

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 15 March 2007**

**(Extract from book 4)**

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**Education and Training Committee** — (*Assembly*): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmarr, Mr Finn and Mr Hall.

**Electoral Matters Committee** — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr Hall and Mr Somyurek.

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**Outer Suburban/Interface Services and Development Committee** — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland.

**Public Accounts and Estimates Committee** — (*Assembly*): Ms Graley, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva and Mr Pakula.

**Road Safety Committee** — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

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*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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The Hon. LOUISE ASHER

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Mr P. J. RYAN

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Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP



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**Thursday, 15 March 2007**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.**

## PETITIONS

**Following petitions presented to house:**

### **Gippsland Lakes: entrance**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the severe risk of flooding, threats to public safety, negative impact on industry, and concerns for the environment of the Gippsland Lakes associated with the excessive build-up of sand in and around the ocean entrance to the lakes system. The petitioners therefore request that the Legislative Assembly of Victoria fully resource Gippsland Ports to purchase new equipment and develop a permanent solution to maintain this vital piece of infrastructure in the interests of all Victorians.

**By Mr RYAN (Gippsland South) (2177 signatures)**

### **Kangaroos: control**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the slaughter of kangaroos on private property and bushland in Victoria. We are in the midst of a major drought which will naturally decimate the kangaroo community. Continuing to allow further reduction by shooting will seriously deplete existing mobs, removing any who may have been strong enough to survive the already tough conditions and therefore threatening the long-term survival and genetic integrity of local populations.

The petitioners therefore request that the Legislative Assembly of Victoria:

direct the DSE to develop a statewide management plan for kangaroos;

act immediately to stop the practice of desktop culling permits being issued;

insist that the DSE conduct on-ground investigations for each culling request;

ensure that local amenity and social impact are considered when investigating culling requests;

ensure that an environmental impact statement is prepared for each culling request;

ensure non-lethal methods be given priority when there is a problem identified.

And further the petitioners request that the issue of a commercial kangaroo industry in Victoria is not considered.

**By Ms DUNCAN (Macedon) (841 signatures)**

**Tabled.**

**Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Mr INGRAM (Gippsland East).**

**Ordered that petition presented by honourable member for Macedon be considered next day on motion of Ms DUNCAN (Macedon).**

## DOCUMENTS

**Tabled by Clerk:**

*Commissioner for Environment Sustainability Act 2003 — Strategic Audit of Victorian Government Agencies' Environment Management Systems, January 2007*

*Financial Management Act 1994 — Budget Sector — Mid Year Financial Report 2006–07 incorporating the Quarterly Financial Report for the period ended 31 December 2006*

*Parliamentary Committees Act 2003 — Government response to the Road Safety Committee's Review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents*

*Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2005–06*

*Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule 4.*

## **WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL**

*Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered next day.**

## **STANDING ORDERS COMMITTEE and PRIVILEGES COMMITTEE**

### **Establishment and membership**

**Mr BATCHELOR (Minister for Victorian Communities) — By leave, I move:**

- (1) That a select committee be appointed to inquire into and report upon complaints of breach of privilege referred to it by the house and right-of-reply applications referred under standing order 227, such committee to consist of Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphine, Mr Nardella, Mr Stensholt and Mr Thompson (Sandringham) and that five be the quorum.

- (2) That a select committee be appointed to consider and report upon the standing orders of the house, such committee to consist of the Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell and that four be the quorum.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Adjournment

**Mr BATCHELOR** (Minister for Victorian Communities) — I move:

That the house, at its rising, adjourn until Tuesday, 17 April 2007.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Bellarine Agricultural Show

**Ms NEVILLE** (Minister for Mental Health) — On Sunday I was very pleased to formally open the Bellarine Agricultural Show. It was the 17th annual show, and this was my sixth opening. The Bellarine Agricultural Society has a proud history of supporting and encouraging local farmers and the broader community to participate in the show. The show includes farmers improving the productivity and quality of their stock through competition and people producing wonderful art and craft works or fabulous cakes, jams and local produce.

This year's highlights again included the gumbboot tossing competition, the home brew judging and the guess-the-weight-of-the-steer competition. The society also added activities that encourage greater participation by young people with the decks, dust and dung skate competition. The Bellarine show is not only a great day in itself but is also an opportunity to celebrate the role agriculture has played in the development of the Bellarine Peninsula and the important ongoing role it plays today.

The Bellarine Peninsula is seen by many as a coastal community, and of course we have some of the best coast in Victoria. But agriculture has always been a key element in the economic and social development of the peninsula. The Bellarine Peninsula has such a lot to offer, and the show showcases these assets. This year's show was another huge success, and I want to acknowledge the work of Bellarine Agricultural Society members, especially John Harris, president, and Beryl

Downey, secretary. These are all volunteers and they put in a huge amount of work each year. Well done on a great job.

### Rail: Brighton crossing

**Ms ASHER** (Brighton) — I have been asked to present a petition to this Parliament which has been signed by 4000 people, many of whom reside in my electorate. The petition is to save the New Street railway gates, the last hand-operated railway gates in Melbourne. Heritage Victoria has recognised these gates, and there are also safety reasons why automated boom gates are unlikely to work at the corner of New Street and Beach Road, Brighton. There is a real risk of cars being caught across Beach Road or on the crossing as many cars turn right into Holyrood Street. There is of course a reason why the gates have not been automated until now. I live very close by and have observed for years high-risk behaviour by drivers on this crossing, which has been relieved by the quick-footed action of those manning the gates.

I call on the Minister for Public Transport to take note of this petition. The petition has been signed by me and a number of other known Liberals. We are some of the 4000 people. The petition has also been signed by a member of The Nationals who happens to reside in Brighton. It will be of huge interest to the member for Melton that the petition has also been signed by Mr Lenders, the Leader of the Government in the upper house, and by one Simon Crean, who admittedly does not live in Brighton but also has an interest. This evidence should be overwhelming for the minister.

### Monash Medical Centre: Moorabbin auxiliary

**Mr HUDSON** (Bentleigh) — For the last 30 years the Moorabbin Hospital auxiliary has run a kiosk at the Monash Medical Centre in Moorabbin to raise funds for hospital equipment. The auxiliary, ably led by its president, Pat Huggins, secretary Bev Fitzharris and treasurer Marj Lochhead, has had a proud record in raising funds of around \$30 000 a year.

The people of Bentleigh and Moorabbin originally fought to establish the local hospital and raised funds to build it on what was market gardens over 30 years ago. With the help of successive governments the hospital was established, originally as the Moorabbin Hospital and now as part of the Monash Medical Centre. Many things have changed at the hospital during that time, but what has not changed is the dedication and commitment of the auxiliary to this local hospital. Its hard work and service have seen it raise over \$1 million for the hospital over that 30-year period.

At least as important as the money has been the sense of community ownership and support that auxiliary members have brought to the Moorabbin Hospital. Being admitted to a hospital as a result of injury or illness can be a traumatic experience. However, patients, their families and friends have all been comforted by the warmth, compassion and smiling faces of the auxiliary in the kiosk at the hospital entrance. Congratulations to the Moorabbin auxiliary for 30 years of outstanding service. It is as a result of their work that the hospital has been a more warm, humane, compassionate and caring place than it otherwise might have been.

### **Mental health: funding**

**Mr DELAHUNTY** (Lowan) — The mental health and wellbeing of Victorians and in particular services to address mental illness are as important as addressing physical health needs. As we move towards budget time there is a need to greatly increase funding for mental health services, which have been underfunded in Victoria and particularly in country Victoria. The government must address the crisis facing mental health services, especially in country Victoria, where they are almost non-existent. There are 80 per cent fewer psychiatric beds in acute hospitals per 100 000 people in outer regional areas compared to Melbourne. There are very few public and private psychiatrists operating in country Victoria, and far too many people with mental illness receive little or no professional help.

The Nationals strongly believe all Victorians and particularly those in country Victoria are entitled to access top-quality mental health care and services within their region. The government must implement strategies and incentives to attract psychiatrists and mental health staff to work in country Victoria as well as significantly increase the number of psychiatric beds. Chronic underfunding of mental health services, particularly those catering to young adults with emerging mental health problems, is false economy leading in the long term to higher social costs in the form of crime, homelessness, and drug and substance abuse. Victoria is bigger than Melbourne, and the budget must be increased to fund mental health care, particularly for those in country Victoria.

### **Neil Smith**

**Mr HARDMAN** (Seymour) — I rise to congratulate Neil Smith of Broadford's SSS Bargain Builders Supplies Pty Ltd. For some time Neil has been working on a web-based system of pricing and product information for the Australian hardware, plumbing and building industries. Neil developed his system as a

result of the frustration he experienced in keeping up to date with price changes, discount structures and the latest information. He has worked with the Wangaratta-based business consultant Mike O'Shea and the Benalla-based software designer Wim Ooms to create BuyALL Pty Ltd. BuyALL will be launched on Tuesday, 20 March, in Melbourne.

The system basically allows local hardware stores right across the state and the country to supply a full range of manufacturers products, no matter how small they are. It will allow suppliers real-time access to national price files, product images, product specifications, product availability and much more. It is great to see a very innovative product, which will provide many benefits to suppliers and consumers across Victoria, being developed in the town of Broadford.

I would like to thank Regional Development Victoria's business development manager, Peter Turner, who saw the potential in Neil's idea several years ago and has helped facilitate assistance through the Grow Your Business program. It is wonderful to see a program like this work and to see our regional-based business development people working to ensure that country Victoria can progress.

### **Rail: V/Line services**

**Mr MULDER** (Polwarth) — Yesterday in this house the Minister for Public Transport sang the praises of V/Line. The minister failed to mention how yesterday the 8.13 a.m. train to Albury left Southern Cross station 23 minutes late and arrived at Wodonga about 40 minutes late, where it terminated. Passengers to and from Albury had to then use a bus. The locomotive was found to have a defective speedometer at its Melbourne end, so V/Line tried to turn it on a turntable. However, it derailed on the approach track, so passengers had to use coaches all the way to Melbourne. On Sunday the Melbourne-bound afternoon train was cancelled due to no train driver being rostered to drive the train.

Commuters using V/Line suffer delays on a daily basis, and since 4 March at least 670 weekly trains have been slowed. Mary Shaddix is a traveller who is outraged that the 6.33 p.m. train to Shepparton now stops at all stations and is 13 minutes slower than it used to be. That is Labor's way of trying to achieve better punctuality — slow the trains down!

In January, 39 per cent of trains on the Albury and Shepparton lines ran at least 11 minutes late. A Geelong traveller, Liz Carroll, who uses a wheelchair, has been left stranded on a train six times in two years.

There is ongoing confusion among passengers as to whether reservations are now compulsory on longer distance trains to places like Warrnambool and Ararat, even if they are only travelling from the unstaffed Birregurra-to-Colac stations or from Ballan to Ballarat.

There is still an unreserved carriage on some trains, and compulsory reservations do not work when you have Seymour line commuters to Craigieburn or Kilmore forced to use the Shepparton train each weeknight. The minister ought to ask — —

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

### **Victorian Honour Roll of Women**

**Ms MARSHALL** (Forest Hill) — On 8 March along with some of my parliamentary colleagues I attended the 2007 Victorian Honour Roll of Women at the Victorian Arts Centre. To celebrate International Women's Day, the Minister for Women's Affairs announced the 30 new inductees to the Victorian honour roll, which recognises the significant contributions that women have made to their communities and to the lives of other women. This indirectly benefits the lives of every Victorian. Since its inception in 2001 a total of 386 women have been recognised. I congratulate the new inductees and sincerely thank them for their tireless work.

