part in radio productions.

They are examples of what the Prahran Mechanics Institute is doing today. As a modern facility for the community it provides not only those important reference sources but also very important lending library services. It is a great community resource, but of course in modern times it has now moved into the publishing field and helping to preserve the important chronicles of Victorian and local history. It is essential for us as we move into the 21st century to continue to provide those important historical resources so that we do not lose sight of the great contributions that local people and local organisations have made in producing the types of communities and the type of society which we are very proud of in Victoria and which the Bracks government is committed to supporting.

I am very proud to be a member of the Prahran Mechanics Institute. I am also very proud of the work it does. I wish the institute and everybody involved in it a long successful future as they carry on their very important work on behalf of the local community.

Mr THOMPSON (Sandringham) — The Liberal Party is very pleased to support the Prahran Mechanics' Institute Amendment Bill before the house tonight, the objects of which will make it easier for the governing body to buy and sell land and make the functions of the Prahran Mechanics Institute much more straightforward.

I understand there have been approximately 1000 mechanics institutes in Victoria's history. They have played a very important role in providing reference library works for young people who may not otherwise have had the resources to buy instructional works relating to machinery. They have also provided meeting places and halls for a wide range of activities. The Melbourne Athenaeum was originally the Melbourne Mechanics Institute. In 2005 it conducted a special project to mark its history over the decades. It invited

numbers of Melburnians to make their own contributions to its literary works as a special 165th anniversary project. There are a number in this chamber who made their own contributions to that particular collection. The project makes for a very interesting vignette, or insight, into Victorian history and Australian history and the aspirations of the people who made contributions. Among the contributions was a copy of the *Gallipoli Diaries*, donated by the Leader of the Opposition, including a letter written by his grandfather to his grandmother. I would like to quote from the text:

Gallipoli Diaries by Jonathan King is a remarkable collection of letters written by soldiers serving on the Gallipoli Peninsula. These include a number of letters written by my grandfather (William 'Bill' Knox) to my grandmother, 'Mim'. They are pictured on the back cover with my mother, their only child. Bill was later killed in Ypres in France.

There you have a particular family journey of great loss but also a story that commenced with the foundation of Australian nationhood. Barry Jones, a Labor luminary, donated copies of the *Iliad* and the *Odyssey* with the words that they were really 'the product of an editorial act of genius'. Jones himself was of the view that 'the *Odyssey* was a literary creation, the first novel'.

The member for Prahran supported that particular project. He donated a book that recounted the lives of the grandparents of his daughter, who had migrated to Australia from Hungary. They were:

... caught up in the maelstrom of the Holocaust and joined countless fellow Jews in the horrors of the Nazi regime. Unlike the millions murdered during those years, George survived deportation and the death camps. That personal story of survival should be read and celebrated.

That book is available at the Melbourne Athenaeum, the former Melbourne Mechanics Institute. There is a range of other examples of fine texts that have been donated to that particular library. I had the opportunity of donating the book *The Phoenix Rises — A Story of Survival*. In the words of Tim Costello, who wrote the foreword to the book:

... Sometimes we read a book about life which has the power to inspire us to live better ... Most of us would find his story of physical trauma and long rehabilitation too painful to imagine, and yet he shows us how it has challenged him to discover his own strength ...

Colin McGill reflects a story of Australian perseverance and struggle and ultimate triumph.

For those people who did not have the benefit of education in the early years, the mechanics institutes provided venues where they could become self-educated. In later years there were community

libraries and adult education forums. Today we even have the University of the Third Age. But in the early years in Victoria, mechanics institutes played a very important role in providing instruction, training, learning and meeting places. Along with the Melbourne Mechanics Institute, the Prahran Mechanics Institute played a very important role, and the Liberal Party is very pleased to support the bill.

Mr BATCHELOR (Minister for Victorian Communities) — The Prahran Mechanics' Institute Amendment Bill is a small piece of legislation. It is designed to overcome some technical misgiving which might prevent the Prahran Mechanics Institute from entering into leases and generating income from land located on High Street that it has in its possession.

The Prahran Mechanics' Institute Act 1899 provides for the power to lease land that falls within the institute's registered boundary. It was discovered that the High Street land, which is currently leased to Swinburne University, is in fact outside the institute's legislative boundary and as such, should not be leased. This amendment seeks to correct that oversight and grant the Prahran Mechanics Institute the power to lease and to generate income from all of the land in its possession.

The amendment is vital to ensuring that a very valuable community organisation, the Prahran Mechanics Institute, is allowed to continue its work chronicling the history of Victoria and servicing Victorians by encouraging and facilitating the study of history. This is an important part of our community building vision.

There was a time when nearly every town in Victoria had a mechanics institute and as such, the institutes have a valuable place in Victoria's history. They served as focal points for local communities, offering opportunities for self-education and access to a number of useful facilities, including reading rooms and museums. Those who ran them were committed to improving the education, the cultural and social lives of members of their community — an undertaking that the Bracks government remains committed to right to this day.

The mechanics institutes were an important community strengthening device, from the outset right through until today. That is why I have chosen to talk on this bill. Those values are important to me as Minister for Victorian Communities, and they are also important to the Bracks government. Although the mechanics institutes have been superseded by larger public libraries and adult education centres, those that remain continue to make a valuable contribution to our society. Some now operate mainly as homes for other local

organisations but others, like our Prahran Mechanics Institute, function mainly as lending services. In fact, these mechanics institutes service their local communities in an appropriate way.

The Prahran Mechanics Institute in particular has been a treasured feature of Prahran for over 150 years. Its premises in Chapel Street served as the main meeting place of that district from the late 1850s, and for a short time prior to the construction of the Prahran town hall the Prahran council held their meetings there. So it was front and centre of community life in Prahran for a very long time.

The ability to lease land in its possession provides the Prahran Mechanics Institute with the necessary income to operate its library service at a very low annual subscription rate for its members. The income therefore is highly important in enabling the Prahran Mechanics Institute to continue its longstanding contribution to building the community and servicing the needs of its area. This amendment to the Prahran Mechanics' Institute Act will ensure that the community of Victoria, particularly Prahran, will continue to benefit from the institute's services long into the future. I commend the bill to the house.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Mr Lupton) — Order! Before calling the minister to sum up, I welcome to the public gallery tonight the Consul General of the People's Republic of China, Mr Liang Shugen; Madam Ma Shu Liang; Madam Yang Yueming, the Deputy Consul General; Mr Li Shaotong, the Consul for Commercial Affairs; and Madam Ma Naifang, the Vice-Consul. Welcome to the Parliament of Victoria!

Debate resumed.

Mr WYNNE (Minister for Local Government) — I want to acknowledge the contributions to the debate on the Prahran Mechanics' Institute Amendment Bill by the members for Bass, Shepparton, Mill Park, Kilsyth, Prahran and Sandringham and by the Minister for Victorian Communities. It is a relatively simple and straightforward bill, but it does clarify some important general powers to buy and sell property relating to the Prahran Mechanics Institute.

Some questions marks arose from negotiations that occurred between the Prahran Mechanics Institute and Swinburne University about the current lease of most of the buildings located behind the institute's building in

High Street, Prahran. Some questions were raised about the validity of the purchase in 1913 of the land upon which the building is situated. What this amendment does is clarify those matters once and for all. This is important because, as honourable members who have contributed to the debate have recognised, the substantial amount of income to the Prahran Mechanics Institute for its day-to-day running comes from the leasehold arrangements the institute has.

The contributions made by honourable members recognise the important role the Prahran Mechanics Institute has played historically in the life of the community in Prahran, and in that respect by clearing up these legal matters with this bill the institute will be able move forward with confidence in its ongoing endeavours to serve the community of Prahran and further afield.

There is a great history that attaches to the Prahran Mechanics Institute. It is a rich history which has been very well outlined by all of the speakers here tonight. I welcome the bipartisan way in which both sides of the house have dealt with this bill, and we wish it a speedy passage through the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LIVESTOCK DISEASE CONTROL AMENDMENT BILL

Second reading

Debate resumed from 28 February; motion of Mr HELPER (Minister for Agriculture).

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Livestock Disease Control Amendment Bill. The main components of the bill relate to our ability to respond to an exotic disease outbreak. Victoria and the rest of Australia, through both good luck and particularly through good management, is free of many serious animal diseases. In particular, some of the ones that spring to mind are foot-and-mouth disease, rabies, bovine spongiform encephalitis, or mad cow disease, equine encephalitis, rinderpest and a host of other significant diseases that devastate livestock across the world but not in Australia because of our island state and because of the very good quarantine measures that we have implemented in

Australia. I pay credit to those people on the front line of our customs service and our Australian Quarantine and Inspection Service, who make sure that we do everything possible to keep these diseases out of our country.

Freedom from these diseases is beneficial to human health, because many of these diseases are zoonotic — that is, they are able to be spread from animals to man. Rabies is a classic example. They are also beneficial to animal health and welfare, and those people who have unfortunately seen some of the devastation caused from sick livestock as a result of these diseases would understand how fortunate we are to be free of them.

Freedom from these diseases is also beneficial in an economic sense in terms of livestock productivity within Australia and our ability to trade livestock and livestock products across the world. It is absolutely vital that we remain vigilant, in terms of both keeping diseases out of Australia and also having the ability to respond if disease outbreaks do occur within Australia so that we can take decisive, quick and affirmative action to limit those diseases and, where possible, eradicate them. To do that we need to have a number of strategies. We need to study what is going on in overseas countries so that we can have our quarantine services at appropriate levels of alert, and it is also important that we send scientists, veterinarians and animal health officers to look at overseas outbreaks — particularly, for example, the recent foot-and-mouth disease outbreak in England — so that we can learn from their processes and implement them in Australia.

It is absolutely essential that we have a network of qualified staff and resources, both in the government sphere and in the private sector, that can be called in to respond if we do have an exotic disease outbreak. I make the point here that there is real concern among our livestock and agricultural industries about the significant decline in animal health services, the availability of laboratory services and the backup services to private veterinarians across country Victoria under the Bracks Labor government. We have seen a recent outbreak of anthrax in the Goulburn Valley—Tatura—Stanhope area, where the Department of Primary Industries was found wanting in backing up the diagnosis and actions of the private veterinary industry.

This is brought about because unfortunately under this government we have seen a series of budget cuts in primary industry. Indeed we only have to go back to the 2006–07 state budget. Page 207 of budget paper 3 refers to a \$28 million cut in funding to the Department of Primary Industries — a massive cut in funding! Those funding cuts jeopardise our ability to have people in the

field who can make an early detection of an exotic disease and respond effectively to it. We cannot afford to have \$28 million cuts in funding to the Department of Primary Industries continue.

We have also had reductions in funding for research. This is also an important issue. An article headed ‘Warning on waning agricultural research’ that appears in the *Age* of 13 March says:

Falling government support for agricultural research is threatening the long-term future of Australian agriculture, according to a report.

Further on it states:

Public sector investment in agricultural research in Australia has shown little growth in real terms in recent decades, promoting concerns about the future rates of agricultural productivity growth.

...

Agricultural research in Australia has been about 5 per cent of GDP between 1978–1986, but has fallen to just over 3 per cent in 2003.

...