### **Lilydale–Warburton Rail Trail**

**Ms MARSHALL** — Over the Labour Day weekend I was fortunate enough to venture into what is, without doubt, one of the most beautiful parts of our state, nestled in the electorate of Gembrook — the Lilydale–Warburton Rail Trail. Rail trails are shared-use paths recycled from abandoned railway corridors that can be used for walking, cycling and horseriding.

On my bike with my two children in an attached caboose I covered the 40 kilometres on the Saturday. We then stayed two nights in Warburton before making the return trip. With a backdrop of mountains and the Yarra Ranges National Park, the trail passes through scenic landscapes following the Yarra River Valley. Cutting through hills, under roads, over embankments and across gullies and creeks, this is the way to see Victorian flora and fauna at its best.

I urge members of this house to see firsthand this significant Victorian tourist destination. I thank the honourable member for Gembrook for her efforts in improving this exceptional rail trail, not only for her constituents but for all Victorians.

### **Questions without notice: answers**

**Mr THOMPSON** (Sandringham) — At the time the now Premier entered into an agreement with the Independents in what was referred to as the Independents charter, there were a number of commitments given, which included a requirement that ministers would actually answer questions during question time. It was noted:

As Premier in the Bracks Labor government I personally commit to the following:

instructing all ministers to answer questions directly and in a manner that does not waste the time of the Parliament; and

lead by example, by answering all questions specifically with the required detail to fully inform members of the Parliament of the issue raised.

In addition, in a letter to one of the Independents dated 12 October 1999 the now Premier stated:

This formal response will detail my position on the charter and how I intend to implement both its detail and its spirit in the event of your support.

I lament the fact that parliamentary process has in recent times been abused, as the spirit of this agreement has not been upheld. The more pressure the government is under the briefer the answer and the less exposition of the matter about which information is being sought.

We have also seen the example in recent times where a Labor minister has misrepresented to this Parliament what he was doing. On Thursday, 1 March, the Minister for Roads and Ports misled this house when instead of admitting that he was reading verbatim from a prepared speech he just claimed that he was referring to notes. I call upon the minister — —

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

### **Australian Iraqi Forum**

**Ms D'AMBROSIO** (Mill Park) — I wish to inform the house of the recent gathering of the Australian Iraqi Forum on the occasion of its annual general meeting on Saturday, 10 March, to which I was asked to give an address. The AIF was established in 2003 and is a non-political, not-for-profit organisation for Iraqi–Australian academics and professionals without regard to ethnicity, religion or political persuasion. The AIF mission statement states:

The AIF will support the objective of building linkages between Australian institutions and their Iraqi counterparts by working through community action and other organisations,

locally and internationally, in the areas of education, health, agriculture, trade and capacity building in human rights and good governance.

I wish to acknowledge the executive committee and in particular Dr Al-Mahaidi, Dr Al-Saad, Mr Hashim Al-Hilli and Dr Kamiran Abdouka for their admirable stewardship of the AIF. The meeting was also honoured by the presence of Ambassador Ghanim Al-Shibli, his cultural attaché, Dr Hisham Tawfiq, and former Iraqi minister for science and technology, Ms Basima Putros.

The committee presented its 2006 report, which included community building initiatives such as the building bridges through dialogue project; the meeting of the international symposium on higher education in Iraq, in London; the Endeavour Research Fellowship Iraq; and an Iraqi higher education delegation visit to Australia. The work of the AIF has received broad respect at the highest levels in our community, including support from the Victorian Multicultural Commission, Darebin Community Health, the Reichstein Foundation, the Northern Migrant Resource Centre, Monash University and federal government departments. Building links between Australia and Iraq within the Australian community — —

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

### **Dr Bruce Cockroft**

**Mrs POWELL** (Shepparton) — I would like to pay tribute to Dr Bruce Cockroft, an eminent soil scientist who lives in my electorate. Dr Cockroft has devoted most of his life to creating a supersoil similar to the best in the world. He is committed to researching how to create the best soils and he travels the world inspecting the best soil sites, such as California, the Ukraine and China. Dr Cockroft has written many papers on soil management and is known as an expert in his field. He was a manager of the Tatura Research Institute for many years. Since retiring he has worked privately with support from the horticulture industry in an effort to create the best soils for the Goulburn Valley — the food bowl of Australia.

In February I had the honour, along with the member for Swan Hill, The Nationals spokesman for agriculture and water and environment, and the member for Rodney, to join Dr Cockroft and inspect his research trials at Kialla. He has about 50 trial sites in the region. One of his aims is to continually crop the soil and improve the soil structure at the same time. He advised us that in China farmers plant three crops a year and the soil is still in good condition. We visited Turnbull's orchard in Ardmona and saw firsthand the outcome of

Dr Cockroft's trials in a commercial orchard. Mr Chris Turnbull told us the hard work in preparing the soil was worth it and their aim is to double the yield of fruit per megalitre of water.

This is the way of the future — to get more production with less water and still be competitive and increase profitability. I congratulate Dr Cockroft for his world-class research into creating supersoils, which will be of great advantage to agriculture in Victoria.

### **South Barwon Cricket Club: achievements**

**Mr CRUTCHFIELD** (South Barwon) — On Saturday, 24 February, I had the pleasure of attending the South Barwon Cricket Club on Barwon Heads Road for the dual purpose of inspecting the renovations and extension to the Gordon Russell clubrooms and to witness the launch of a book detailing the club's 55 years of history. The much-needed renovations to the clubrooms had just been completed earlier that week and are a credit to both the club and the council, particularly Mayor Bruce Harwood, the ward councillor. It will certainly enable the club to hold its many social functions in very comfortable and modern facilities.

Life member Bryan Schaecke spent over four years researching, writing and living his 55 years history at South Barwon Cricket Club, his book being titled *Paddock of Rabbits*. It is testimony to Brian and the rest of the club that Cricket Victoria president and long-term supporter of cricket in Geelong, Bob Merriman, attended and helped launch the book. South Barwon has won 28 premierships and several Geelong Cricket Association club championships. Many players and officials from over many years were at the launch, all of whom were welcomed by club president Darren Hauenstein.

Life members of the South Barwon club in attendance were Arch Tonkin, Warrick Plunkett, Allan Dempsey, Jim Roberts, Gil Rush, Ted Anderson, Denis Breuer, Bryan Schaecke, Wayne Abbott, Russel Peake, Barry Arthur, Colin Dempsey, Michael Vine, Steve Sutcliffe, Tim Carr and David Morgan. I say well done to the club, with a particular thank you to Bryan Schaecke for his four years of effort and persistence. He has been very patient and will be rewarded over time. His efforts will indeed become the history of the club.

### **Students: government assistance**

**Mrs VICTORIA** (Bayswater) — I was recently approached by the aunt of a local year 12 student. Her niece Vanessa lost her mother last year. She and her

sister are in Office of Housing accommodation, and to her credit she has decided to continue her studies. The issue here is that her school has so many sad stories and cannot afford to favour one student above another. Each student is required to pay so-called voluntary fees.

This determined young woman is over 16, so she no longer qualifies for the state education maintenance allowance, although she would not have been able to receive this as her mother is deceased and it is only ever paid to a parent or guardian, not an independent child. I phoned around and managed to secure sponsorship for \$600 worth of books that she needs, but she still needs to buy a uniform and pay her fees, amounting to more than another \$700. Vanessa lives on \$175 a week, which the federal government supplies in Austudy payments. Out of this she pays rent, school expenses and bills.

The state government needs to look at this ever-growing group of independent-living young adults and assess how they can get help. If the ultimate aim is to let our youngsters learn and go on to bigger and better lives, let us not make it impossible for them to achieve this aim.

### **Warburton Advancement League: Up and Running event**

**Ms LOBATO** (Gembrook) — Earlier this house heard a most enthusiastic endorsement of the wonderful township of Warburton by the member for Forest Hill. I wish to also highlight Warburton by taking this opportunity to congratulate the Warburton Advancement League on yet another successful Up and Running event, which was held on 4 March. This year marked the event's third anniversary, and athletes from all over the state came to Warburton to participate in a variety of running and walking events. I am delighted to be able to play a role in the event each year — that is, an official role as opposed to displaying any kind of athleticism!

### **Baw Baw track: Governor's walk**

**Ms LOBATO** — Also on 4 March I had the absolute pleasure of launching the photographic display celebrating the walk by the Governor of Victoria from Warburton to Walhalla on the Baw Baw track. I wish to congratulate members of the Upper Yarra Forest Walks, in particular local environmentalists and historians Grif Ward, Bruce Normand and Ellena Biggs. This event was held at the Warburton Mechanics Institute Hall, which has recently been restored to the most beautiful building, just like it was 100 years ago.

I look forward to continuing to work with the locals and the Department of Sustainability and Environment to implement the current proposal to construct sleeping huts and shelters along the Upper Yarra tracks. I extend my congratulations and many thanks to all the volunteers responsible for both these magnificent events.

### **Nepean Highway–Oakbank Road, Mornington: safety**

**Mr MORRIS** (Mornington) — The issue I raise this morning is the notorious uncontrolled intersection of the Nepean Highway and Oakbank Road, Mornington. This intersection has been mentioned in this place before, as well as featuring in the Royal Automobile Club of Victoria 2004 black spot survey. It was named as one of the 10 most-dangerous intersections in Victoria, yet over two years later still nothing has been done.

On Wednesday, 30 January, yet another accident occurred with two drivers being hospitalised as a result. This intersection is a classic example of the government's neglect of the fringe metropolitan areas not classified as growth corridors. More and more people are using our local roads, yet this intersection remains basically the same as it was in the 1980s.

Nepean Highway is an 80-kilometre-an-hour road and carries a very large volume of traffic, particularly at school times. Mornington Secondary College is close by, as is a busy shopping precinct. Oakbank Road is the main access for Padua College, a very large and successful Catholic secondary school. Their students are bussed in from all over the peninsula, and all buses must pass through this intersection. A major collision between a bus and oncoming traffic is inevitable if something is not done. I urge the government to act and avoid the tragedy that could happen.

### **North Geelong Soccer Club: Century 21 shield**

**Mr EREN** (Lara) — I was pleased to attend the final of the Century 21 shield soccer competition at the North Geelong Soccer Club in my electorate over the long weekend, with over 500 people in attendance. The Century 21 shield has become the pre-eminent pre-season soccer competition in Victoria, and it goes from strength to strength.

As the only member of Parliament in Geelong who is actively involved in the soccer community, I was more than pleased to present the award to the winner, North Geelong, which won its fifth successive cup. It was a terrific game, and the runners-up, Geelong Rangers,

should be congratulated also. I am proud and happy to say not only that I have played this great game myself but that all my children are currently involved in soccer in Geelong. It is a great game, and it is part of our lives.

The breadth of talent and skill in this competition is amazing, and it only goes to show why so many Geelong-bred soccer players are making it in the big time. Geelong has produced some world-class players in the past like Joey Didulica, Josip Skoko and Steve Horvat — and seeing so many young competitors this year, with teams fielding many up-and-comers, we can be assured that soccer in Geelong can only move forward and that the best is yet to come.