A spokesman for the National Farmers Federation said ... ‘Without more agricultural R and D, we will be left behind ... Australia’s competitive advantage will be whittled away’.

So it is in relation to agricultural research, funding for field staff and providing the resources to deal with exotic outbreaks where the Bracks government has been found wanting. It has been putting Victorian agriculture in jeopardy.

That is an issue we need to learn from, and we need to make sure it does not continue. One hopes that the new Minister for Agriculture does a better job than the previous Minister for Agriculture, who was an absolute failure in delivering for agriculture across Victoria. I feel sorry for police and emergency services personnel, who have now had inflicted on them a minister who failed in agriculture. As I said, I hope the new minister, the member for Ripon, does a better job than the previous minister.

We also need to have regular exercises to test our systems and see how they deal with exotic diseases. Two of the most recent exercises were Exercise Minotaur in 2002, with a simulated foot-and-mouth disease outbreak, and Exercise Eleusis, which ran from 29 November to 1 December 2005. The aim of that exercise was to evaluate Australia’s capability across industry and government to manage a zoonotic, exotic animal disease outbreak. The disease being looked at was a multifocal outbreak of highly pathogenic avian influenza, and about 1000 people were involved in the

exercise. It was an analysis of that exercise that identified some shortcomings in the legislation which this bill seeks to remedy.

Often when we talk about exotic diseases we feel that they are remote and that, although they are things we should be concerned about, they do not necessarily affect us in our daily lives, so there is a certain complacency about the level of risk. Let me put that absolutely to bed, because we should not, in any way, be complacent about the risk.

By way of example I looked at the exotic disease outbreaks that have taken place in the first three months of this year. In January there was a classical swine fever outbreak in Hungary, a foot-and-mouth disease outbreak in Turkey, a Rift Valley fever outbreak in Kenya, a foot-and-mouth disease outbreak in Israel, and a sheep pox and goat pox outbreak in Greece. In February there was a classical swine fever outbreak in Russia, a lumpy skin disease outbreak in Mozambique, a highly pathogenic avian influenza outbreak in Russia, Turkey and Hungary, a Newcastle disease outbreak in the Czech Republic, a foot-and-mouth disease outbreak in Turkey, and a Rift Valley fever outbreak in Tanzania. And already in March there has been a foot-and-mouth disease outbreak in North Korea. All of those things have happened in just 10 weeks.

Mr Cameron interjected.

Dr NAPHTHINE — I had to get the diseases right! In just 10 weeks there have been a massive number of exotic disease outbreaks in various parts of the world. When we look at those countries we see that many of them trade with Australia. They trade goods and they trade livestock products, and obviously people move between those countries and Australia on a regular basis. All of that poses a risk to our own livestock and livestock industries. We cannot afford to be complacent; we must learn from the exercises that we hold and from the disease outbreaks that we have so that we continually update our skills, our expertise and our legislation to deal with these diseases.

I come to the specifics of the bill and raise some concerns about the proposals in it. Clause 3 of the bill changes the definition of ‘fittings’. When you read clause 3 with clause 4, which amends section 15 of the Livestock Disease Control Act, you see that it fundamentally changes what an inspector, who knows or reasonably suspects that a livestock product or animal is infected with a disease, can do in terms of destroying or disposing of the contaminated or diseased stock or contaminated product.

The particular question I raise relates to the definitions. The new definition of ‘fittings’ includes, and I quote from clause 3(b):

after paragraph (c) insert —

“(d) equipment or other articles —

- (i) which are normally used in connection with livestock and which have been brought into contact with any livestock product; or
- (ii) which are used in the processing or manufacture of livestock products and which have been brought into contact with any livestock product ...

When you read that in conjunction with clause 4, which proposes to amend section 15 of the act, it raises some concerns about the use of the word ‘normally’.

I would suggest to the minister that when the bill is between here and another place he look at whether the use of the word ‘normally’ may jeopardise our ability to effectively control diseases. That is because the interpretation here is that the new rules will apply only to equipment or other articles which are normally used in connection to livestock.

Let me give the house an example of where this issue can be raised. One would not suggest that a watch that somebody wears is normally a piece of equipment connected with livestock, and it could not be interpreted as that. Yet if somebody was wearing a watch and went into a freezer of frozen meat that was potentially contaminated or diseased, under this definition and process it could be difficult to seize the watch, which may have diseased particles in its band, and destroy it in order to prevent the spread of disease.

I would earnestly suggest to the minister that the word ‘normally’ needs to be reviewed in this context. It should include anything, whether it be things that are normally used in connection with livestock or things that are not normally used in connection with livestock — whether that be your shoes or your watch or a folder or a laptop computer, all of which could not in any way be determined to be normally used in connection with livestock. All those things could come into contact with a contaminated livestock product and potentially transmit a virus or disease in an exotic disease outbreak.

I believe the inspector of stock, the veterinarian concerned, should have every right and every authority to seize those pieces of equipment — for example, seize that watch or seize that laptop computer — and make sure they are decontaminated or destroyed so a disease is not spread. I have real concerns that putting the word ‘normally’ in there is providing a loophole

which could restrict the ability of an inspector of stock under the Livestock Disease Control Act to effectively prevent the spread of an exotic disease. I do not think we should leave any loopholes in there whatsoever, so I would suggest that the minister look at that while the bill is between here and another place.

Clause 5 amends the provisions regarding the swill feeding of pigs. This is a very significant issue, and our approach should always be very considered when we are making any changes to our rules in this area. We have had very strong rules on the swill feeding of pigs in Victoria and Australia, and they have stood us in great stead. As many people in this chamber would know, the main and most likely cause of foot-and-mouth disease coming into any country, including Australia, is through the swill feeding of pigs. Indeed the significant foot-and-mouth outbreak that caused billions of dollars of damage and enormous devastation in the United Kingdom was associated with the swill feeding of pigs. We need to be very careful, and if we are going to relax the rules in any way, shape or form — and this amendment suggests a form of relaxation in the rules regarding the swill feeding of pigs — we need to be absolutely sure that it is the right decision and that it does not pose any significant risk.

I have sought advice on this from professionals and other people working in the veterinary industry. I am assured that the proposed amendment, which allows the feeding in various forms of milk which does not necessarily come from a dairy manufacturing business, as it must at the moment, poses no risk whatsoever in terms of the introduction or spread of foot-and-mouth disease or swine fever. In that circumstance I think this amendment is appropriate. But I do say, and I make the point very clearly, that we ought to be very careful about the message we send with regard to swill feeding. We do not want to give any farmer or the community any impression in any way, shape or form that swill feeding of pigs should be relaxed. We should not create a small opening that then becomes a wider chasm. Swill feeding of pigs is so important in terms of foot-and-mouth and swine fever outbreaks that it is absolutely essential that we be vigilant on that issue.

Clauses 6, 7 and 8 are to do with tuberculosis compensation. Victoria is free of bovine tuberculosis, and there have been no cases of bovine tuberculosis for 15 years. I think in my veterinary days I was one of the last veterinarians in Victoria to be involved in a massive destocking of properties to do with bovine tuberculosis. We had a case at Hawkesdale with a number of cattle involved. I was also involved with TB lesions being detected in buffalo in a property west of Casterton. These buffalo had come via a circuitous route, I think

even by Flinders Island, from the Northern Territory to South Australia to western Victoria, and we found TB in them.

For 15 years we have not had any TB, and I want to just briefly pay tribute to the great achievement over many decades by veterinary teams, animal health officers, stock inspectors and many others who did a fabulous job of eradicating TB from Victoria. It was an absolutely enormous achievement, made even more enormous when you look at the fact that the United States, which started many years ahead of us in terms of TB eradication, still has not eradicated TB. Great Britain is still suffering significant problems trying to eradicate TB, fundamentally with their problem of TB in badgers. In New Zealand they are having problems eradicating TB because the possums that were imported from Australia are now a reservoir of TB in New Zealand. We are a country that has benefited from a very strong, concerted and consistent campaign to eradicate TB from Victoria. Great credit must be paid to many people who were involved in that process over many years.

I will refer to the letter from the Victorian Farmers Federation (VFF) to my colleague John Vogels, shadow Minister for Agriculture in another place, about this issue.

Mr Eren — Good man!

Dr NAPHTHINE — I am pleased that the member for Lara says John Vogels is a good man. Any reference from the member for Lara is a reference that would carry some weight. The member for Lara is renowned for providing references or being associated with members of Parliament who provide references, and I will pass on to a member for Western Victoria Region in another place, John Vogels, that the member for Lara has given him a glowing reference. I am sure the member for Western Victoria Region will be very pleased that he has had that glowing reference from the member for Lara.

Mr Eren — I take it back. He is not a good man; he is a bad man!

The ACTING SPEAKER (Mr Lupton) — Order! Back to the bill.

Dr NAPHTHINE — As I was saying, the VFF wrote to John Vogels with regard to these provisions in the act. The letter said as follows:

VFF Livestock has considered the bill and supports the proposed amendments, particularly those relating to the Cattle Compensation Fund.

Our main concern had been that as the legislation stands, any refunds from the national cattle industry for tuberculosis would go straight into Treasury instead of back into the Cattle Compensation Fund.

The National Tuberculosis Freedom Assurance Program agreement has been through a long gestation with consensus needing to be reached between each state government's legislation and the cattle industry. We are satisfied the proposed amendment is in accord with this.

That reflects the situation. There has been a long process to get agreement in terms of industry funding for the tuberculosis campaign and for compensation when animals have to be destroyed through the TB campaign. As I say, we have not had any in Victoria for the last 15 years, so we do not expect to be calling on this; but if we do, this national agreement will now resume the way that is operated.

The other interesting sideline is that this discontinues the state's involvement in the funding of TB compensation. I think it is worth recording the history. The fact is that the state as well as the industry always contributed, because it was seen as contributing to the public good. The original controls of TB done were in the dairy farms in the Dandenong Hills in the outer suburbs of Melbourne as a human health measure to protect the human population from getting TB from drinking the milk from dairy farms, because the milk was largely un-pasteurised and delivered fresh to dairies and households. Cattle TB does transmit that way to humans.

The initial controls on TB were about a human health measure rather than an animal health measure or an animal protection measure in terms of protecting our livestock industries in international trade. As a result, the original funding was significantly also from the state as well as the industry to reflect the public benefit or the public good from this eradication campaign. I think that is worth recording.

I mentioned before the other issue I wish to raise: that we need to continue to study it when we have disease outbreaks. We need to study whether the Livestock Disease Control Act is operating effectively, and we need to learn from those outbreaks so we can continue to improve our response. One of the most significant diseases currently being dealt with under the Livestock Disease Control Act is a disease of abalone in south-west Victoria. In the few minutes I have left I want to highlight the impact of the massive failure of the Bracks Labor government to control this disease and highlight perhaps some inadequacies in the response of the government and perhaps some inadequacies in the Livestock Disease Control Act

which may be relevant to other exotic diseases and other diseases.

In December 2005 ganglioneuritis virus was detected in two abalone aquaculture farms or facilities, one at Port Fairy and one at Allestree, which is near Portland, both of them obviously in western Victoria. In early 2006 the virus was found to be killing large numbers of abalone off the Port Fairy coast and of our wild catch industry. For those who need to be aware, the abalone industry is a massive industry in Victoria. We are one of the few remaining parts of the world that has a significant wild catch industry. It is a very valuable export product. People involved in the industry pay huge amounts of money for licences, and there are very strict quotas and controls to ensure we have a sustainable wild catch industry.