Well done to all involved, and good luck to all the Geelong teams in this year's league competitions. I look forward to next year's pre-season competition.

### **Drought: north-eastern Victoria**

**Dr SYKES** (Benalla) — Last night I spoke of the pain I saw in the eyes of farmers whose herds I destroyed in England during the foot-and-mouth disease outbreak in 2001. I see that same pain in the eyes and in the faces of farmers and the whole community in north-eastern Victoria now. I see it at Tolmie and Whitfield and the other communities affected by the fires. I see it at drought meetings. I hear it in the voices of people who ring me begging for help and see it in the letters of those who write to me begging for assistance.

Country Victoria has been hard hit by drought and fires, and the response from the Bracks government has been grossly inadequate. I say to the Premier that whilst he has feasted on the fruits of our labour for years, all he is offering in our time of need is scraps off the banquet table. The money offered so far for drought relief is a pittance. In north-eastern Victoria his relief money would not buy stockfeed for 100 farmers — and a lot of his promises are yet to be delivered on. As of last week Treasury had not signed off on the \$1.9 million post-fire tourism package for north-eastern Victoria.

We need help: we need \$20 000 cash grants for farmers; we need rate relief for all residents; we need subsidies for the water we have to purchase; and we need a commitment to securing long-term water supplies for Bright, Mansfield, Benalla, Euroa and Violet Town. It is tough, damn tough, beyond the tram tracks — and it is going to get a lot tougher. We need help now.

### **TRUenergy: debt collection**

**Mr LIM** (Clayton) — TRUenergy treats its customers badly and wrongly. Setting a debt collector on a customer for \$28.86 is typical of its practices. Last sitting week I told the house of a problem which occurred because TRUenergy twice ignored a customer's advice to send the bill for their holiday house to their Melbourne residence. Instead TRUenergy made the situation worse by opening a second account so that the holiday house had two accounts for the one electricity supply.

The customer and her husband had paid the first account for the holiday house and paid in full the second account for the holiday house; and they always paid on time the account for their Melbourne residence, which was also with TRUenergy. They were therefore unaware of a bill for \$28.86 outstanding on the first account for the holiday house. They received this advice from TRUenergy two months after the due date; in the meantime TRUenergy had called in a debt collector.

Even when TRUenergy became aware of the problem and the customer paid the bill the same day that they received it, TRUenergy failed to call off the debt collector and have a manager contact the customer as requested. TRUenergy has engaged in unconscionable conduct, and I will be writing to it seeking an explanation.

### **Morwell-Thorpdale Road: upgrade**

**Mr BLACKWOOD** (Narracan) — I stand in the house this day to bring to the attention of the Minister for Roads and Ports the existence of a petition with 2065 signatures. The petition calls on the regional manager of the VicRoads eastern region to act immediately to have the Morwell-Thorpdale Road upgraded to a safe standard in light of the amount and type of traffic it currently services.

The petition was organised by the Johnson family of Thorpdale, who tragically suffered the loss of their daughter on this road last Christmas. To make matters even worse, this was the second tragic fatal accident involving a teenager in four years on this section of road. The Morwell-Thorpdale Road has narrow, windy sections, and the shoulder of the road is in a very hazardous condition. Large B-double timber and potato trucks compete with school buses and family cars along this piece of road at many and varied times of the day and year.

It is not acceptable that the safety of local, rural communities continues to be compromised while VicRoads grapples with the difficulty of prioritising the huge demand it faces in coping with the backlog of maintenance and reconstruction of rural roads.

I call on the Minister for Roads and Ports to assist VicRoads in this process by making extra funds available in this coming budget for the upgrade of the Morwell-Thorpdale Road. The families and the communities who have had to deal with the tragic loss of young life on this road will not rest until they know the risk of further tragedy is removed. On behalf of the Johnson family and every one of the 2065 signatories to the petition, I will be providing the minister with a copy of the petition and urging him to take immediate action on this matter. Also I have requested a meeting with the manager of the VicRoads eastern region.

### **Flemington: African communities**

**Mrs MADDIGAN** (Essendon) — Thank you very much, Acting Speaker. What a pleasure it is to see you sitting up there, so silently, in the chair.

**The ACTING SPEAKER (Mr K. Smith)** — I am with you on that!

**Mrs MADDIGAN** — Last week I had the pleasure of launching a DVD that was made by young men from the African communities living in public housing estates in the North Melbourne and Flemington areas. This project was oversighted by Jesuit Social Services, which is doing great work with these communities to help overcome some racism problems that were experienced some time ago.

The DVD shows very clearly through interviews and footage some of the problems that these young men had, particularly in dealing with the Flemington police station, and some of the experiences of racism they had when they first came to Australia. The DVD was supported by the Eritrean, Somalian and Ethiopian communities as well as the Flemington police. Over the last two years the police have instigated some significant changes in their procedures and are working quite closely with the African community there.

Some of the local sporting clubs too have become involved. I particularly would like to mention the Flemington Junior Football Club, which has a very strong policy on racism which results in suspensions to any players who might be seen to be indulging in making racist comments. It was a great day, and I congratulate all involved.

### **Fr Thadeus Nguyen Van Ly**

**Mr DONNELLAN** (Narre Warren North) — On 24 February this year Father Thadeus Nguyen Van Ly was arrested again by the Vietnamese government. He is a Catholic priest in Hue and an Amnesty International person of interest. He has been incarcerated for over 10 years of his life. He has been a long-time fighter for religious and democratic rights in Vietnam and has a very high profile. Unfortunately the Vietnamese government feels safe arresting him again because it has been accepted into the World Trade Organisation. Recently the Vatican welcomed the Prime Minister, although I find that difficult to understand.

Ly is a very honourable individual. He has worked for many years, calling through his writings for democratic rights. He has never led protests in the country. He has done amazing things to bring together an underground democratic movement in Vietnam, which obviously scares the authorities no end. It is largely based in Hue but has links all the way through Hue to Ho Chi Min City and even up to Hanoi. It has a large group of writers, Buddhist priests and so forth associated with it.

Today I call on the federal government and the Vatican to place pressure on Vietnam to release this priest. Unfortunately far too many Australians go to Vietnam with the idea that the government there is benign, but they need to recognise that that government is not benign and does not believe in democratic rights.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Frankston has 30 seconds in which to make a 90-second statement.

### **Universities: funding**

**Dr HARKNESS** (Frankston) — I was outraged to learn recently that Victorian universities had missed out on crucial funding which was promised by the federal government to compensate for the losses that would be incurred as a result of the voluntary student union legislation introduced this year.

The Howard Government does not like universities or students. It has reduced funding to universities, reduced places available for students and increased the debt that students will incur after they graduate from university. It certainly has form in dudding universities. I call upon the Liberal members of Parliament on the Mornington Peninsula to stand up to the federal education minister.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member's time has expired, and the time for members statements has expired.

## GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL

*Second reading*

**Debate resumed from 28 February; motion of  
Mr ANDREWS (Minister for Gaming).**

**Opposition amendments circulated by  
Mr O'BRIEN (Malvern) pursuant to standing  
orders.**

**Mr O'BRIEN (Malvern)** — I rise to speak on the Gambling Regulation Amendment (Review Panel) Bill. Public lotteries, gaming and wagering are multibillion dollar industries in Victoria. They touch the lives of many Victorians, whether as employees in the industry or as participants in these activities. They deserve the highest standards of probity, integrity and transparency. Regrettably, however, this government has fallen short on those measures. The very existence of this bill admits as much.

It is in part the government's own fault that the Legislative Council has now decided to establish a select committee inquiry into this government's management of gaming licensing processes, because there are a large number of issues which have caused great levels of concern to the Victorian community in terms of this government's management of this industry.

The minister claimed in his second-reading speech that the establishment of the review panel proposed by this bill will guarantee that lotteries and gambling licensing procedures will be conducted with the highest level of probity, transparency and accountability. The bill, as currently drafted, does absolutely no such thing, for reasons which I will outline. The opposition will propose a number of honest, reasonable and sensible amendments which will go some way towards delivering the outcome which the government claims to seek.

The government's willingness to accept the opposition's amendments on this issue will be a significant test of its bona fides. If it does accept these amendments, it might yet be said that this government is interested in open, transparent and accountable gaming licensing processes. If the government rejects these amendments, it will demonstrate to the world that this review panel is nothing more than a sham to deceive the people of Victoria.

Before moving to the bill itself, I believe it is useful to consider the context and circumstances in which this bill has arisen. This bill purports to fulfil an election

promise of the Premier. On 17 November 2006 the Premier issued a media release entitled 'Independent panel to review gaming machine licences'. This media release announced that a re-elected Labor government would establish a four-person panel, headed by a retired judge, 'to independently and publicly assess the recommendations of the current steering committee gambling licences review team'. So rushed and panicked was this announcement that it did not even refer to a review of the public lotteries licensing process. This had to be clarified in press reports the following day.

Why was this announcement made, and why was it so rushed? The answer lies in a series of media revelations, principally in the *Herald Sun*, that occurred just prior to the Premier's announcement and centred on the close links between the Premier, this government and David White. What was it that those media reports disclosed that forced the Premier's hand to announce this review? Among other things the report disclosed that David White, a former Labor Party minister and key operative, a director of Hawker Britton and a consultant to Tattersall's, had provided written advice to Tattersall's that this government was happy for the Tattersall's-Tabcorp duopoly in gaming machines to continue.

How did David White know this? Who did he speak to who could provide such a definitive statement of this government's intentions? The *Herald Sun* of 16 November last year reported the Premier as first saying, 'I don't have that much contact at all' — with David White. Strangely enough the Premier then had a change of heart and admitted that he and David White, and their wives, had held a private dinner meeting at Lorne. According to the Premier, he did not discuss licensing arrangements with David White; they did not discuss much at all, except property prices on the coast.

These two budding real estate agents were discussing nothing, something or anything other than the very licensing arrangements that it was David White's job to influence and for whom nobody was more influential than the Premier, and while all this was going on the Tattersall's board was receiving direct advice from David White about the government's preferred outcomes for the gaming licensing arrangements. These were the circumstances that led to Premier Bracks announcing on 17 November 2006 that Labor would create a review panel to ensure transparency, probity and accountability.

A number of other serious concerns about the integrity of the licensing review processes have been raised. There is insufficient time in the debate to go into them

in any great level of detail, but I do note that they include disputes between the solicitor-general and the Victorian Commission for Gambling Regulation (VCGR) about the competence of probity investigations of lotteries licence applicants, which were reported by *ABC Stateline* on 10 November 2006.

It gives cause for concern when a government agency which has been charged with undertaking the probity reviews of licence applicants is completely at odds with the views of the solicitor-general. There is nothing more important when it comes to licensing arrangements than ensuring the probity of the people and the companies who will be operating licensing in Victoria. As I have said, gambling is a multibillion-dollar industry. We cannot afford to have any people or organisations involved with the slightest whiff or taint of anything other than complete honesty and appropriate behaviour. The fact that the VCGR and the solicitor-general cannot even agree on whether we have had proper probity investigations is a very serious cause for concern.

Another matter which has led to serious worries about the processes to date is the decision of the gaming minister, on the last business day before Christmas 2006, to give Tattersall's a one-year extension on its public lottery licence, for which — and this is the important point — Tattersall's paid the Victorian taxpayer no premium payment whatsoever. The circumstances of the announcement were bordering on farce.

First of all, it was left to the afternoon of the very last business day before Christmas. An announcement was slipped out and, from memory, ABC TV reported that journalists were very keen to contact the Minister for Gaming but that he was unavailable. Then apparently he got in contact just before the deadline for the news, saying, 'I would very much like to speak to you. I'm sorry. My staff did not pass it on'. I hope the minister is getting better media advisers, because on something as serious as this he should be open, accountable and available to speak to the media. He should not do this business of slipping out serious announcements at the very last minute before Christmas. He tried to hide away — —

**Mr Andrews** interjected.

**Mr O'BRIEN** — This is something the minister is absolutely embarrassed by, and he is embarrassed by it for very good reason, because this minister has ripped off the Victorian taxpayer by his incompetence. The proof for this is the fact that last time Tattersall's received a licence extension of its public lotteries

licence, it had a premium payment that was given to taxpayers. As I said, the last time the licence was extended, millions of dollars went to the Victorian taxpayers as a premium payment; but why, pray tell, was the reason why this time no premium payment was extracted?

**Mr Andrews** interjected.

**Mr O'BRIEN** — I have read the act, which provides that the minister can ask and require a premium payment on any licence extension. So it was the minister's decision not to provide for any premium payment to be made by Tattersall's to Victorian taxpayers who have been duded by this government and by this minister. This goes to the heart of the integrity and probity questions that need to be examined by a proper review panel, unlike this sham that the minister is serving up to the house.

Also of serious concern have been media reports that have referred to meetings between Tattersall's, the Treasurer and the former Minister for Gaming, the member for Dandenong, and whether any improper pressure was exerted on Tattersall's to change its structure from a trust to a publicly listed company.

These are all absolutely serious matters that deserve the keenest examination by the proper processes of this Parliament, but of course under this bill they are completely out of bounds. Let there be no doubt that questions about the integrity, transparency and probity of the lottery and the gambling licence processes squarely relate to the actions of ministers of the Bracks government and lobbyists like David White, yet the two groups that the review panel is absolutely prohibited by this bill from examining in any way are ministers of the Bracks government and lobbyists like David White.

The very serious matters which forced the Premier into announcing a review are the very matters that the review panel cannot review. Lewis Carroll must be on a retainer from this government, because this is *Alice in Wonderland* stuff. The only people who can be examined by the review panel are the poor old public servants — the Victorian Commission for Gambling Regulation staff and the departmental staff and their contractors. But one thing is made crystal clear by this bill: no decision of the Minister for Gaming or any process which led to that decision can be examined in the slightest.

This is a sham inquiry into a shambles of a process. This is supposed to be a review to ensure transparency, yet the review is being held in secret. It is supposed to be a review to ensure accountability, yet the report will

not be published until after the licences have been issued and Victorians are handcuffed to this government's decision. This is as transparent as the Yarra! This bill protects the government from any scrutiny whatsoever. But as I examine the bill's clauses I will note that the opposition will be moving amendments that will provide the chance to turn this toothless tiger into a genuine inquiry which just may give Victorians some level of confidence in the probity of the process.

Clause 1 of the bill sets out the purpose of the bill, and there is nothing particularly objectionable about that. Clause 2 provides for the provisions of the bill to come into operation on a day or days to be proclaimed. That is a fairly standard drafting procedure these days and would be unremarkable except for its interaction with a particularly odious part of the bill which says that any decision that has been publicly announced by the minister prior to the proclamation of the act will be exempted from the review. So there is nothing to stop the government from having this legislation go through, failing to proclaim it for 12 months, announcing a whole suite of decisions in that 12 months and having every one of those decisions exempted or quarantined from review.

Why is the government doing this? What does it have to hide? I hope the clause that seeks to quarantine the decisions of ministers will go. I hope the government will accept the opposition's amendments in that regard; but if it does not, I trust the minister will ensure that there is no artificial delay in the proclamation of the act in order to allow further ministerial decisions to come under that odious quarantine clause.

Clause 3 of the bill contains the substantive operative provisions of the bill. It gives a definition for the term 'authorisation and licensing process', which means the process for the authorisation or licensing of public lotteries after the expiry of the current public lottery licence. Just to make it clear, this bill is framed on the review panel being able to review what happens after the current public lottery licence process, which again specifically excludes consideration of the extension of the current lottery licence that was given to Tattersall's by this government before Christmas last year for no premium payment to the Victorian taxpayer.

If the minister is as keen as he seems to be to reject any imputation that there was something inappropriate or improper about the extension without the provision of any premium payment for Victorian taxpayers, you would think that the government would not be concerned about allowing that decision to be the subject of the review panel's considerations. The fact that it is

absolutely quarantined and that, on the face of the bill, it is completely out of bounds shows again that this government has something to hide.

In terms of definitions, 'protected information' is given a very wide definition within the meaning of the act. In fact it is so wide that it means — and I ask members if they can think of anything that could be broader than this — information with respect to the affairs of any person — —

**Mr Andrews** — You voted for it.

**Mr O'BRIEN** — Minister, as I recall, the amendments to the bill which attempted to stop protected information from being censored, as you were, were not supported.

**Mr Andrews** interjected.

**Mr O'BRIEN** — They were not supported.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Malvern should ignore interjections.

**Mr O'BRIEN** — 'Protected information' has a very wide definition under the act. It has the potential to be used by the minister to effectively censor any sensitive or embarrassing information that this government does not wish to make public, which on its present record would be just about anything.

The definition of 'regulatory review' in the bill focuses on public service processes. It again excludes ministerial activities or the activities of applicants or their lobbyists. This government is the one that has been dragging licensing through the probity mud with its conduct over the last few years, yet it wants to turn the blow torch of accountability onto the poor old public servants while it gets off absolutely scot-free. The government claims to be a great defender of the public service, but it is certainly not showing it. It is putting public servants in the line of fire when the minister knows that he should be there, along with his mates.

'Relevant entity' is another term that is defined within this bill. Again it is made quite clear that a relevant entity does not include a minister or a minister's advisers.

**Mr Nardella** interjected.

**Mr O'BRIEN** — You would think that a minister and a minister's advisers might be relevant to the

process of gaming licensing. That is what the taxpayers are supposed to be paying the minister for.

**Mr Nardella** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Melton will be quiet.

**Mr O'BRIEN** — But sadly in this *Alice in Wonderland* version of the world that the Bracks government inhabits, a minister who actually makes decisions about gambling licensing is not a relevant entity. It is absolutely extraordinary.

New section 10.2A.3 states what the functions and powers of the review panel are, but again it absolutely misses the essential point, because it is entirely focused on public service processes. It completely ignores what the government has done, what the government will do, the decisions that will be made by the minister and the interactions between the minister and the minister's office and applicants and their lobbyists, which is a key issue that goes to the heart of the transparency, accountability, integrity and probity concerns that the opposition and many in the Victorian community have about the process.

I would like to mention new section 10.2A.3(4). This is the particularly odious quarantine provision, and it is worthwhile reading in full:

Nothing in this Part requires or authorises the Review Panel to consider or report to the Minister with respect to the regulatory review or the authorisation and licensing process to the extent that the review or process led to any decision publicly announced by the Minister before the commencement of this Part.

So any decision publicly announced by the minister before this bill takes effect is completely out of bounds. How on earth can this be a review which gives the Victorian public any sense of confidence in the integrity of the process to date when it says, 'We can look at anything except anything the minister has done.'? This is an absolutely disgraceful attempt to avoid scrutiny on the part of the Bracks government and to keep the focus on the poor old public servants. It is extraordinary and should be rejected, and the opposition's amendments will go towards doing just that.

Proposed section 10.2A.4 states that the review panel will consist of a chairperson and two or three other members appointed by the Governor in Council on the recommendation of the minister. The Premier's promise, such as it was, was quite clear: 'There will be a four-member panel'. Why is the government giving itself the out by having a three-member panel? It was the most basic of political promises.

**Mr Nardella** interjected.

**Mr O'BRIEN** — I would have thought it would not be too difficult even for the member for Melton to count to 4 — 1, 2, 3, 4 — so why on earth would the government want to have a panel with only three members? It beggars belief. It was the most basic and easy of promises to keep, one would have thought. Perhaps this government just breaks promises even when it does not have to — just for practice!

Proposed section 10.2A.5 provides for the appointment of a chairperson. The minister came out last week and announced Ron Merkel, QC, as chairman. He has been made chairman of an organisation or body which does not yet exist, because this bill has not even passed through the Assembly, much less the Legislative Council. This is presumptuous at the very least and absolute arrogance at worst. This government has to understand that it is not 2002 any more. The events of last night in the Legislative Council with the water bill and the events of some weeks ago with the establishment of the select inquiry into gaming should have been fairly clear signals to members opposite that there is a bit more democracy in this Parliament these days, and to take the Parliament for granted by announcing the appointment of a chairman to a body which has not even been established yet shows the absolute arrogance of this government.

Acting Speaker, you might have thought that a review panel that is supposed to be all about transparency may want to meet in public and may accept public submissions or do something to give the public some level of confidence that its activities are open to scrutiny so the public can see what is happening. But that is not going to be the case. It will be meeting in secret. It will be a review panel about transparency that will meet in secret. It is absolutely extraordinary, and it makes no sense. Again why is the government trying to set up a review panel that will meet in secret unless it has something to hide?

**Mr Wakeling** — Why bother meeting?

**Mr O'BRIEN** — Opposition members think that the review panel should meet in public, and the opposition will be moving amendments to do just that. It will again be a test of the government's bona fides on this issue to see if it is prepared to accept those amendments or not.

It is quite clear from a reading of the bill and it is also quite clear from the briefing provided by the department that this panel will have absolutely no coercive powers to obtain documents or to speak to

people. It will be unable to require a document and it will be unable to require anyone to attend meetings to ask questions about the issues it is supposed to investigate. It will be relying on the goodwill of people like David White to say to the minister and the chairman of the review panel, 'Yes, I would love to attend and give you a full and frank explanation of all my actions and produce every document that is relevant to it'.

**Mr Wakeling** — They could go out for another dinner!

**Mr O'BRIEN** — They could have another dinner. They could perhaps meet down at Lorne, and they could discuss property prices or discuss everything except the very issue that David White was employed to gain influence over. This is another area where the government is just not prepared to understand the depth of public concern about the integrity of this process, and it is trying to establish a review panel which will be just a review panel in name and which actually will have no powers to review anything because it will have no power to subpoena documents and no power to summons witnesses. Again that is something that opposition members think is absolutely unacceptable, and we will be moving amendments to try to remedy that defect in this bill.

Proposed section 10.2A.3 states that the review panel has all the powers necessary to perform its functions. As I have indicated, they do not include any coercive powers whatsoever, and this idea that it has all the powers necessary to perform its functions when quite clearly it does not indicates that this government is simply attempting to hide something. It is beyond the realm of reality to say that a review panel investigating very sensitive issues can do so without any power to obtain documents or to call witnesses.

The provisions relating to the publication of the review panel's reports are completely deficient, and two points need to be made about that. The first is that in the opposition's view the review panel's reports should be laid before the Parliament. Under this bill the reports will be kept by the minister and they will not be released until after decisions on tenders and licensing have already been made. It is a classic case of shutting the stable door after the horse has bolted. This legislation is supposed to be about the integrity of the process about which serious allegations are already on the public record. This government's view is, 'Let's say we are investigating the process, but we won't give the panel any power to investigate it, and on the off-chance that the review panel finds something we are not

comfortable with, we will make sure we organise all the licences first before we release the reports'.