That industry is being jeopardised by the ganglioneuritis virus, which is causing massive devastation to the industry and killing large numbers of abalone. Local experts are saying it could take 15 to 20 years for those reefs to be restocked with abalone. From this outbreak in the aquaculture facilities and then the detection initially in one reef off Port Fairy, this virus has now spread from Warrnambool through to Portland — that is, well over 100 kilometres. It has caused a massive reduction in abalone quotas and massive losses in earnings of well over tens of millions of dollars. It has caused significant job losses in the aquaculture industry, the wild catch industry and the processing industry, and it has caused a significant decline in the value of licences. Yet we still have no plan of action to stop the spread of this disease.

I do not want to go into great detail, but I want to quote a couple of articles in the Warrnambool *Standard* of 10 February, which says:

South-West Victoria's lucrative abalone industry is at further risk of being wiped out by a deadly herpes virus after confirmation a reef west of Portland is infected.

Further, it states:

It is raging in Warrnambool, has killed as many as 95 per cent of stock in the Killamey area and has jumped between 35 to 50 kilometres to infect a reef west of Portland.

...

Since the outbreak the capital value of western zone licences has dropped by \$45 million in 12 months.

It says the Victorian community could lose \$4 million of royalties, and there have already been two significant cuts in the quota allocations for abalone divers in the region.

This is a serious disease outbreak. People may say, 'Why is this relevant to this legislation?'. It is relevant because the previous minister, now the Minister for Police and Emergency Services, on 9 June 2006, under the Livestock Disease Control Act 1994 issued an order declaring a control area for herpes-like virus of abalone. It is very relevant to this piece of legislation and very relevant to an assessment of our ability to deal with a disease outbreak, whether it be in abalone or our livestock.

I put it to you, Acting Speaker, that the government has been found wanting in dealing with this abalone disease. I hope and trust they will not be found equally as negligent when it comes to dealing with a disease like foot-and-mouth disease or highly pathogenic avian influenza.

The lesson we have learnt already from this disease outbreak in abalone is that the government has done too little, too late. They have been extremely slow to act, despite calls for action from industry, local members of Parliament and the local community. There has been a lack of relevant expertise in the Department of Primary Industries. Few knew anything about this disease or much about abalone, let alone how to control a disease spreading among wild abalone off our coast. There was little or no expertise in the department on that issue.

There was an absolute failure by the minister, the government and the people within the Department of Primary Industries to listen to local experience and expertise. Local divers were not consulted. Local people in the industry were not consulted. They offered their advice and expertise, but they were simply not listened to. There was a failure to recognise the importance of this disease and the potential extent of losses. We are now seeing those losses run into millions upon millions of dollars.

The time lag to recover from this disease could be 5, 10 or 15 years. This is absolutely devastating. I have described it previously as 'the foot-and-mouth of the sea' or 'the foot-and-mouth of the abalone industry'. If we had foot-and-mouth in our livestock in Victoria, we would have a massive response by all states and territories — all resources would be put into dealing with that disease — yet little or nothing has been done in this instance.

We had the situation where people were going into the control area and taking diseased abalone out of the control area and transporting it to Melbourne and other parts of the state! It was an absolute disgrace. There was a failure to adequately attack the disease. There was a failure to actively implement and police control

measures. What I am saying is that this disease has not been handled properly. The minister and the previous minister should be condemned for their failure to deal with this, and the Department of Primary Industries should hang its head in shame.

What we now need is a proper independent study and analysis of this disease outbreak so we can learn what not to do in the future, how to respond better to diseases like the ganglioneuritis virus in abalone, and how that can be extrapolated to dealing with exotic diseases in our livestock and other industries onshore. It is absolutely imperative we learn from it. It is also imperative that we stop this do-nothing approach to this disease. We must take a more aggressive and assertive approach. We must act to control the spread of this disease or else we will not have a wild catch abalone industry in this state.

In conclusion, the Liberal Party supports the legislation before the Parliament, because we think this is a step in the right direction, but we believe there are real concerns about the future of disease control in the state with the continued budget cuts to the Department of Primary Industries and the abject failure of the government, the minister and the department to deal with this abalone disease.

Dr SYKES (Benalla) — It gives me great pleasure to rise and speak on behalf of The Nationals on the Livestock Disease Control Amendment Bill. First of all I must compliment the member for South-West Coast for a very comprehensive overview of the exotic disease situation and the importance of effective legislation and effective control measures.

Like the member for South-West Coast I have some experience of this issue. My background includes work in the brucellosis and tuberculosis eradication campaign between 1972 and 1989, when the diseases moved from causing serious economic and human health impacts through to, in the case of brucellosis, being eradicated from Australia and, in the case of tuberculosis, being well on the way to being eradicated. Like the member for South-West Coast, during that time I also had the opportunity to work on a number of exotic diseases. Subsequently I had an opportunity to work with the Meat Research Corporation, managing its national animal health research program with a particular focus on exotic diseases and on the epidemiology and control of foot-and-mouth disease. I then had what I would describe as a life-changing experience of working in the United Kingdom on foot-and-mouth disease during the terrible outbreak of 2001.

I would like to endorse the tribute paid by the member for South-West Coast to the many hundreds of thousands of people who contributed to the success of the brucellosis and tuberculosis eradication campaign. That was one heck of a team effort. It was a \$1 billion program spread over at least three decades. As the member for South-West Coast said, we have achieved something in Australia that has not been achieved in any other country in the world. I repeat that: we have achieved something in the vast continent of Australia that has not been achieved anywhere else in the world. It has been the result of excellent professional and government support, and most particularly excellent industry support.

I would like to thank the minister's staff and department staff for the assistance they provided in briefings, and particularly the provision of extensive information today to help me with my preparation. In particular I thank Chris Devors, Andrew Cameron and Shaun Green.

The bill has three aspects: firstly, it increases the ability to control an outbreak of serious animal disease by clarifying the powers to disinfect and, in some cases, destroy contaminated material; secondly, it reduces restrictions on the feeding of milk to pigs when exotic disease is not present; and thirdly, it makes changes in the cost-sharing arrangements.

In relation to the importance of this legislation, it should be said that an outbreak of any exotic disease, particularly something like foot-and-mouth, has enormous cost. I am not just talking about the cost of foot-and-mouth disease to the cattle and sheep industry. It would cost the Australian economy in general billions of dollars. But even other diseases such as avian influenza would have a massive impact not just on the livestock industry — in this case, the poultry industry — but also on tourism because of the human health implications and, more particularly, the perceived rather than real human health implications in relation to avian influenza.

If we look at the context of this legislation and what is required to prevent, control or eradicate serious animal disease, first of all we need the cooperation of the industry and the public. Some of the ways of achieving this cooperation are reasonable restrictions, reasonable sharing of costs and an awareness of the importance of the disease being prevented, controlled or eradicated. Then to back up that cooperation from the industry and the public we need strong legislation to help deal with the minority of recalcitrants who can cause problems in the face of an emergency. This strong legislation needs to be prepared in the cold light of day and based on

local and overseas experience, and it needs to be in place so that quick, decisive and appropriate action can be taken, often in the face of an emergency.

I turn to the principles of disease management. Disease can be spread by the movement of animals, the movement of animal products or by items, people or vehicles which may be in contact with infected animals or infected animal products. The principle underlying this legislation and underlying animal disease control is to prevent contact between the infective agent and a susceptible animal, and that is where the ban on the feeding of milk and milk products to pigs comes into the match plan. In the case of animals infected with foot-and-mouth disease, milk from those animals can spread infection. If that milk is pasteurised, then the risk is eliminated, but prior to pasteurisation the milk from infected cattle can spread infection. Therefore in the face of an actual outbreak of disease, it is absolutely critical that the movement of milk be controlled.

However, in the absence of the disease existing, then it is believed — and I believe it is a reasonable contention — that it is unreasonable to restrain the use of milk, such as a farmer feeding milk to the pigs on his place, because the disease is not present in the country at the time and it is an inappropriate restriction which, if allowed to continue, would restrict the cooperation of people with the overall intention of the legislation and the control programs. Therefore it is appropriate, as is proposed in clause 5, to lift the ban on the feeding of milk.

I should note that there seems to be an anomaly or an inconsistency. Whereas this legislation provides for the lifting of a ban on a farmer feeding milk produced on his property to pigs on his property, if that farmer were to make cheese from the milk on his property, then the offal from cheese production would not be allowed to be fed to his pigs. That anomaly aside, I support the easing of the restriction on the basis that other management strategies will be in place to minimise the risk of exotic disease coming into and spreading within the country. These risk-management strategies include bans on the importation of high-risk animals and animal products from high-risk countries, tough testing regimes for animals and animal products from lower risk situations, and bans on the feeding of waste, particularly waste from planes and ships. In the event of a disease outbreak in Australia there remains the ability to introduce tough controls, such as the banning of the feeding of milk to pigs, by ministerial orders.

Clauses 3, 4 and 9 clarify and improve powers in relation to the disinfection and/or destruction of potentially contaminated items. Disinfection is a key

disease-control strategy, along with quarantine — or the prevention of the movement of animals, animal products and contaminated items — and the destruction, treatment or vaccination of diseased and at-risk livestock.

Clause 3 amends section 3(1) of the act by inserting paragraph (d)(i) to include within the meaning of ‘fittings’ equipment or other articles:

which are normally used in connection with livestock and which have been into contact with any livestock product ...

I share the concern raised by the member for South-West Coast that it is inappropriate to include the word ‘normally’ for the reason that he explained — that is, that someone may be wearing a watch that may come into contact with risk material, and that person could argue that that watch did not need to be subjected to disinfection because the legal power was not there, whereas I can assure members that that watch can be a high-risk item. I suggest that the Minister for Agriculture look closely at deleting that word when the bill moves between houses.

I refer to the cost-sharing arrangements and the clauses in this legislation which seek to change them. Cost-sharing arrangements have evolved over many years. The underlying principle is that the beneficiary should pay the costs of the eradication or control of the disease. A beneficiary can be an individual, the industry or the public. Normally there is a different proportion of benefit to each of those subgroups according to the disease, and the diseases have been categorised to reflect that. If we look in the cost-sharing agreement, we will see that category 1 diseases are diseases which primarily affect humans — they would include diseases such as rabies — and in that case the government would pick up 100 per cent of the cost, whereas other diseases may be put into category 2, where there is a perceived risk to the public in general as well as animals, and in that case the government would pick up 80 per cent of the tab and the industry, 20 per cent — and foot-and-mouth disease is in that category.

Interestingly tuberculosis comes into another category called category 7. There is the principle that involves sharing the costs according to who benefits. These cost-sharing agreements have evolved over time. They were relatively simple in the beginning, but as the cost of eradicating the disease was realised, particularly in northern Australia with the TB eradication campaign, it became evident that more assistance measures were required and therefore the cost contributions from the industry and the government needed to increase. In the case of the Northern Territory we had a split of operational costs, destocking costs, holding-of-cattle

costs, loans for capital improvements on property and restocking costs. The funding mix varied between those various items. That mix changed later in the program to the point where basically it is now agreed that the cattle industry picks up 100 per cent of the assistance measures, including compensation, whereas the government picks up other aspects of the costs, particularly field operation costs.