But it gets even better, because when these reports are eventually made public they will be censored to within an inch of their life. Under this bill, any material which meets the definition of protected information — which, as I said, can be any information relating to the affairs of any person — will be out, and any information or material which is or may be subject to legal professional privilege will also be out.

You would think that if the government were serious about protecting legal professional privilege and it thought that was something that needed to be done in these circumstances, it might get some professional advice. But who will make the decision? Will it be somebody who is legally qualified, or will it be the Minister for Gaming? Under this bill it will be the Minister for Gaming. Again this is something that is completely inappropriate.

I have this vision of the minister sitting there with his law textbook in one hand and his big black texta in the other one, saying, 'That looks like legal professional privilege. We'll take that, that and that out'. The minister should receive proper professional advice. The opposition is keen to come to his aid and support him in this, and the opposition will be moving amendments to provide that the solicitor-general's advice should be the thing that determines whether or not material is removed.

This bill is completely weak. It is aimed at protecting the minister, it is aimed at protecting the Premier and it is aimed at protecting David White. This bill is not about transparency, it is not about probity and it is not about accountability. If it were about any of those things, it would be about examining the actions of the people who have caused public disquiet about the gaming and licensing regulation process in this state, but because this bill specifically excludes any consideration of those people, it can only be seen as a sham. Opposition members are committed to integrity, probity, transparency and accountability, so the opposition will be moving amendments to give this bill some real teeth, to turn it from a toothless tiger into something which can give the people of Victoria some level of confidence in the government's management of this process. When we see the government's response to those amendments, we will get a very good indication of whether or not this government is serious.

I will speak specifically to the amendments at the appropriate time later today, but I will say that this minister and this government have presided over

something which has not just been an embarrassment to the participants in the process but which has been damaging Victoria's reputation overseas. You cannot look at any sort of industry material on the internet without seeing the government's comprehensive bungling of this complete process continually commented on.

This government thinks it can carry on in a lackadaisical manner. It does not particularly care about real concerns regarding the integrity of the process. It is more interested in protecting itself and its mates. That is not acceptable to the opposition. We are not particularly concerned that the government is damaging itself, but we do care about the people who are employed in this industry and who are being damaged. We also care about the industry participants being damaged. We care about Victorian people being duded by bad decisions and poor management of this minister and this government.

I will raise one final matter. I have spoken to a number of newsagents who also have lottery licences. They are greatly concerned about this government continually delaying the issuing of new lottery licences. These people cannot sell their businesses without suffering huge losses because this government's bungle of the licensing process means that there is no certainty. Who will buy a lottery agency not knowing whether its licence will continue? This issue is not just about the integrity and probity of the process, but it is also about small business and real people getting hurt and damaged by this government's incompetence.

**Mr RYAN** (Leader of The Nationals) — It is always interesting to consider legislation in relation to gambling, and gaming in particular, because it is like having a life pass in front of your eyes. This is particularly the case when you look at the definitions within this bill and also for the purposes of looking at the total import of this legislation.

You need to return to the extraordinary tome, the principal act — that is, the Gambling Regulation Act 2003. The front cover and the back cover of that stack of legislation were peeled off and whacked together to make what we now know to be the principal act. I am flicking through that act at the moment, and it goes to about 750 pages. To this day it remains the bulkiest legislative instrument to have gone through this house since I have been here.

A conversation about the gaming industry behoves us to have regard, albeit briefly, to the rich history of Labor's involvement in the industry. We well remember the gaming-led recovery of the final tortuous

period of the Cain-Kirner governments; the Labor Party's introduction of gaming machines into Victoria; similarly the processes that led to the ultimate establishment of the casino; and the much-vaunted proposed royal commission into the casino. Without being patronising to the present Minister for Gaming, I have the advantage of having been here before him.

For all of those years when I was the then coalition's spokesperson in relation to gaming matters, I had the dubious pleasure of listening to the now Attorney-General standing in this place defaming people such as Ron Walker and others and threatening, of course with a big stick, to have a much vaunted royal commission. I am sure even the member for Melton remembers all of the talk about a royal commission, and I am pleased to see that he does remember it. But the royal commission disappeared into the ether in the fullness of time after the current Labor government assumed governance of Victoria in 1999. The government had a bit of a sniff around and decided a royal commission was not the smartest thing it had ever suggested, despite many other things it has put up, and so the notion of having a royal commission went out backwards.

Unfortunately the government should have considered the same course of action with regards to the ambulance inquiry. The government decided the inquiry was going to be a royal commission. That ended up being a disaster because \$80 million later, the terms of reference were altered — 'butchered' might be a better term — on the day that Cathy Freeman ran a race in the Sydney Olympics. Later that day, around 5 o'clock, there was a brief press release which basically said, 'Sorry about that chaps, but we are going to call it quits'.

In fairness — and the Minister for Gaming, who is at the table, has to grant this, surely — when the minister made an announcement about the lottery licences extension just as the Christmas turkey was about to hit the table, it brought back memories of days gone by. I know this annoys the minister; he has in front of him the mystical chalice which is running over with poison. I can understand how it annoys him greatly to have to cop the fact that he is the one who happened to be at the end of the line when the bad news was handed down, albeit that it is a great thing — and I congratulate him on it — to be elevated to the ministry. He sits where I might have otherwise sat, and I stand where —

**Mr Andrews** interjected.

**Mr RYAN** — Indeed I do! I readily admit and acknowledge all of that, but the quid pro quo is that

sometimes you just have to cop it in the teeth and move on. Today is just one of those days. I reckon the wise thing for the Minister for Gaming to do, given his much-vaunted position in this place, is to sit there and stay out of it, because this is a bad day at the office.

There are elements of this legislation that I think are deserving of careful public scrutiny. I want to talk about some components of it. It essentially establishes a review panel. That panel has a chair who may be appointed by Governor in Council and accordingly by the government. As we know, Ron Merkel, QC, has been announced by the government as the chair, somewhat in anticipation, of this new esteemed organisation. According to the legislation, there are to be two or three other members of the panel. They are also to be appointed by Governor in Council and accordingly by the government.

The chair is to be a former judge of a superior court. If Ron Merkel assumes his position, as has been proposed by the government, he will qualify in that respect. The other members of the committee are to be, interestingly enough, qualified persons. This definition as contained in proposed section 10.2A.6 is interesting, because it refers to persons being qualified if they have 'appropriate knowledge, experience and expertise'. That is a pretty general definition. I am not quite sure what it is supposed to mean in practical fact, but they are the persons who are also to be appointed. As proposed section 10.2A.6(2) says, the persons have to be of an ilk that:

... the Minister is satisfied that the person has appropriate knowledge, experience and expertise to perform a member's functions.

Just as another gratuity for the minister, I play blackjack and know a bit about it, so if he is looking for a bit of advice about these sorts of things, I might be able to leap into the breach and give him a hand — because, after all, we are all only here to help!

The bill contains some interesting provisions which enable the removal of a member. In all seriousness, there are provisions that members will need to have regard to, because I think they have been carefully drafted to accommodate situations like the imbroglios that are happening around the nation at the moment. For example, any person who is a member and who 'knowingly' — and I emphasise 'knowingly' — has directly or indirectly any business or financial association with any of what are termed the 'key operatives' as defined in this legislation, which is fundamentally the industry in all its forms, can be removed. It is just one of those things, that by chance and with the best will in the world any member who is

appointed might find himself or herself exposed to that provision.

Then there is the question of the functions and powers of the panel. The powers, set out under new section 10.2A.3, bear careful examination. One thing about this provision is that giving it careful examination does not take long because the powers are very briefly recited. If the government is going to have a process whereby this multibillion-dollar industry is to be subject to different forms of review, it has to be very careful about the way in which this whole structure is established and about the powers and functions that are given to the organisation. The issue of powers particularly, in itself, is an imperative. Proposed section 10.2A.3 (3) says:

The Review Panel has all the powers necessary to perform its functions.

I really think the government has to do better than that. What in fact does that mean? I say again that this is a multibillion dollar industry in the state of Victoria, and it returns more than \$1 billion a year in taxation directly to the government. It seems that the government needs to specify: does the panel have the capacity to be able to call for documents; does the panel have the capacity to force people to come before it for the purposes of being able to tell the panel whatever it is the panel might want to know; is there a capacity in the panel to be able to hold public hearings; is there a capacity in the panel to be able to seek submissions from the public at large who may want to have an input with regard to these issues which are of extraordinary interest in the public domain?

These and many other questions ought be answered by the government, and if it is that these questions and the other associated matters are answered in the affirmative by the government, then what the government should do is amend this provision while the bill is between the houses to make actual specific provision for these things, because they are critical to the credibility of the panel.

In the absence of that, it leaves us with the inevitable conclusion when you look at all of this that the panel is not going to be empowered in the manner and general tenor of the way I have just indicated. I have only had a passing opportunity to look at the amendments proposed by the Liberal Party because they have only now been distributed, but it would seem that the Liberal Party is looking to address these matters by way of amendments. Once I have had a look at them, if that is the intent of those amendments, then we would certainly support them, because we think they are

critical aspects of what this whole process should require.

It is the next provision, new section 10.2A.3(4), that I think is the most interesting in this whole piece of legislation. What it says, just breaking it down, is that ‘Nothing in this Part’ — for these purposes, nothing in this particular piece of legislation — ‘requires or authorises ...’. If I may stop at that point, and this is a very important distinction to make, the panel is not required nor is it empowered to consider or report to the minister with regard to matters of bygone days. I will come back to the rest of it in a minute, but let us just stick with these words.

What this subclause means on the literal meaning of it is that not only is the panel not to report with regard to publicly announced decisions already taken by the minister with regard to the matters which are the subject of this legislation, it is more particularly not even allowed to consider what has gone before. It is not empowered to even go and look at what has happened previously.

If that interpretation of the provision is right, we have the ridiculous situation whereby a panel to be constituted under the terms of this legislation, which has a very serious responsibility with regard to the examination of this multibillion-dollar industry and the processes surrounding it, is precluded from being able to go and have a look at the events which lead up to this panel actually fulfilling its responsibilities. For a start, it is not even allowed to ask, because if the interpretation is right, it is precluded from being able to do so. This panel, headed by Ron Merkel, QC, is going to be facing a blank wall if it breaches this legislation and asks, because the legislation itself prohibits its having access to whatever the history may have been, so it is not allowed to consider it. That is what the proposed subclause says.

Moving to the next point, proposed section 10.2A.3(4) is also critically important, because it makes the operation of the legislation prospective. It precludes the operation of the legislation on a retrospective basis. Therefore this panel will only ever be able to talk about what might happen with regard to events in the future. It will never be able to make comment in the form of a report, as contemplated in the legislation, about the things that may have happened in bygone days. That is an appalling deficiency in the legislation, even more so in a context where the government has brought the legislation into the chamber based on the apparent notion of everything being open, accountable and fair to all concerned.

What the panel is then required to do is report to the minister. This again is potentially a problem because we should have a situation — if we are talking about openness and transparency — where the reports presented are actually tabled in the Parliament. These amendments would seem to go to that point; and if that is where they are, then we may well be looking to support that proposition as well. It is not enough, where you have these important processes happening in this multibillion-dollar industry, that the whole thing is being done ‘in the club’.

It has been said to me as an aside that this legislation was the proposition that the government advanced to its back bench so as to still the nervous nellys about all of this being opened up to the public arena, and that it would all be done internally by the mechanisms established under the terms of this legislation; if that is so, it is simply not good enough. The public deserves to know the fulsome history of all of this.

The two basic topics about which the panel is to report to the minister are the regulatory reviews issue and the authorisation and licensing processes; there are two separate elements to it. The verbiage surrounding the obligations upon the panel in undertaking that process is not identical in actual terms, but the general tenor is similar — except for the fact that, with the issue of the examination of the authorisation and licensing processes, there is reference to the famed protected information, which is under section 10.1.29 of the principal act.

That of course was the subject of plenty of commentary when the amendments were introduced by the government going back a year or two now, because protected information is extraordinarily broad in its terms. It refers in section 10.1.29(1) to:

... information with respect to the affairs of any person —

which is staggeringly broad in its context —

... information with respect to the establishment or development of a casino ...

Again for reasons I have already referred to, the government has just about had its fill of inquiries into whatever might have happened with casinos. But as to this first element, it is drafted in very broad fashion, and this again is an unsatisfactory element of this legislation. There is then the question of honouring confidentiality, and there is plenty of that contained within the legislation also.

Bearing in mind time is on the wing, I want to cut to the chase and go to what we see as being the essential

problems with this legislation. The first thing is that it was cobbled together by the government in the dying moments of the election campaign. It came out on 17 November, about a week before the election. Pushed to the brink, by particularly the Michael Warner articles in the *Herald Sun* but by others as well, the Premier came out with this half-baked idea; and it was done to try and get the finger into the dyke before the floods burst, because the government was under immense pressure. There had been, as everybody will recall, a succession of articles leading up to this reluctant concession by the government.

Secondly, this does not involve a public process, and it should. It is to be compared with the establishment of the select committee and the way in which it is doing its work in the upper house. If ever you want to see an argument as to the validity of having that select committee, you need only compare this legislation with the select committee process to get the answer.

The next thing is the panel should be looking at the wide-ranging history of what has gone on with regard to this industry. It should not be in the invidious position of being precluded from examining it. Next, it is prospective and not retrospective legislation, and that is not good enough. The further point is that the powers areas are deficient because they do not define properly the capacity of the panel to go and get the evidence in a way that an esteemed member of the bar — such as Ron Merkel, QC, as he now is — would have done if he were to have his choice.

The next thing is the lottery licence imbroglio, where we are to hear the full tale of all that has gone ahead, and we would hope that in the select committee process we will hear from a former gaming minister of another Labor government, Mr White, and that we will have documents produced and questions answered as to whether they have been altered.

The issues with regard to Intralot — that is, the advisory correspondence, the advice that was given to Intralot and its treatment from counsel for the government — will come out, as will the lottery extension issue and the question of the premium payment or the lack of it. These areas will be examined in the select committee process, and current provisions of the legislation do not go nearly far enough in enabling these areas to be examined.

The Nationals will oppose the legislation. We do not think it has anything to do with openness and accounting and all those sorts of words. Rather, it is due to the fact that at 5 minutes to midnight, when the voters were about to go down to the booths on

Saturday, 26 November, the Premier got the panics — and I can tell members, the halo is slipping!

**Mr LUPTON (Pahran)** — We have had some entertainment this morning, particularly in the usual performance from the Leader of The Nationals, who often entertains the house in the way he regales members with that ‘country solicitor’ routine that he so genuinely and decently performs in here.

At least there is a bit of entertainment in that performance, but I have to say that from the Liberal Party we have heard nothing of substance at all. This legislation is either misunderstood by the Liberal Party or that party has made a determined decision to mislead the Victorian public; and we will leave that ultimate decision up to them; or, as the minister rightly suggests, both of those possibilities might in fact be correct.

What we are dealing with here is a bill concerned with the establishment and functioning of an independent panel to consider and report to the Minister for Gaming on a range of specified matters relating to lotteries, licence review and the gambling licences review.

The contributions we have heard from the Liberal Party and The Nationals this morning clearly indicate to the chamber that there is a complete misunderstanding or a desire to mislead in relation to the point, the processes and the functions of this review panel.

I will go into some detail of the functions of the panel itself. The bill provides, firstly, for the establishment of an independent review panel, to be headed by a retired judge, who will review and report to the minister on the policy development processes of the interdepartmental steering committee conducting a review of the regulatory structures and associated arrangements for gaming machines, for Club Keno and for wagering and approved betting competitions, and the funding arrangements for the racing industry post 2012; and secondly, the panel will report on the licensing processes conducted by the interdepartmental steering committee as well as the Victorian Commission for Gambling Regulation for the next public lotteries licence after 30 June 2008 and the next gaming machine, wagering-approved betting competition and Club Keno licences after the current licences expire in 2012.

The review panel, as has been mentioned, is to be headed by a retired judge. The government has announced that subject to the passage of the legislation it intends to appoint Ron Merkel, QC, to head the panel. The house will be well aware that Ron Merkel, QC, was previously a judge of the Federal Court of

Australia. He is an eminent jurist, a person widely and well respected in the community — and rightly so — and I certainly applaud the government for its choice of the chair to be appointed to the review panel once the review panel has been established by the legislation.

The opposition loves to have its cake and eat it too. It is a bit like the punter in a two-horse race who backs both horses and then claims to have backed the winner.

What opposition members have been saying is, ‘Who are you going to appoint? We want to know who the review panel chair is going to be. Let us know’. So the government says that it intends to appoint an eminent jurist in Ron Merkel, QC, and then the opposition says, ‘You are arrogant; you have jumped the gun. You have known who you are going to appoint before you have even passed the legislation’. The public of Victoria, of course, can see through this sort of charade involving the opposition.

The government obviously cannot appoint anybody to this panel until the legislation has been passed by this Parliament and proclaimed, but it is clear that the government intends to appoint someone beyond reproach, somebody who, on any view of it, would be an eminently suitable and appropriately qualified person to head this panel. Opposition members cannot attack the bona fides of Ron Merkel, so they go for the lowest common denominator and attempt to discredit the government for announcing his appointment as the putative chair of the review panel, notwithstanding the fact that they called for the government’s proposed nominee to be announced. So that is the kind of irrational and irresponsible opposition that we see in this state.

We also see that the opposition is either misunderstanding the position or misleading the Victorian public — or both — in relation to the functions and powers of this review panel. It is important to understand what the purpose and process of this review panel is. It is a review panel which has a series of powers set out in the bill before the house. The bill is designed to ensure an added level of scrutiny into the probity of the licence review and licence application processes in this state. It is not and cannot be seen to be, and should not be seen to be, an appeal process or a tribunal. It is a panel to review the process inside government, through the public service, of the probity and processes that are contained in the regulatory structural review and licence review processes.

The legislation sets out a series of functions that the review panel will have. They include whether or not all parties interested in one of the licensed or authorised activities have been treated impartially and whether

they have been given the same opportunity to access information and advice in relation to the review process — these matters go to the review of regulatory structures and associated arrangements for the future; whether any information received from interested parties has been managed in a way that ensures the security and confidentiality of intellectual property and proprietary information — that is very important because we are dealing here with highly sensitive matters of confidentiality and intellectual property; and whether every relevant entity involved in the review process has been required to declare any actual or perceived conflict of interest, which is a very important provision.

They also include whether there has been any improper interference in the process of the making of recommendations or reports — that is eminently sensible, and it is what the review panel process really ought to be about; whether the preparation of a recommendation or report discloses any bias or anything that could lead to a reasonable apprehension of bias — again going to the probity and security of the process; whether or not the process is appropriate; and whether it has been carried out according to proper process and principles. In relation to the licence-awarding process for the next licences there is an additional point: whether all applicants have been evaluated in a systematic manner against the explicit predetermined evaluation criteria — is it a level playing field, is the process appropriate, and has it been followed appropriately?

They are the matters that the review panel will go into; they are the matters that the review panel has been designed to look into and report on. In those circumstances it would be completely inappropriate for the legislation before the house to give the review panel any powers and functions other than the ones that it sets out. The powers of the review panel are set out in the legislation. It says the review panel has all the powers necessary to perform all the functions that are set out. It is an internal public service review process.

It would be completely inappropriate in those circumstances for us to set out powers for subpoenas and the calling of witnesses, because the people who are going to be subject to the review process used by the panel will in fact be the public servants who have a duty to comply and assist the review panel.

**Mr K. Smith** interjected.

**The ACTING SPEAKER (Dr Harkness)** — Order! The member for Bass will have his opportunity in a few moments.

**Mr LUPTON** — The public servants have that responsibility under the act. The opposition does not understand the way either the public service or cabinet government operates in Victoria. Opposition members certainly do not have any likelihood of becoming cabinet members themselves, given the misunderstandings and the misleading information they are providing in their comments on the bill.

*Honourable members interjecting.*

**The ACTING SPEAKER (Dr Harkness)** — Order! Members of the opposition! The member for Prahran will be heard in silence.

**Mr LUPTON** — Clearly opposition members do not understand the system of cabinet government. They do not understand proper process, they do not understand the probity issues and the way the probity process operates, they do not understand the way in which the structures operate for the regulation of the gambling industry in Victoria, and they do not understand the nature of a review panel. All they want to do is set up another of those scurrilous inquiries like the one the Legislative Council is involved in. We will not be part of that. We want to make sure that this a proper process — —

**The ACTING SPEAKER (Dr Harkness)** — Order! The member's time has expired. I remind the house that members are entitled to be heard in relative silence.

**Debate adjourned on motion of Mr K. SMITH (Bass).**

**Debate adjourned until later this day.**

## VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL

*Second reading*

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

**Mrs MADDIGAN** (Essendon) — As a member of the government it is a great pleasure for me to rise to support the Victims of Crime Assistance Amendment Bill, which is intended to improve responses to victims of crime. The bill amends a fairly famous act, the Victims of Crime Assistance Act 1996, which I will come back to a bit later, by increasing the amount of special financial assistance, which is similar to the pain-and-suffering compensation under previous

legislation, that may be awarded to victims under this bill.

The proposal implements an election commitment of the government, and it is always very good to see an election commitment come to fruition. The election commitment to improve payments to victims of crime for pain and suffering by 30 per cent was made in the *Access to Justice* statement. Improving responses to victims of crime is one of the government's priority initiatives, as set out in the Attorney-General's justice statement of May 2004. Having listened to both the member for Box Hill and the Leader of The Nationals, I am glad that we are getting support from their parties, even if the Liberal Party's support is somewhat grudging. I will refer to the Liberal Party's policy on payments for pain and suffering later.

The specific provisions of the bill include a new maximum payment for pain-and-suffering compensation for primary victims, which will increase from \$7500 to \$10 000. Special financial assistance is available to a wide group of victims of violent crime, including those who suffer grief, distress and trauma but who do not necessarily suffer an actual physical injury.

This is not the only form of state-funded compensation for victims of crime. On top of pain-and-suffering compensation, victims of violent crime who suffer an injury can receive up to \$60 000 in compensation for counselling, medical costs, loss of earnings and other expenses. No amount of money can make up for the harm a victim of an act of violence suffers, and the amount of special financial assistance available is not intended to reflect what can be obtained at common law. It is intended to be an expression of the community's sympathy and concern for victims of violent crime — a chance for the community to say, 'We acknowledge your suffering, and we are sorry for your pain'.