Clause 6 allows money to be paid into the Cattle Compensation Fund. Clause 7 provides for the reimbursement of livestock industry bodies out of the fund, and clause 8 quarantines the state government from having to contribute 40 per cent of any compensation costs, in line with a different way of handling the cost-sharing arrangements. I think it is a smart move on the part of government to get out of the compensation side of things, because in my experience I noticed a real challenge in managing that. During the time that I was involved Victoria had market value compensation. As a regional manager I put a lot of time into ensuring that there was no overcompensation so that it was fair and equitable but not unduly generous.

I then went to the Northern Territory in 1987–88, and there we had a flat rate compensation of \$80 a head, which was very simple. But in line with the evolving program we were requested to change to a market value form of compensation, and that is when we started to run into challenges. It is one thing to be \$10 a head over valuation or \$20 or \$100 a head over valuation with a few stock in Victoria, but when you start destocking or valuing mobs of 1000 or herds of 10 000, being \$100 over valuation has a big impact.

That overvaluation issue became very significant in the United Kingdom, where, as I understand it, most of the compensation money was coming from European Union funds. In the UK I would have to say there was gross overvaluation of livestock, to the point where a broken-mouthed cracker ewe worth zilch before foot-and-mouth suddenly became a highly valued, moors-adapted ewe valued at £250, which is \$AU750. The net result was that rather than just encouraging people whose animals were affected with the disease to cooperate and get rid of it, you actually encouraged fraud and corruption in the deliberate infection of herds. I think it is a wise move by the government to put a lot of the management or funding of that on the shoulders of industry, because it is a real balancing act.

As the member for South-West Coast indicated, foot-and-mouth disease got into the United Kingdom as a result of illegally imported animal products. It spread through stock movements as well as people, vehicle and aerosol movements, and it was controlled

principally by slaughtering out, quarantining and disinfection. I was there for five weeks at that time, and I would have to say it was a life-changing experience for me. I was on surveillance, checking out herds to see whether they were infected or not. If you are there long enough, you eventually detect infection.

Some of the experiences I had in the detection of infection and the subsequent slaughtering out of animals I found the most moving of my life. My first diagnosis of an infected herd was a big call. We then proceeded to slaughter out the herd. There was some trauma with the process of slaughtering out, and I will not go into detail other than to say that it was not a clean job. The wife of the owner had some mental health problems, so she was not particularly happy with what we did. Amazingly two weeks after I had carried that out and overseen it, I was invited to attend their son's wedding, and I participated in the celebrations. They put what I had done to their herd behind them.

I had gone to the son's wedding after I had done a day's slaughtering out at another fellow's place. Those fellows were tough Yorkshire men. When I had completed the job I went into their houses. Their eyes were red, and I can assure you it was not from watching the rugby or cricket on the telly; it was from bawling their hearts out. As I was driving home and prior to going to the wedding, I had a call from another bloke called David. I had had to work very hard to win his confidence to even do some surveillance on his place. David's herd was identified as having had dangerous contact with an infected herd. He rang me that night to say, 'They are coming in the morning to slaughter my herd'. I said, 'Do you want me to oversee it?', and he said, 'Yes, please'. So I got up at 5.30 the next morning, having been at this wedding and trying to enjoy it, and went out and oversaw the destruction of this fellow's 400 cattle and a couple of thousand sheep.

My achievement for David was to save 40 head of sheep that I was able to convince the senior people did not present a disease risk. As a result they were kept there under surveillance and lived on. It is my view that had I not saved those 40 sheep, David would have topped himself. That shows the severe emotional impact the disease had on people whose livelihoods for generations had been built around their livestock.

The last one I will mention was Mr Kay. His was a dangerous contact herd, and we went in there to slaughter out. Mr Kay had his son come along, and they packed a picnic lunch in their wicker basket and went up over the hill to sit it out while we slaughtered out their herd. He said to me, 'Can you kill the bull first, because his pen is near where you are going to do the

rest and I don't want him to go through the distress of watching all the other animals get killed first'.

We went in to kill the bull. Normally you would shoot a bull with a free bullet, but unfortunately the expert slaughtermen did not bring the firearms they needed to shoot the bull, so it required a messy captive bolt destruction to destroy it and I had to come in with the lethobarb to finish the bull off. It was not a very good start to the day. We then worked through the slaughtering of the herd and got to the end, when we had to kill the calves. Do you know how expert slaughtermen slaughter calves? You go to put your fingers in their mouths, saying, 'Here, poddy, poddy, poddy', and the calves come up to you and while they are sucking your fingers you blow their brains out. It is pretty hard going. Mr Kay came back at the end of the day and there was deathly quiet, because nothing was left alive. He came up and thanked us for doing the job. I checked with Mr Kay a couple of days later, and he was still getting up each morning before daylight, even though there were no cows to be milked, because that is what he had done for the last 50 years.

I have been very much touched by the impact of foot-and-mouth disease and other serious exotic diseases, not only economically but emotionally and socially. Therefore I am absolutely committed to ensuring that there is a coordinated response to the disease not only to prevent it getting in but also to implement rapid control measures if it ever does. Part of that requires a strong legal base. In the UK people who had dangerous contact herds had the ability to take out injunctions to prevent the destruction of their herds. That took two or three days to work through.

On more than one occasion during the time that the legal case was being fought their dangerous contact herd became infected with a clinical disease, and as a result of that another ring of neighbours would have their cattle slaughtered out. Think about the long-term consequences of that. That person exercised their legal right, but they caused the next ring of maybe 5 or 10 neighbours to have their cattle slaughtered out. Think about how those neighbours felt and would feel one week down the track, one year down the track and 10 years down the track. There is one hell of a lot of social and emotional impact there.

With those few remarks, I can assure the house that The Nationals have no opposition whatsoever to the content of this bill, and I look forward to the continued strong support of our animal health service in controlling serious exotic diseases.

Mr HARDMAN (Seymour) — It is a pleasure to contribute to the Livestock Disease Control Amendment Bill. The purpose of the bill is to amend the Livestock Disease Control Act 1994 to improve the administration and enforcement of that act and to make changes to the cattle compensation scheme. I humbly follow the members for South-West Coast and Benalla who, due to their former professions as Department of Primary Industries veterinarians, would obviously have a great deal of knowledge of and feeling for the continued betterment of practice in livestock disease control.

The member for South-West Coast referred to the recent anthrax incident in Stanhope and Tatura, and I have to say that the DPI really did respond appropriately according to existing protocols with agencies such as the Department of Human Services. Farmers were advised and herds were vaccinated on a risk-assessment basis, and the spread of cattle infection was minimised through the vaccination of around 33 000 cattle. A team of about 40 DPI staff established a local disease control centre at the DPI's Tatura office.

The bill results from a national exercise based on the hypothetical outbreak of avian influenza. The exercise was called Exercise Eleusis, and it made a number of recommendations to all jurisdictions across Australia requesting a number of actions to be taken in order to ensure that a disease outbreak can be responded to with best practice. Having read through the key findings of the report, it was heartening to see the cooperation that occurred between the many different agencies in the industry and how all those players worked towards achieving a better outcome to ensure that if any situation such as avian influenza were to hit Australia, we would have the best possible disease management practice in place to ensure that some of the heartbreak that the member for Benalla referred to would be limited as much as possible. Exercise Eleusis found shortcomings relating to swill feeding of pigs. There was some confusion about which milk products can be fed to pigs, and this bill looks to address that confusion.

Clause 3 of the bill, which was referred to in some depth by previous speakers, amends the definition of 'fittings' to include certain 'equipment or other articles that are 'brought into contact with any livestock product'. The requirement for this equipment to be disinfected does not currently exist, so it is an important amendment. I note the concerns raised by the members for South-West Coast and Benalla. I have had some prior discussions with the Minister for Agriculture about those concerns, and I will raise them with him again later.

Clause 4 will allow inspectors to dispose of or destroy fittings and fodder which the inspectors know or reasonably suspect have been in contact with diseased livestock.

Clause 5 clarifies exemptions to the prohibition on swill feeding of pigs relating to milk and milk products. Milk from any source will be exempt from prohibition, as has been referred to, and milk products and by-products from a dairy manufacturing business will also be exempt. In other words, this clause actually frees up restrictions on the swill feeding of milk to pigs, which really poses no risk.

Clause 6 will allow money to be paid into the Cattle Compensation Fund under an agreement or arrangement to which Victoria is a party and will allow money to be paid into the fund under the tuberculosis compensation fund or similar agreements.

Clause 7 will allow money to be paid out of the Cattle Compensation Fund in accordance with an agreement or arrangement — for example, under the tuberculosis agreement the government is required to pay back any additional money it receives for the residual value of cattle which the industry has already paid into the fund.

Clause 8 will repeal section 77 of the Livestock Disease Control Act 1994, and it will remove the obligation on the agriculture minister to contribute to compensation for tuberculosis in cattle. Therefore in future all compensation will be paid out of the Cattle Compensation Fund.

Clause 9 will expand the power of an inspector to issue a disinfection notice if the inspector believes on reasonable grounds that a vehicle, premises or place where livestock or livestock products are kept or commonly kept is infected with a disease.

That is a basic run-down of the amendments proposed by the bill. The government consulted on the bill with the Livestock Industry Consultative Committee, which includes several different industry associations. Again I thank the DPI staff and the minister's staff for their assistance in briefing me on this bill, and I wish it a speedy passage.

Mrs SHARDEY (Caulfield) — I rise to speak on the Livestock Disease Control Amendment Bill. Perhaps I should say at the outset it is probably not normal for the member for Caulfield or indeed the shadow Minister for Health to speak on a livestock bill. However, my interest is in my portfolio area as the shadow Minister for Health, and that will become apparent as I speak further on the bill.

The underlying act, the principal legislation, is in place to cover and minimise livestock disease. The bill aims to make sure that there is the capacity to respond to animal disease and outbreak in the state of Victoria. The amendments proposed by this bill follow a departmental review held in 2005 based on a hypothetical outbreak of avian flu, or bird flu as it is known, and I will be discussing briefly the importance of recognising the risk of the spread of avian or bird flu and the preparedness for an outbreak and the need for preparedness in the state of Victoria.

Firstly, I will mention that this bill will ensure that inspectors of Victorian farms will be able to include in their work the destruction and disposal of equipment and other items which have been in contact with livestock products rather than only items that have been in contact with livestock. We are talking here about vehicles and so forth that might have been in contact with livestock product, so this bill broadens the powers and provides a greater level of security in relation to the spread of disease contracted by livestock. However, the member for South-West Coast raised some concerns in relation to this issue. I think he was suggesting that there should be a broader definition to include other items — perhaps items that are on a person who visits a farm where there is disease. I am hopeful that the minister will indeed take these issues into account when considering this bill when it is between the two houses, as was suggested by the member for South-West Coast.

Let me return to the issue of avian flu, because I think it is something we are all aware of and we have heard a lot about, but we do not quite understand its implications. I will read from a paper the World Health Organisation has published on this issue called *Stop the Spread*. I will very briefly read to the house the report's description of what bird flu is. It states:

Bird flu is an infectious disease of birds caused by the influenza virus. Domestic poultry are highly vulnerable. In its highly pathogenic form, the disease is extremely contagious and rapidly fatal. Mortality in poultry can approach 100 per cent and they can die the same day symptoms appear. Some birds, such as waterfowl, are more resistant to disease.

Outbreaks are often difficult to control. The disease can spread quickly in a flock and from farm to farm through droppings and contaminated material.

...

In 2004, the disease spread to several Asian countries in a few months — mostly through the live poultry trade but possibly associated with migratory birds, which excrete the virus in faeces. More than 100 million chickens were destroyed. Infections also were reported in wild birds and possibly pigs. Disturbingly, more than 100 people fell ill — and half of them died.

That is, of course, the issue I am concerned about. The paper continues:

This raised considerable alarm. ... Never before have so many outbreaks occurred at the same time in several countries. Never before have so many people been infected directly and become ill.

The article then deals with pandemic potential. It states:

A strain of the avian influenza virus, known as H5N1, caused the 2004 outbreaks. Of all strains, H5N1 probably raises the most concerns, because it can infect humans directly — a rare phenomenon. It also causes severe disease and even death amongst those effects.

It is important that we are prepared in the event that this disease puts the Victorian community at risk. The health sector has raised some issues with me. I raise these issues not to cause panic or alarm but to make sure that the government has some awareness that we need to be prepared if any form of avian flu virus or a pandemic comes to this country.

The sector raised the following issues with me. It discussed the fact that a Department of Human Services task force has been created in Victoria to plan for the possible spread of the disease in the state. The task force will only complete its plan sometime this month. It has been said that there could be a period of danger some time during this month. So far the threat has not been serious, so we are not deeply concerned this month. However, it will take only one contaminated bird to drop out of the sky and we could have a problem. We have to be aware.

Last year the health sector expressed concern that the government had not focused on this very important issue. The government made an effort to put some resources into primary health care preparedness, and guidelines for GPs were made available. However, there is concern in relation to the preparedness of our hospitals. Some project funding has been made available to hospitals to set up isolation arrangements. There is also money available for small scale capital works. Apart from this, hospitals have been told to develop a response plan, but no funding has been made available to them to do this. The only other action by government I am aware of is the stockpiling of masks and antivirals.

Therefore the concern remains that there is little hospital planning which could cope with a human form of the avian flu initially hitting our community. This is something we should be concerned about and be thinking about. For instance, one assumes that if an avian flu came to our shores, most of our schools would close so that children would not run the risk of coming

into contact with the flu. This would also mean that a large number of our nurses, doctors and other health workers would stay at home in droves to look after their families.

While this bill addresses a responsive action that is crucial on our farms, I urge the government to move forward with proper planning and funding for our hospitals and planning for the broader community to ensure there is a preparedness to fight this disease should an outbreak occur. We cannot think that because it has not occurred, it will never occur.

A Westminster editor of a Scottish newspaper of Sunday, 11 March 2007, explained that:

Shocking failings in Scotland's preparations for dealing with an outbreak of bird flu have been laid bare in a report on the handling of the crisis sparked when a swan carrying the disease washed up on the Fife coast last year.

An internal debriefing document obtained by Scotland on Sunday has revealed a series of shortcomings in the response to the emergency, beginning with the incorrect identification of a stricken bird and a day's delay in getting the crisis operation off the ground.

It goes on to catalogue failings in areas ranging from organisation and communications to the entire health protection operation established to guide and reassure the public.

In Scotland a diseased bird literally dropped out the sky and the country was not prepared as well as it should have been in relation to this issue.

This issue was also raised in the *Medical Journal of Australia*, which says there is a need for our hospitals to be better prepared than they are. The journal raises a whole range of issues in a supplement entitled 'Pandemic influenza and critical infrastructure dependencies: possible impact on hospitals'. I do not have time to go into the supplement in detail, but it states:

Hospitals will be particularly challenged when pandemic influenza spreads.

Within the health sector in general, existing pandemic plans focus on health interventions to control outbreaks.

And this is very important:

The critical relationship between health sector and other sectors is not well understood and addressed. Hospitals depend on critical infrastructure external to the organisation itself.

Mr HOWARD (Ballarat East) — I am pleased to speak briefly on the Livestock Disease Control Amendment Bill. As members are aware, there are a

number of important issues that this bill needed to address.

We recognise that agriculture is important to the economy of this state. We know that milk and milk products form our largest export product. The whole of the Victorian agricultural sector is a significant backbone of the state's economy. As we have heard, those issues associated with livestock or that severely affect the economy in rural Victoria — as we have seen with the drought — cause serious social disruption and hardship to many individuals in regional Victoria. It is vitally important that we are vigilant in regard to threats of disease.

Tonight members have heard graphic accounts, especially from the member for Benalla who spoke about the devastating effects of the foot-and-mouth disease outbreak in Britain. He was there to help and assist in dealing with that outbreak, the severe economic effects and social disruption of which affected the lives of people across the UK.

We need to be vigilant and to ensure that we are extremely careful not to take for granted the good record we have in keeping our state and country free from disease and that we are always testing our ability to respond to potential disease outbreaks. In 2002 we had Operation Minotaur which tested our ability to deal with a foot-and-mouth disease outbreak, and more recently in 2005 we had Exercise Eleusis to test our ability to deal with an avian influenza outbreak.

While it has been demonstrated that essentially we have very good systems in place and the relevant agencies have the ability to interact and deal in an effective way with potential outbreaks, there are some issues that need to be addressed. We heard members speak earlier of the minor changes we felt we needed to bring forward in terms of improving the ability of inspectors to take action to disinfect or destroy products. We have also heard that there is an issue of swill feeding of pigs that needs to be clarified, and then there is another issue, slightly to the side, which relates to compensation in regard to tuberculosis in cattle. These matters show that we need to keep the health of our agriculture sound in this state and support our agricultural communities in this way, so I am very pleased to support this bill.

Mr WELLER (Rodney) — I fully concur with the previous speaker in supporting the Livestock Disease Control Amendment Bill. The member for East Ballarat said we should always review and improve, and I am fully supportive of that particularly in light of the recent anthrax outbreak at Stanhope. I believe now would be an opportune time to have a full review of how we

would manage a disease outbreak such as that. I believe such a review is now due and should be part of normal procedure after such an outbreak.

The livestock industry is very important to the economy of Australia, Victoria and indeed my electorate. As the previous speaker said, the dairy industry is worth a considerable amount; in fact it is worth \$8 billion to the Australian economy, and it must be protected. Improvements to the Livestock Disease Control Act will help to defend that industry, but that is not the only livestock industry.

Within my seat of Rodney there are other livestock industries such as beef, pigs, prime lambs, fine wool down the southern end in the Redesdale and Heathcote areas, meat rabbits, yabbies and worms. We have a wide range of livestock within the seat of Rodney, and it is quite important that we encourage all those industries.

The dairy industry itself creates employment in Victoria for 50 000 people, and it would be an absolute disaster if anything jeopardised that, so we support this bill for that reason. A prime example of some of the 50 000 jobs are those created within my electorate. We have milk factories in the towns of Leitchville, Echuca, Rochester, Tongala and Stanhope. We have abattoirs in Gunbower, Echuca, Tongala and Nathalia, and the one in Tongala is a large-scale one, processing in excess of 600 chopper cows a day. The cows going through there are in a box in the chiller and on their way to America within 40 minutes. That is quite a lucrative path into the American market.

The farming industry has had quite a long history of improving identification, and the secret to disease control is identification. The United Dairyfarmers of Victoria, which is the dairy arm of the Victorian Farmers Federation, encouraged the government of the day back in the mid-1990s to change from wraparound tail tags which handled the dirty end of the calf to ear tags which handled the clean end of the calf. As well, the tail tags would slip off because quite often there was some other matter on the tail of the calf that would not allow the tag to stick. But when we put the ear tags in they remained there, so rather than having about a 50 per cent identification rate when they got to the abattoirs, we had about a 99 per cent identification.

Identification is the secret to controlling livestock diseases. It has been found in various exercises, such as those in England that were attended by my good colleague the member for Benalla, that identification has to be at a good level to help eradicate diseases.

Being a dairy farmer I am very interested in and quite happy about feeding milk to pigs. I believe when there is no disease in a country it is quite appropriate to feed milk to pigs. However, I believe that, if ever the import rules were relaxed on the importation of cheeses and other milk products made from unpasteurised milk, there would have to be a review. If ever cheeses made from unpasteurised milk were imported, it would be a risk — and a risk we should not take. I believe we need to monitor the importation of dairy products, particularly those made from unpasteurised milk, because that would then open the gate for disease to enter Australia.

I fully support this bill. Anything that gives stronger and clearer powers to the Department of Primary Industries to control outbreaks and defend our primary industries must be supported, and I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I am proud to rise on behalf of the Lowan electorate to speak on this very important Livestock Disease Control Amendment Bill. As we know, its purpose is twofold: firstly, to improve the legislative powers to control or eradicate livestock disease; and secondly, to change the administration of the compensation act. I have to say that in my previous life I was involved in the meat industry as a gross pathologist. It does not quite sound like a veterinary officer, but I was a meat inspector. I did a lot of work in the meat industry and went on to become a meat industry standards officer, which involved doing the licensing work for abattoirs, meat processing places and various other industries that were involved in the meat industry, even including the transport vehicles.

The meat industry is a very important industry to Victoria. I was looking at some figures which show that in 2004 the Victorian livestock and livestock-related products were valued at approximately \$5.153 billion, or 2 per cent of the gross state product. The export of livestock and livestock products makes up approximately 30 per cent of the total livestock industry value. It is important that we look after this very important industry. As members know, in country Victoria, particularly in the electorate I represent, agriculture has a big bearing on the economic and employment fortunes. It is important for my electorate that we do anything we can to protect those very important industries, and they get my strong support.

Previous speakers have referred in detail to some of the legislation. I want to highlight a few issues. Important in any identification and control of disease outbreak is the identification. We have ear tagging and various other methods to do that for cattle, sheep and goats, and

also we have the tattooing of pigs. It is also important that we have the recording and reporting by the department of the movement of cattle and the sale and movement from property to property. That needs to take place so that we can identify the many diseases that could arise if we did not do it properly. I heard the member for South-West Coast highlight the importance of disease control, as did the member for Benalla.

Mr Kotsiras interjected.

Mr DELAHUNTY — I say to the honourable member for Bulleen: I will finish on time, do not panic. You will get away on time tonight.

The ACTING SPEAKER (Mr Jasper) — Order! The member for Lowan has the floor.

Mr DELAHUNTY — But the reality is that Australia has an enviable position in the world in relation to the control of diseases. That is not only because of our water barriers but also, importantly, because of the good work done by many staff right across all the states and territories of Australia.