I am sure all of us in this house have had victims of crime come to our offices. Through our discussions with them we see what a traumatic effect it has had on their lives. For many innocent people, who you could say have been minding their own business, it comes as a shock when suddenly they find themselves on the end of a violent crime. It is certainly a life-changing experience for many people, and they need a great deal of assistance to overcome the harm that has been done to them.

The Bracks government has been keen to assist victims of crime since it was elected in 1999, and it has reinstated some of the benefits that were removed by

the former government. I was a bit surprised when the member for Box Hill complained that the increase in money — 30 per cent, a significant amount — was not as much as it might have been. It reminded me of the fairly extensive debate we had on the Victims of Crime Assistance Bill in November 1996. Newer members of the opposition were not here at the time, but those of us who were here recall an extensive discussion during which the government at the time, through the former Attorney-General, Mrs Wade, claimed there was a great deal of corruption and misuse of the pain-and-suffering payments.

The example that was put forward by the Liberal government was that some poor hapless victim had bought herself a red coat with the money she had been allocated as compensation. This was the only instance it could find to support its claim that people had misused the money that was given to them. But the money is given to them to spend in a way that supports them overcoming the effects of crime. Those parts of the bill were fiercely opposed by the then Labor opposition.

It is interesting to look at the 1996 division list and see the names of members who are still here today, including the member for Box Hill. He was keen to support a bill which removed payment for pain and suffering. I see the member for Scoresby has just walked in; his name also appears as a member who supported the removal of payment for pain and suffering. There are a few other names familiar to us — I have the division list here, and I would be more than happy to table it if members would like me to — and they include Dr Naphine, the member for South-West Coast; Mrs Peulich, now a member for South Eastern Metropolitan in the other place; Mr Jasper, the member for Murray Valley; Mr Ryan, now the Leader of The Nationals; Mrs Shardey, the member for Caulfield; Mr Thompson, the member for Sandringham; and of course Mr Wells, the member for Scoresby.

I should mention that when the members of the Liberal government were complaining about this poor victim of crime wearing a red coat, the then Attorney-General was actually wearing a red coat, which struck people as rather ironic. Obviously it was all right for the Attorney-General to wear a red coat but not some poor victim of crime!

In the time it has been in office the Bracks government has done more than any other government to assist victims of crime. In January 2001 we reinstated pain-and-suffering compensation for victims of crime, which was abolished by the Kennett government. We streamlined access to counselling and the financial assistance available to victims through the Victims of

Crime Assistance Tribunal, which was set up under that act in January 2001. That is there to assess the compensation that should be available to people who make claims under the legislation. The government also established the Victims Support Agency and a statewide network of local victim services, following an extensive review of government-funded victim support services in 2004.

The victims of crime helpline, 1800 819 817, was established in May 2004 to provide information, referrals to appropriate support services and counselling, if required, to victims of crime across Victoria. Later that year in July the government established the Sentencing Advisory Council to ensure that the community, including victims of crime, had a say in sentencing reform. It also introduced in August 2004 a victims register to help victims of violent crime receive information about the pending release of offenders and to allow their views to be considered by the parole board.

It established in 2006 the working-with-children check to prevent people who are safety risks, such as child-sex offenders, from working with children. It also introduced a victims charter that enshrines victims rights in one document and sets out the obligations of government and other agencies, including the police and the Director of Public Prosecutions, in order to ensure that victims are treated with respect and receive the information and support they need. That came into effect from November last year. The victims charter was supported by the government in the 2006–07 budget by an allocation of \$3.3 million.

The government also released *A Victim's Guide to Support Services and the Criminal Justice System* to help victims navigate the criminal justice system. It is available at police stations and victim support agencies and through the victims of crime helpline.

That is a really substantial record for a government. It is really trying to support victims of crime in many ways, not only by improving the compensation available to them and bringing back the payments that were removed by the Kennett government but also by assisting them to get access to support services and to get over some of the traumatic experiences they have had as victims of crime.

It is up to all of us in the community to support as much as we can people who find themselves in this unfortunate situation. The government is very pleased to have the support of the two other parties. Certainly the Leader of The Nationals spoke quite glowingly of the changes in the bill. I am therefore very pleased to

support the Victims of Crime Assistance Amendment Bill, and I look forward to it having a speedy passage through both houses of this Parliament.

**Mr WELLS** (Scoresby) — I rise to join the debate on the Victims of Crime Assistance Amendment Bill and reinforce that the Liberals will be supporting the legislation. Its main provision amends the Victims of Crime Assistance Act to increase by 33 per cent the minimum and maximum amounts of special financial assistance payable where there have been category A acts of violence and to increase by 30 per cent the minimum and maximum amounts of special financial assistance payable where there have been acts of violence under category B.

Previous government speakers have all been keen to outline what Labor has done for victims of crime. Victims of crime are in a very special group, and I think they get a very raw deal. When you talk to people at police stations to find out what is really going on, you find that there are lots of groups out there assisting victims of crime Monday to Friday, 9.00 a.m. to 5.00 p.m. — but that if it is 3 or 4 o'clock on a Sunday or Monday morning, you would really struggle to find people to readily assist victims of crime. That is not being said just from a Liberal Party perspective; government members should go and talk to local police.

We have a real concern on this side of the house about victims of crime. In the last financial year the number of violent crimes went from 38 885 to 40 421 — a 4 per cent increase. When you look at the police figures for victims of crimes against the person, you see that we now have a record level of victims. In 2005–06 there were 34 275 victims of crimes against the person. That is an absolutely disgraceful figure. Since the Bracks government came to power there has been an increase in victims of crimes against the person of 31.8 per cent. In 1999–2000 there were 26 001 victims of crimes against the person, and now — —

**Mr Hudson** interjected.

**Mr WELLS** — I cannot believe what I just heard — ‘We’re helping them’. So we should not worry about reducing the number of victims of crime in our community so long as we are helping those who are victims! That is a disgraceful thing to say.

**Mr Hudson** interjected.

**Mr WELLS** — I just cannot believe what the member for Bentleigh just said — that it is okay to have victims of crimes and that it does not matter how many there are in the community because ‘we are

helping them’. There were 26 001 victims of crime in 1999–2000, and in 2005–06 there were 34 275. We have a record number of victims of crime, and it appears that that is okay by the Labor Party. I tell you what, it is not acceptable on this side of the house. We would be out there assisting and trying to ensure that law and order is maintained in the community so we do not have a situation where it is okay to have more victims of crime. What I have just heard is an absolute disgrace.

**Mr Hudson** interjected.

**Mr WELLS** — I hope that when he gets up to speak he will correct the record —

**Mr Hudson** interjected.

**The ACTING SPEAKER (Dr Harkness)** — Order! The member for Bentleigh!

**Mr WELLS** — to ensure that the government will do something about reducing the number of victims of crime in the community. What a disgrace!

**Mr HUDSON** (Bentleigh) — It is a great pleasure to speak in support of the Victims of Crime Assistance Amendment Bill. This bill continues the great record of the Bracks government in assisting and supporting the victims of crime — unlike the opposition, which abolished statutory compensation for victims of crime.

The Bracks government understands that supporting the pain and suffering of victims of crime is one of the prime responsibilities it has as a government, and it wants to make sure that they receive compensation. It is worth remembering that some of the members opposite who are now saying that they support this bill did not support victims of crime in 1996, when pain-and-suffering compensation was abolished.

*Honourable members interjecting.*

**Mr HUDSON** — They did not support it. They have not been consistent on it. They are trying to hide behind it now, but at the time they were opposed to it. They took it away!

*Honourable members interjecting.*

**Mr HUDSON** — In the debate on the bill we introduced to reinstate it, they still could not make up their minds about what they were doing.

The member for Evelyn has been interjecting. In the debate on the bill before this when we reinstated compensation for pain and suffering, she said:

I am not opposing the bill, but I am not supporting it.

They could not make up their minds as to whether they supported pain-and-suffering compensation for victims of crime. We have been totally consistent in terms of our position. We have made it very clear that we support compensation for victims. It is an absolute disgrace that the thin veneer of an excuse that the Kennett government gave for removing the program was that the program was being rorted! It was said because that government considered someone buying a red coat to be an extravagance — even though the maximum payment at the time was about \$5000. What is wrong with opposition members? They seem to have a problem with coats and with the director, police integrity, wearing a cardigan. What is it with them and clothing?

*Honourable members interjecting.*

**Mr HUDSON** — If someone buys a red coat with some of the money they receive as compensation for being a victim of crime, so what? What are they meant to spend it on? If that is something that helps them deal with the trauma they have experienced, then I say, ‘Good on them!’. It is up to them to make that decision. To add insult to injury, the Kennett government told victims of crime that if they wanted compensation for pain and suffering they would have to get it from offenders under section 86 of the Sentencing Act. That was a dismal failure. A mere handful of people were able to overcome all the legal obstacles that existed under the Sentencing Act and get compensation from offenders.

**Mr Wynne** interjected.

**Mr HUDSON** — That’s right; they had to go through the whole process again. Of course it was critically dependent on an offender having been apprehended and convicted and having the means to pay that compensation by way of court order to the victim. By reinstating the statutory provision we have said, ‘Irrespective of whether the offender has been caught and irrespective of whether the offender can pay, you are entitled to receive a payment’. That is a very different position from the position the Kennett government took at the time.

This bill improves on that system by increasing payments by 30 per cent. It will mean that the maximum payment victims can receive for pain and suffering will rise from \$7500 to \$10 000, and that victims can also receive up to \$60 000 for counselling and medical and other expenses.

This is a fantastic bill. From 1 July 2007 there will be increases in the compensation we reinstated for those victims of crime that the Kennett government turned its back on. Those payments will start flowing through in 2008. The government is also ensuring that in the future a judge sentencing an offender must consider compensating the victim of the crime as part of the sentencing provision. We will not be relying on the victims or the Director of Public Prosecutions to apply for compensation. That is part of the commitment we made at the last election, and it will be the subject of a separate bill. It will further improve the kinds of assistance we have progressively implemented for victims.

In contrast, those on the other side completely washed their hands of victims but are now claiming that somehow they are on their side. The public will have none of it. Victims will have none of it. They know the record of the Bracks government, and they know the record of the Kennett government on this issue. I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — It gives me great pleasure to speak on the Victims of Crime Assistance Amendment Bill. It was interesting to listen to the member for Bentleigh trying to point the finger at this side of the house. One thing this side has done is actually gone out and spoken to victims of crime and sought their opinions on this bill and on the way this government deals with victims of crime. I can tell you, Acting Speaker, and I can tell the member for Bentleigh that victims of crime have made it very clear to people like me that this government is no supporter of victims of crime in this state.

We believe this bill could have gone much further to fix the situation for victims of crime. In the area of Knox which I represent, crime is certainly very popular. It grew significantly last year — 16.5 per cent in Rowville, 13.1 per cent in Ferntree Gully and Lysterfield and 5.5 per cent in Boronia — in comparison with the previous year’s figures. What a disgrace that under the watch of this government, which has been in power for over eight years, the figures are still going up. What is this government doing to rectify this situation? Absolutely nothing.