There are many diseases that we are concerned about, whether it be rabies, foot-and-mouth, rinderpest, vesicular stomatitis, bluetongue, Rift Valley fever or anthrax. There are also poultry diseases like Newcastle disease and avian influenza. There are also horse diseases, such as African horse sickness and many others. There is a list of them here that I do not have the time to go through. There are even diseases in bees. I heard the member for Rodney talking about his concern for the yabby industry in his electorate. That would be a great industry in my area, but unfortunately we do not have a lot of water — I am sure that will change in the future.

As I said, I was involved in the meat industry, particularly with cattle compensation. The compensation fund for livestock was a fund to support farmers and others who were impacted on by the loss of their livestock to disease. It was important through those stages that we had a good description of the disease and the condition of the affected animals. We needed to be able to assess the market value, which was a valuation agreed to between the owner of the animal and the inspector. Also, whether it be a vet or animal health officer or others, there had to be a certificate from the inspector stating what property it was on and also what disease it was being condemned for. There was good work done by many people. I have heard other members speak on this bill and identify the good work done not only by veterinary officers but also by

animal health officers in relation to a lot of disease eradication in Australia.

Through all these consultations I know there has been much discussion with various stakeholders. In my previous life I was a member of the Municipal Saleyards Association. As you know, Acting Speaker, a lot of stock goes through the saleyards. We have good standards in relation to the work that is done in the saleyards — they have a code of practice — but importantly we need to make sure that farmers and others who bring livestock into the saleyards bring in quality stock and that, if there are any disease concerns, stock are kept away from those saleyards.

I know that not only the saleyards but also the Victorian Farmers Federation and stock and station agents have been involved in consultation on these types of bills. The stock and station agents play a very important role in the sale of livestock across Australia, whether it be in saleyards, over the hook or on the farm. It is important that those people have a good understanding of some of the diseases in Australia and that, if they identify any of them, they do something about it so we do not have a spread of disease here in Australia.

I shall quickly cover some of the specific legislative powers in this bill. I refer to the ability to require disinfection or destruction of fittings which have been in contact with livestock products. It is interesting that in my previous life as a meat inspector I remember a fellow meat inspector by the name of Bruce Pollard, who lives up at Lake Boga now. We were in the abattoirs at Borthwicks in West Melbourne, where one of the staff there had a leather watchband and Bruce condemned the watch. I wondered what was going to happen!

It is important that we are able to control the destruction of fittings that might spread disease. I heard the member for South-West Coast talking about watchbands and the like; but the bill not only covers those types of things, it covers vehicles, premises or places where livestock or livestock products are kept rather than just those which are exposed to sale or exhibited or which are processed.

As members heard earlier in the night, this bill changes and allows for milk from any source, not just milk from licensed milk manufacturers, to be fed to pigs. I know there was some discussion by my colleagues in The Nationals at the briefing we had — and I thank the minister for that — but the swill feeding was a big issue many years ago, and it still is an issue if particularly the swill feeding of pigs is not done properly.

With all those comments I cannot overemphasise the importance to Victoria of the agricultural industry, particularly in this case the livestock industry. They are going through a difficult time, particularly with the drought. As we know, stock can go without a feed for a day or two, but they will not go without water. It is important that this government does all it can to assist those farmers in drought conditions, particularly with bore licences, access to water and the provision of those types of resources.

In Australia we also need to make sure we provide for decisive action to be taken in an emergency. It is important to have a sound legislative framework in place to make sure that all the states, territories and the commonwealth have generally agreed legislative powers so we can control livestock diseases which could hit Australia at any stage.

With those few words, Acting Speaker, on behalf of the constituents of the Lowan electorate, and with my colleagues in The Nationals, I indicate that I will not be opposing this legislation.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr HELPER (Minister for Agriculture).

The ACTING SPEAKER (Mr Jasper) — Order! Before calling the minister I indicate that as Acting Speaker I found it really disruptive that another member sought to curtail the comments being made by the member for Lowan. He had the right to speak for his 10 minutes. So far as I am concerned, I find it disruptive to any member who is on their feet when other members try to stop the member and curtail their speech — and I am referring not to you, Minister, but to the member for Bulleen. The member had a right to speak for his 10 minutes, as allowed by the standing orders.

Mr HELPER (Minister for Agriculture) — It gives me a great deal of pleasure to sum up the debate on the Livestock Disease Control Amendment Bill. I thank all members who have contributed to the debate on this legislation, and I will go to some detailed comments on each of their contributions.

Firstly, the member for South-West Coast, the Liberal spokesperson on this particular matter, raised the issue of the use of the word ‘normally’ in proposed section 3(1)(d)(i). The member for South-West Coast suggested this may introduce a level of ambiguity, and he used the example of a watchband which may carry disease but which could not be classified as normally coming into contact with livestock.

I take the point. That point was similarly made by The Nationals spokesperson, the member for Benalla. He also raised the issue of this wording. I am more than happy to undertake to get some advice on this matter as the bill passes from this house to the other house, and one way or the other I will provide some feedback to the member for South-West Coast and the member for Benalla.

Secondly, the member for South-West Coast raised a caution about swill feeding, and other members in their contributions also did that. I think it is fair to say that this bill strikes a reasonable balance in terms of the clarifications it puts into the legislation about the swill feeding of milk to pigs. I think it is a balance that is informed by the same caution that is put forward by the member for South-West Coast and other speakers on this legislation, so I appreciate those comments.

The member for South-West Coast also made some comments about the herpes-like virus that is affecting abalone in parts of the western fishery of Victoria. Certainly I concur with the member that the impact on the abalone industry is a severe one. I also acknowledge the impact on individual licence-holders, their divers and their staff. I also acknowledge a significant impact on the fishery industry, particularly in the member’s electorate.

I acknowledge those things, but I do not accept the criticism that was implied in the member for South-West Coast’s comments. We have had international experts assess Victoria’s response in terms of this virus affecting abalone, and they have found that the response has been both measured and adequate. Members need to keep in mind how difficult a task it is to prevent the spread of a virus-like infection in the sea. We cannot, in the wild — in the sea — quarantine in the normal ways we would quarantine livestock on land. It is a difficult issue; nobody is shying away from that.

In addition to the efforts that the Department of Primary Industries, my department, has put into scientific research so that we can better identify the vectors by which the virus spreads, the efforts that both the wild catch and aquaculture industries have put into control of the disease are very much appreciated. It has been an excellent effort in terms of trying to control the spread of the disease. However, preventing the spread of a disease obviously is much more difficult and much more complex in a sea environment than it is on land. The member for South-West Coast made those comments, the sentiment of some of which I agree with — that is, the significance of the impact — but the judgements he has reached I vehemently disagree with.

I come to the member for Benalla's contribution. I think all members of this chamber were moved by his recounting his experiences in Britain when he was supporting the efforts to contain the foot-and-mouth disease outbreak, including the difficult human dimension that is involved in practices like culling herds that have to be put in place and the reaction that the livestock owners have to that. All of us should take note of the cautionary tale in his presentation on the impact that a disease outbreak could have on our community. I thank him very much for that.

I thank the member for Seymour for his recognition of the professional qualities of the Department of Primary Industries and his discussion and explanation of Exercise Eleusis, which to a large extent informed the amendments that are put forward in this bill. I also appreciate the comments he made about the consultation that was offered by the Department of Primary Industries in drawing this legislation together.

The member for Caulfield raised the risk of spread of avian influenza. She related her comments particularly to the preparedness of the health sector to deal with it. I take note of the comments made by the member for Caulfield, which were made in good faith.

I appreciate the overview of the bill given by the member for Ballarat East, which stressed the importance of agriculture to Victoria, particularly to the livestock industry. I note the encouragement of the member for Rodney for a review particularly of disease outbreaks and responses. That is something dear to my heart. We should learn from every difficult circumstance, whether it be bushfire, drought or a disease outbreak, and make our response better in the future. I share the sentiment of his comments. He related his encouragement for a review to the recent anthrax incident in his part of the world.

I put on the record my appreciation of the professional way in which the Department of Primary Industries handled that particular incident and indicate that agriculture in Victoria is well served by the professionalism of the department. As I have said publicly in relation to that particular incident, as I have in relation to any other incident, we can always learn and we do always learn.

The member for Lowan presented a very good oversight of the bill and stressed the importance of the livestock industry to Victoria's agriculture and Victoria's economy as a whole. He stressed the need for livestock identification in terms of the ability to trace disease outbreaks and through that tracing the greater ability to control and contain disease outbreaks.

Most, if not all, people in agriculture recognise the merit of that in the ability to control disease. The member for Lowan also cautioned against swill feeding, a theme that other members also presented. I stress that I appreciate the comments made by all members and thank them for their contributions.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr CAMERON (Minister for Agriculture).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Rosebud Hospital: obstetric services

Mr DIXON (Nepean) — I wish to raise an issue for the Minister for Health regarding obstetrics services at Rosebud Hospital. I would like the minister to put her department's resources into helping Peninsula Health attract obstetricians who would be willing to work at Rosebud Hospital.

Two years ago two of the four obstetricians at Rosebud Hospital left, and for 18 months the hospital has struggled on with just two obstetricians. Last year the hospital network decided to review obstetric services at Rosebud Hospital but it did not release the results of that review. As a result of that review and also because the last two obstetricians resigned and/or retired just last week, the hospital has been left with no obstetricians and there is no possibility of replacing them, so Peninsula Health has announced that there will be no more births at Rosebud Hospital.

I raised this issue twice in this place last year because the writing was on the wall and rumours were abounding. I raised the issue in the last sitting week before the election, and the minister did not come into the house to respond and did not write to me. I heard absolutely nothing from her. The reason I raised it at that late stage was the fact that the staff were very concerned. A number of the midwifery staff had contacted me, rumours were rife and morale was very low because no-one knew what was going on. They

knew that the review had taken place, but they had no idea what had happened with that review.

Peninsula Health said it would not announce the result of that review before the election because it was too emotive. Of course it is emotive. This is a community hospital that has put millions of dollars into its midwifery over the years. Of course people are emotional about it. People want to know what the issues are just before an election. They want something to vote on, and they need to be informed so that they can make informed votes.

Peninsula Health has tried to find some obstetricians but is unable to do so. What it has decided to do is take the obstetrics unit holus bolus to Frankston Hospital, which is almost 50 kilometres away. It has been said that once the babies are born the mothers and babies can come back to Rosebud, but any mother I have talked to has said there is no way known they would like to move hospitals all over again after the baby is born and they have settled into a routine; it is just too unsettling and it just will not work.

Another issue is the fact that the number of extra beds being provided at Frankston Hospital does not equal the number of beds that have been lost at Rosebud Hospital. What the community wants is to have the obstetric services fully restored at Rosebud Hospital. I implore the minister to do something about it because it is just not good enough.

Concord School, Bundoora campus: achievements

Mr BROOKS (Bundoora) — I wish to raise an issue for the attention of the Minister for Education in the other place. The issue relates to a school in my electorate — —

An honourable member interjected.

The DEPUTY SPEAKER — Order! I cannot hear the member for Bundoora.

Mr BROOKS — I request that the minister visit and inspect Concord School's Grimshaw Street campus in Bundoora.

Concord School has an excellent reputation as a specialist school for children with mild to moderate intellectual disabilities. The school caters for students between the ages of 5 and 18 years and has 86 teachers and staff committed to achieving excellence in education for students with additional learning needs. It has a main campus at Grimshaw Street and a junior campus at Watsonia Primary School, where classrooms

are provided for students aged between five and nine years of age.

The school has a great technology centre, physical education centre, performing arts centre, healthy living centre and library. The school is recognised as being a world leader in the provision of education for students with specialised learning needs and is highly regarded for its curriculum, learning technology programs and educational leadership. Concord School currently has an enrolment of around 270 students who come from a wide area, not just the immediate Bundoora area. The school supports integration into or from mainstream schools, and support services available to parents, carers and students include social workers, guidance officers, speech therapists and visiting teaching services.

The excellent performance of Concord School mirrors the performance of education across the state under the Bracks Labor government — for example, prep to year 2 class sizes having dropped below 21 students, a record achievement; the highest year 12 completion rate of any state; the investment of an additional \$6.3 billion in education and training; the employment of 7300 extra teachers and staff in Victorian state schools since the government took office; the 10-year Victorian schools plan, the biggest schools rebuilding project since World War II; the modernising or rebuilding of all government schools; and the investment of \$1.9 billion over the next four years to upgrade around 500 schools, including the upgrading of tech wings and better equipping of science classrooms. We should compare this record to that of the opposition when it was in power. It forcibly closed schools, including Watsonia South Primary School in my local area, and shamefully cut teacher numbers.

Concord School is an excellent local school with a dedicated team of staff headed up by the principal, Mr Colin Schot. It is a fine example of the public education system. I would like to thank the Minister for Education for formally opening my electorate office recently. I know Mr Schot had the opportunity to have a brief chat with the minister on that occasion. The school council has requested the opportunity to meet with the minister and showcase its great school and the great work it does. I therefore hope the minister can take this action and visit the Concord School.

Police: Shepparton child abuse unit

Mrs POWELL (Shepparton) — I raise an issue for the Minister for Police and Emergency Services. The issue I raise with the minister is the proposed cutback over a three-month trial period of the sexual offences

and child abuse police unit, or SOCA unit, based in Shepparton. The cutback will start in about two and a half weeks. The action I seek is for the minister to urgently provide the resources to ensure that it continues its vital work, whether those resources are in the form of funding or extra police officers.

The SOCA unit responds to incidents of sexual assault and child abuse across the municipalities of Greater Shepparton, Moira and Campaspe. Police in the SOCA unit are specifically trained and experts in working with victims of sexual assault and child abuse. It would be disgraceful if this government allowed this special unit to be scrapped or cut back.

A report in yesterday's *Shepparton News* says:

The specialist Shepparton police unit devoted to child abuse and sexual assault victims will be cut back next month.

Shepparton police superintendent Rod Johns confirmed the service's after-hours on-call service would be cut in a three-month trial from 1 April.

Further on it says:

SOCA unit police work with the Centre Against Sexual Assault —

or CASA.

Shepparton CASA manager Judy McHugh said SOCA officers were integral to CASA's work.

'It would be disappointing if the SOCA police were no longer available, because after many years of lobbying for an after-hours crisis counselling service for victims of rape we've now received funding, and we would see SOCA as being integral to that service', Dr McHugh said.

Is the cutback due to the lack of police numbers? We would hope not. I have been calling for extra police in the Shepparton district for many years, and I have tabled a number of relevant petitions from the communities of Tatura, Mooroopna and Murchison.

The former police minister advised me a number of times that Victoria Police was responding appropriately to the policing needs across the region, and I understand there has been a small increase since I have been lobbying about police numbers. I have called for a review of police numbers in the Shepparton district, which I believe should include how many police are needed and how many police are working at the moment, because we know some officers are on leave, as they are entitled to be, but they are not replaced. This causes overloading on other police officers and cuts programs such as the SOCA program. It is absolutely vital that the program continue to be operated.

I understand the City of Greater Shepparton is asking for an urgent meeting with the police minister to put its case for increased police numbers. I hope the minister listens to the community, to the City of Greater Shepparton and to me and does that review to make sure that the Shepparton district has the appropriate police numbers so we do not see police stations in my district closing, as they have done for a number of years, with police officers going out on stress leave and not being replaced.

Country Fire Authority: Warburton brigade

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Police and Emergency Services. The action I seek is in relation to the need by the Warburton brigade of the Country Fire Authority for a new building on a different site in Warburton. The Bracks government announced during the 2006 election campaign that in this term of government we would see a new fire station built for the Warburton CFA. I wish to place on record the importance of the timely delivery of funding for this project, given the impediments currently faced by the brigade operating from its existing site.

The existing station is situated on the Warburton Highway, making access and egress difficult when the township is so busy — which is now most of the time, given that the shops are generally full, the footpaths are crowded with people and the cafes are crowded with customers. All the people visiting the beautiful Yarra River are making the town a very busy place.

Sites are being investigated in anticipation of the brigade receiving funding as soon as possible. I, along with the Warburton community and the CFA, have been and remain grateful for the commitment and ongoing support by the Bracks government to maintaining and continuing to assist in the safety of the community. I would also like to acknowledge and thank the government for its support of the Reefton CFA by committing to the upgrade of its facilities. Both commitments were part of the ALP election policy, under the heading 'Ready for any emergency'.

Through this package \$33.6 million was committed to building 16 new CFA stations. Both the Reefton and Warburton CFAs are located in fire hot spots and are surrounded by forest and mountains and national and state parks, along with some of our most precious water catchment areas.

Many members spent time at the north-east and the East Gippsland fires, and I pay tribute to their selfless commitment. A few weeks ago they all turned out to a

very daunting fire close to homes in Yarra Junction. I also know that a couple of weekends ago strike teams were sent to the Buxton fire. I thank both brigades for the amazing service they provide, and I look forward to working with them on these very important projects.

Another demonstration of our commitment to first-class state-of-the-art facilities for emergency services in my electorate is the recently constructed Pakenham police and emergency services complex which is now operational and housing the police, the CFA and the State Emergency Service. This is a model when it comes to co-location, and I believe it will be replicated throughout the state. Again I call on the minister to provide funding for the relocation of the Warburton CFA.

St Aloysius Primary School, Caulfield: speed zone

Mrs SHARDEY (Caulfield) — The issue I raise is with the Minister for Roads and Ports. The action I request is that he facilitate the introduction of a 40-kilometre-an-hour school speed zone on Balaclava Road east of the Hawthorn Road intersection for the protection of children at St Aloysius Primary School.

The St Aloysius Primary School is a Catholic primary school situated behind St Aloysius Church, which faces Balaclava Road. The school faces the side streets of Catherine Street and Cromwell Street; however, most children enter and exit the school via Balaclava Road. Recently a young student of the school was knocked while crossing Balaclava Road near what is a very busy corner. The parents of the schoolchildren are most concerned about the safety of their children and have organised a petition supporting the introduction of a 40-kilometre-an-hour speed zone on Balaclava Road. The parents who have organised the petition have also invited other parents to write to VicRoads about this issue.

There are two schools nearby on Balaclava Road, one to the west and one to the east of St Aloysius school. One is the Caulfield Junior College and the other is the Caulfield Park Community School. Both these schools have 40-kilometre-an-hour speed zones on Balaclava Road. The roadway in between, which goes in front of the church and behind the school, is a 60-kilometre-an-hour zone. In fact, within a few metres of crossing Hawthorn Road there is a 60-kilometre-an-hour zone, which means that cars are really going quite fast once they pass that intersection.

Back in 2003 there was a meeting with VicRoads, the council and the police to discuss 40-kilometre-an-hour

zones in the Glen Eira area. This school was told that it would not have a speed zone on Balaclava Road, where most of its children enter and exit the school but could only have speed zones in the side streets.

Clearly the safety of St Aloysius schoolchildren should be reconsidered in relation to a 40-kilometre-an-hour zone. I call upon the minister to have another look at the needs of this school and have another look at Balaclava Road, which is a very busy road. My office is on this road, so I know the amount of traffic that is going by. Considering that a child has already been knocked in this vicinity, I ask that the minister take some urgent action.

Penders Grove Primary School, Thornbury: crossing

Ms RICHARDSON (Northcote) — I wish to raise a matter for the Minister for Roads and Ports. I wish to bring to his attention the crossing at Penders Grove Primary School on Victoria Road, Thornbury. The action I seek from the minister is that he commission a report from VicRoads. In particular, I want VicRoads to focus on how the safety of the crossing can be improved.

Penders Grove Primary School is on the corner of Victoria Road and Dundas Street. It is tucked behind trees and is easy to miss. Local residents have often remarked to me and to others that they have never noticed the school they have driven past many times — it is on the corner — in spite of the fact that it has been a school since 1924.

One hundred and seventy students use the crossing on Victoria Road to do part of their school activities. Victoria Road is a north–south road and it ends at a T-intersection at Dundas Street. The lights for the crossing are a mere 30 metres or so from the intersection, and cars travelling up the hill towards Dundas Street are met with two sets of lights in very close proximity to each other. Similarly cars turning left or right off Dundas Street into Victoria Road are faced with two sets of lights in very close proximity.

Last week I met with the principal of Penders Grove Primary School, Mary McGregor. She gave me a very chilling account of a near miss with a school student. The driver of the vehicle concerned actually spent some time within the school, having been quite shaken by the incident. She recalled in some detail how, quite simply, she had come around the corner, missed the second set of lights and travelled through and very nearly collected one of the Penders Grove school students. It was a very

near miss and something we want to see avoided in the future.

A range of suggestions have been made to improve the Penders Grove crossing. Flashing speed lights are one of the suggestions, as well as speed bumps and moving the crossing further south down Victoria Road. I think the best suggestion that has been made so far is to synchronise the lights in order that the minute the pedestrian crossing is triggered, the lights at Dundas Street turn red. That will stop traffic heading north up Victoria Road from entering the T-intersection. It will stop them at the pedestrian lights. Similarly traffic heading south turning left or right off Dundas Street will be paused at the intersection so it does not run into schoolchildren a mere 30 metres down the road. In conclusion, I hope the minister can take this action to improve the safety of the crossing at the primary school.

Police: East Gippsland

Mr INGRAM (Gippsland East) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The issue I raise is in relation to police numbers across Gippsland East. The action I seek is for the minister to work with the Chief Commissioner of Police to ensure that the police allocated to the East Gippsland region are available for active duty. There has been a major issue because a number of police officers are not available for duty due to stress leave and other matters, particularly in major stations across East Gippsland like Bairnsdale. This leads to staffing problems in other stations which are required to backfill the major, 24-hour police station at Bairnsdale.

In stark contrast to most areas of regional Victoria, major towns across East Gippsland are experiencing significant increases in population numbers. Lakes Entrance in particular has been experiencing continual population growth for many years now. The community is very grateful for the provision of a new police station complex in the town approximately five years ago. But in regard to the issue of resourcing for that area, the increased population has led to increased crime statistics in the town. There have been a number of very concerning incidents in the last few weeks, including an alleged rape of a young girl. That is on top of a number of fairly serious criminal activities over that period.

The community is very concerned about the level of crime. It is also concerned, because Lakes Entrance does not have a 24-hour police presence, that when staff are on duty they have to cart people who are

pulled up for fairly minor offences to be processed in Bairnsdale, and that leaves Lakes Entrance without coverage, and when Bairnsdale numbers are down, the police have to backfill from Lakes Entrance. Local communities are fairly concerned about that.

I understand that the government will also be entering into enterprise bargain negotiations with the police, and I would like to make sure the minister and the Chief Commissioner of Police allow more flexibility for police outcomes so that staff can be distributed where they are needed when they are needed and to remove the issue of police who go on stress leave and those who will not move to where they are required. The community is very grateful for the increased police numbers, but they need to be on the beat, out there enforcing the law. The community is also grateful for the increased resources in new police stations, but you need to have police on the beat.

Royal Botanic Gardens, Cranbourne: Australian Garden

Ms GRALEY (Narre Warren South) — I wish to raise in the adjournment debate an issue for the attention of the Minister for Tourism. I call upon the minister to visit the excellent Australian native gardens at Cranbourne, a place that is utilised and enjoyed by many of the families who reside in my electorate of Narre Warren South. Since the opening on 28 May 2006 by the Premier, the Australian Garden has quickly become a very popular local attraction. The state government has contributed over \$9 million of the total \$50 million for its development so far. During the election campaign we committed another \$21 million for the next stage. The garden has enjoyed close to 50 000 local and international visitors and there have also been visits from 5000 school and university students.

As a child I loved visiting the Royal Botanic Gardens in Melbourne for a day out with the family. The Cranbourne gardens are a great example of the Bracks government's commitment to providing quality facilities for all Victorian families, especially those in the south-eastern suburbs. The gardens also provide a compelling lesson for using our stunning native plants, especially in these dry times. Narre Warren South is full of new homes with new gardens, and a visit to the native gardens is sure to inspire. Last month the Australian Garden was announced the national winner of the 2006 Qantas Australian tourism awards in the new tourism development category. It was named the winner of the Victorian category in November last year and then went on to beat contenders from every other state and territory in Australia to win this prestigious

award. This is the first time anywhere in Australia that a botanic garden has won this award.

I will take this opportunity to congratulate the community for embracing this excellent garden and also the board of management: Ms Elaine Canty, Mr Michael Hamson, Ms Judy Backhouse, Professor Mark Burgman, Mr W. Rodger Elliott, AM, Mrs Janet Halsall and Ms Linda White, who have all done an excellent job in developing the gardens to this stage. The City of Casey also deserves a mention for its enthusiastic support. Dr Philip Moors has led an outstanding team of workers to make this garden such a wonderful place. I urge the minister to take the opportunity of visiting the Australian native gardens soon.

Drugs: treatment programs

Ms WOOLDRIDGE (Doncaster) — I wish to draw to the attention of the Minister for Mental Health an issue of importance to all Victorians. The action I seek is for her to scrap her decision to divert funds from heroin services to methamphetamine programs and instead belatedly provide new funding to deal with the scourge of ice in our community. Methamphetamines have been emerging as a major drug issue since the heroin drought of 2001, when they became readily available. But until last month the Bracks government had been silent on the matter — almost.

In 2003 the Drugs and Crime Prevention Committee, dominated by Labor, lamented the lack of treatment models for methamphetamine users. The committee recommended that a pilot service be established to trial the use of separate treatment strategies for amphetamine users. This recommendation was rejected by the government three years ago, saying that the treatment of amphetamines is core business for the drug-treatment service system. However, the overwhelming majority of research demonstrates that the current treatment is not meeting client needs. Methamphetamine users do not find that the general treatment services that are available satisfy their needs.

There were over 114 000 Victorians who used methamphetamines last year, and approximately 15 000 of them were dependent users. So the Premier's comment last month that 'we want to have a pre-emptive strike on ice' was laughable. Rather than treat the problem when it was identified more than five years ago, the government has chosen to treat the headlines. In the weeks prior to the government's announcement Melbourne's newspapers ran stories entitled 'Epidemic badly needing a fix', 'Ice baby dies', 'Families hit by ice wave' and 'Deadly ice scourge'. I

say the Premier's so-called pre-emptive strike is actually a reaction to the media, while the problem itself has been visible for many years.

The way to fund programs to deal with one drug is not to rip money from another program. In the words of Bill Stronach from the Australian Drug Foundation, the government is robbing Peter to pay Paul. Reportedly the money will come from public awareness campaigns which focus on heroin. Such campaigns alert users to the risks not only of an overdose but also of contracting HIV/AIDS and hepatitis C. These diseases pose an ongoing threat to our entire community. The removal of \$14 million is troubling, as there are still 27 000 heroin-dependent drug users in Victoria and the number of notified cases of HIV last year was the highest it had been in 20 years. I must say this is definitely a grave gamble.

I call on the minister to overturn her recent decision, replace the \$14 million in heroin services and provide the long-overdue fresh capital that is needed to fund programs and initiatives to deal with methamphetamines.

Water: pricing policy

Mr ROBINSON (Mitcham) — I want to raise this evening an important matter for the attention of the Minister for Water, Environment and Climate Change, and it pertains to the ongoing issue of water policy and pricing.

Mr Stensholt interjected.

Mr ROBINSON — No, I will come to that perhaps tomorrow night. I raise the issue of water policy tonight on behalf of a significant local company by the name of Gainsborough, which for many years has made fine quality door furniture. I am not sure if the member for Caulfield has a Gainsborough door in her house. If she does not, she really should have, because it is an outstanding company that has been doing good work for many years.

The company recently wrote to me requesting that its experience be looked at closely in any reconsideration of water policy and pricing by the minister. I am hoping that he can agree to do it. I will quote from the letter, because the company's experience in its resource efficiency program is quite instructive. The letter states:

During the latter part of 2006 we participated in a program titled 'Resource efficiency in metal finishing'. This involved 20 Victorian companies, most with electroplating plants. After a detailed review of each company via a managed benchmarking protocol we were pleased to be ranked in the top three in overall performance. Use of water and

containment of solid waste were two of the headline measures.

Project partners facilitating the study were:

- EPA Victoria
- Victorian government
- Melbourne Water
- Yarra Valley Water
- South East Water
- City West Water

For the past 12 months, we have also been engaged in a longer term project to reduce water usage. Over the October–January period, we have reduced water consumption by 33 per cent at our Blackburn site, compared to the corresponding period in 2005–06. We have also recently installed recycling equipment at our Kyneton factory, with results yet to be tabulated.

The letter goes on to say:

For our business, a significant proportion of water usage relates to mandatory neutralising requirements. As detailed above, we have already achieved a significant reduction in our water usage.

The company has therefore requested that these and similar proactive initiatives be taken into account when the government is formulating any new policy pricing regimes. I think this is a very legitimate point of view from an important company in the Mitcham electorate. It certainly gives the lie to ill-founded claims, some of which have emanated from — —

The DEPUTY SPEAKER — Order! Can the member be clear about the action he is requesting?

Mr ROBINSON — Yes, I am asking the minister to consider the company's experience, as requested by the company, in any reconsideration of water policy and pricing. Certainly the company's experience gives the lie to claims that have come from the other side that industry is not pulling its weight. Here we have a very significant local company in the Mitcham electorate which employs many people, has been around for many years and has contributed a great deal to the Victorian economy, and which has already taken steps of its own volition to improve its water efficiency. I hope the minister can take into account this company's experience when considering water pricing policy in future.

Responses

Mr HOLDING (Minister for Tourism) — I thank the member for Narre Warren South for raising with me the circumstances of the Australian Garden in the Royal Botanic Gardens, Cranbourne. It is a wonderful facility, and I was very pleased, along with the former Victorian

Minister for Tourism and other tourism ministers around Australia, to attend the Australian Tourism Awards in Sydney on Friday, 23 February, at which the Australian Garden was acknowledged and won one of the 27 awards. It won the new tourism development award, an award that it also won here in Victoria.

One of the most satisfying things to come out of these national awards was the fact that Victorian products won 8 of the possible 27 awards, more than any other state or territory. Compared to states such as Queensland and New South Wales, which have much larger tourism industries than Victoria — they won only five awards each — it was very satisfying to see a Victorian product acknowledged in this way, particularly the Australian Garden at Cranbourne.

I have had the opportunity of visiting the Australian Garden before. I saw it while it was under construction and noted that it can play a very significant role in showcasing not only to people in the Cranbourne and Casey area but also to the broader Victorian community the things that make the Australian outback and the Australian flora and fauna experience unique. I know that the Australian Garden will play a very significant role in showcasing that to many Australians — particularly, I hope, young Australians — for many years to come.

There are something like 100 000 plants at the Australian Garden, including 1000 trees in five different landscape display and exhibition gardens which give visitors to the centre an opportunity not only to experience the Australian Garden but also to receive information from very knowledgeable guides, make the most of the experience and learn something about the uniqueness of Australian flora.

The honourable member for Narre Warren South, whom I know is a great supporter of the Australian Garden at Cranbourne, has asked that I visit the garden, and I am very pleased to let the member know that on 29 March I will be visiting the Australian Garden and taking the opportunity to personally congratulate those responsible for the facility for their wonderful achievement at the Australian Tourism Awards. I hope those congratulations and the acknowledgement of the fantastic work they are doing will be passed on to all the staff at the gardens and to all the supporters who have worked very hard to achieve an experience for Australians which will live on in that part of Melbourne and that part of Victoria for many years to come.

Mr CAMERON (Minister for Police and Emergency Services) — The honourable member for Shepparton raised a matter concerning a change in

policing arrangements in the Shepparton area in relation to operational matters. The member will be aware that these are matters for the police, and no doubt she will take up any concerns she has with the police. What the Bracks government has done is provide police with record resources and record police numbers. Police command allocates those resources on a sensible basis, which has brought about a reduction in crime. It has certainly been vastly different to the time when we had Nationals ministers who reduced police numbers. In fact police command had to choose where police numbers were to be reduced. I would certainly urge the honourable member for Shepparton to take up her issue with police command.

The honourable member for Gippsland East raised a matter relating to policing in the Gippsland East area. The member has been a keen supporter of police during the whole time he has been in this house. He raised in particular the matter of off-duty police. An initiative that the government committed to during the last election is having a bank of police available to be deployed to areas where there may be, for example, police absent from duty. This is designed to help bring about additional resources and is part of this government's commitment to increasing police numbers even further. Assistant Commissioner Paul Evans, who is the assistant commissioner for the area, is very proud of the reduction in crime that has occurred within his region, as I am sure the honourable member for Gippsland East is. These are matters that he and the police will continue to work on.

The honourable member for Gembrook raised a matter relating to the Warburton Country Fire Authority brigade. You would have to say that she has been an enormous supporter of the Warburton CFA. She certainly has made keen representations on its behalf, and as a consequence we have seen a commitment to the Warburton CFA. She has also been a keen supporter of the Bracks government, which has gone about doubling the budget of the CFA. The increase in funding has meant the provision of additional resources to CFA brigades across the state. The member for Gembrook is a keen supporter of CFA volunteers, and we have seen what a fantastic job they have done during this fire season. I can certainly say to the honourable member for Gembrook that we are committed to this project. It is a great project, and we intend to deliver it during this term. I give her that assurance.

The honourable members for Nepean, Bundoora, Caulfield, Northcote, Doncaster and Mitcham raised various matters, and I will refer those matters to the appropriate ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.46 p.m.