The bill increases the additional payments in the table in section 8A(5) of the act by 30 and 33 per cent. Whilst that sounds great, when you look at the dollar figures, you are looking at increases for the most heinous crimes of up to \$2500 and for the lowest offence an increase of \$150. Why would you bother for a \$150 increase? It is unbelievable that this government talks about fixing the problem for victims of crime but

when you actually get to the dollar figures it is giving victims of crime an additional \$150.

In this state if you are injured at work, under the workers compensation scheme you can potentially claim up to 104 weeks. If you are injured in a road accident — —

**Ms D'Ambrosio** interjected.

**Mr WAKELING** — I am glad the member for Mill Park is so concerned about victims of crime, because she knows the government is not doing anything about it. Under the Transport Accident Commission you are looked after, but what does this government do for victims of crime? It gives them a measly \$150 increase. What a shame; what a disgrace. The member for Benalla, in his contribution, spoke of the plight of Angela Barker and her pain and suffering when she suffered injuries that almost cost her her life. She received \$7500 compensation to sustain her in addition to the \$60 000. It certainly was not enough.

I have spoken to fine Ferntree Gully residents Bev and Noel McNamara, who look after victims of crime. Their daughter was murdered 15 years ago and they have worked tirelessly for victims of crime. They have made it very clear to me that this government is doing nothing to help victims of crime.

**An honourable member** interjected.

**Mr WAKELING** — Victims cannot find victim liaison officers, says the member for Scoresby. How horrendous is that? Rape victims in this state have to wait six months for a liaison officer. This government needs to do more.

**Ms D'AMBROSIO** (Mill Park) — The hypocrisy that has been displayed by members on the opposite benches — —

**Mr Wynne** interjected.

**Ms D'AMBROSIO** — Thank you, Minister, it has been absolutely breathtaking. Members opposite are certainly full of hypocrisy. Let us look at the fine record of this government with respect to victims — including this bill. Let us not be silly about this. This bill is one of many measures the government has introduced to assist victims of crime, including reinstating hundreds of police officers and going beyond that to make up for the disastrous attack that the opposition made on victims of crime in the mid-1990s. Let us be truthful and complete when we give responses to the intention behind the bill before us. The member for Ferntree Gully would serve himself and his constituents well to

give a well-rounded explanation of the behaviour and the position of members of the opposition with respect to pain-and-suffering compensation for victims of crime. The opposition has a less-than-illustrious history and record of supporting the police on the ground, of supporting communities on the ground and of supporting victims of crime beyond pain-and-suffering compensation.

This bill gives full weight to the government's commitment to increase pain-and-suffering compensation. We have done it to enable those who suffer the maximum effect in the four categories of violent offence to get a maximum of \$10 000. Let us look at this in context too. The record of this government in assisting victims of crime includes this increase in pain-and-suffering compensation. It also comes on the back of many achievements vis-a-vis victims of crime that this government has put money towards, including \$35 million for a family violence strategy through the A Fairer Victoria package; and specialist, core-based family violence services — the first such initiative of its kind in Victoria, providing a range of services to victims of family violence; specialist family violence courts in Heidelberg and Ballarat as a division of the Magistrates Court, which came about in 2005; multidisciplinary sexual assault centres; a victims charter; a working-with-children check — and I could go on.

When opposition members go out there spruiking the benefits or otherwise of this bill, they should be a little bit truthful and give the full history. Let us not have false memories about this. Let the truth be told that opposition members were clearly behind removing pain-and-suffering compensation to victims of crime back in 1996.

Opposition members talked about Transport Accident Commission compensation and workers compensation — if that does not stick in my throat, I do not know what will! The sheer hypocrisy is that these people pretend that they care about what happens to victims on the road, or that they care about the deaths or injuries of workers that result in lifelong trauma to families. Opposition members stand there knowing their abysmal record on all of those counts and they preach. They misconstrue the history of these matters.

History catches up with everybody — and it begins right here. The record in this chamber tells the story as it is. I am proud to be able to lend my voice of support to this bill and commend the government for its fine record, exemplified through action taken, and money and resources allocated to victims of crime. I commend this bill wholeheartedly. Shame on opposition members

for the pure hypocrisy and mistruths they espouse in this house.

**Mrs FYFFE** (Evelyn) — I am pleased to speak on the Victims of Crime Assistance Amendment Bill. Although I support the bill purely because it gives an increase in special financial assistance funding, I am bitterly disappointed that the increase in 2007 — when this government is rolling in money — is only \$2500 up to a maximum of \$10 000. Many times as I was growing up I was told in a derogatory way that ‘beggars can’t be choosers’. Looking at the increase in payments in this legislation it would appear that this is the attitude of the Attorney-General and this government to victims of crime. Victims are not beggars and should be given much more respect and support.

For instance, I am told — and I would be absolutely delighted if the Attorney-General or the police minister could stand up and tell me that I am incorrect — that there are only three officers acting as victim liaison officers, yet there are 20 to 22 liaison support officers to the gay and lesbian community. I am also told that victims of rape, a very serious offence, are having to wait six months for counselling. Rape is one of the most intrusive and violent things that can happen to a woman. To have to wait six months for counselling is appalling. This bill is a missed opportunity to make a genuine effort to improve services for victims of crime.

The last paragraph in the second-reading speech says:

Special financial assistance awards are intended to constitute a tangible expression of the community’s sympathy and concern for victims who have suffered from violent crime.

How much more tangible it would be if this bill had also been used to provide more funding for liaison officers who could inform victims and assist them through the processes. They could obtain advice on what financial and counselling assistance is available and explain police and court procedures to people who are going through a time of trauma and distress. Instead we have a maximum increase of only \$2500.

Instead of genuine support this government distributes a leaflet to anyone who reports a crime — even a minor offence like having your mobile phone stolen — telling you that you may be a victim and could be entitled to assistance. Anyone reporting a minor crime gets a leaflet, yet there is no instant help for anyone reporting a serious crime.

Since 1999 crimes against the person in Victoria have increased by 31.8 per cent — that is, up to 34 275 offences. In the past two years in the Yarra Ranges, offences against the person have increased by 14.2 per

cent. Under this government’s watch, people in Victoria are less safe than they were in 1999. The incidence of rape has grown by 18.9 per cent, yet victims have to wait six months for counselling. The homicide rate is up by 36 per cent, yet families of victims are having to wait weeks to get assistance and advice. The number of assaults has increased by 45.8 per cent.

This bill will increase the amounts of special financial assistance for a primary victim of an act of violence for significant adverse effects experienced and suffered. How can this government talk about a tangible expression of the community’s sympathy and concern when it is so out of touch that it gives \$700 000 to the S11 protesters yet police who are victims are having to wait years for compensation?

**Mr DONNELLAN** (Narre Warren North) — It is an honour today to speak on the Victims of Crime Assistance Amendment Bill. More than anything else, it is further evidence that the Bracks government is emotionally and financially supporting victims of crime.

I will take up a point made just before regarding the S11 protesters. At the end of the day, that decision was made by the police and their insurance agency. To suggest it was a decision of the state government is factually incorrect and a load of absolute rubbish, to put it mildly.

The history of this legislation is that in 1997 the Kennett government callously abolished state-funded pain-and-suffering compensation for victims of crime. In other words, a party on the other side of the house is telling us that we have not done enough whereas when it was in government last time it actually got rid of state-funded victims-of-crime compensation. Realistically it is high-level hypocrisy for the opposition to suggest that what we have done is not enough when what it did was remove compensation totally.

No amount of money can make up for the physical and emotional trauma that people suffer; however, the compensation in this legislation goes some way towards that. Maximum payouts for pain and suffering are up from \$7500 to \$10 000. Victims of violent crime are able to seek compensation up to a level of \$60 000 for counselling, medical expenses and loss of earnings. It is another example of this government having made a commitment and now delivering on that.

Victoria has the lowest crime rate in Australia per head of population, and it has been going down since 1999; we are doing quite well. We have established the crime

helpline to provide 24-hour referrals to appropriate support and counselling agencies. Previously I have spoken in the house about the fact that we have enabled victims' views to be considered at parole hearings, which is unique in the whole of Australia; no other state actually does that. I think the bill is a very well-considered one. I commend it to the house.

**Mr NORTHE** (Morwell) — I am pleased to contribute to debate on the Victims of Crime Assistance Amendment Bill 2007. As The Nationals leader alluded to in his previous four attempts at closing off his contribution to this debate, The Nationals do not oppose this amending bill.

The compensation payments for primary victims are to be increased by approximately 30 per cent across the board. It is understood the increases will be implemented on or after 1 July 2007. There are four different categories, ranging from a minimum of \$130 to a maximum of \$10 000 in category A, and they are distributed on a sliding scale. One of the issues to be raised is that the maximum amount for category D is \$650, and the minimum amount for category C is also \$650. The terminology for determining the outcomes for those categories is of some concern — that is, what constitutes somebody falling within these different categories? The same applies to financial assistance for crimes in category C, with maximum compensation of \$1300, which is also the minimum amount for category B. The same confliction applies in how we rule on the determination of the particular injury suffered, what determination may happen for a particular victim and where they fall in each particular category. The definitions of the categories are cause for some concern.

The Nationals support this legislation purely and simply because, as has been alluded to earlier, victims of crime deserve some form of recognition, and this legislation goes some way towards achieving that. Obviously the monetary gains are small, but they are recognition that all members of this place support the amendment and will make sure that they support victims of crime. We need to recognise this long-suffering group of people.

Another area of interest to me is that of the entitlement of victims of crime to make claims. In my own electorate in recent times an issue has arisen about deliberately lit bushfires. One person in our region lost his life as an indirect result of a deliberately lit fire. Maybe the government needs to have a look at this issue. Unfortunately the family of the man who lost his life, Donald Dosser, would not be eligible to make a claim under this act, and I think that is an area that the Attorney-General may need to have a look at. I believe

Mr Dosser's family should be entitled to make a claim through the provisions of this bill, but that is not the case. My concern is about all acts of violence where there is an indirect result due to violence occurring against a person. We need to look at this very seriously.

I will speak a bit more on the local front. Just this week I had a letter from a constituent expressing concern about his son and some of his son's friends being assaulted. Unfortunately the perpetrators of the crime absconded and were not charged with any offence, and consequently the victims were left to lick their wounds. That situation demonstrates two things. Firstly, my constituent's son and his friends might be able to claim under the provisions of this bill, but secondly, they would also would love to see the perpetrators brought to justice. Unfortunately in the local environment a lack of police resources means that this does not occur, which is a huge problem within our region.

Whilst a small monetary gain in this particular situation might assist to some degree, the main thing is that victims of crime want to see perpetrators brought to justice, but unfortunately that is not the case. It has been demonstrated along local entertainment strips within my region that when extra police have been present acts of violence are able to be minimised, and I would advocate extra policing of such areas on a more permanent basis.

As has been alluded to in the house today in terms of the S11 protesters and the police, The Nationals would advocate that protesters who put themselves in harm's way should not be eligible to receive entitlements under this particular bill. We feel very sorry for the police who are injured as a consequence of these situations, so again I raise the question: where do their entitlements to claim fall under this bill?

Recently I was at Yallourn North, a town in my electorate and I had a chat with representatives of the Yallourn North Action Group. The township has approximately 1200 residents but does not have a police presence at all. This is a concern for them. Acts of violence have occurred recently in this township, and whilst victims may have some form of claim in this regard, it comes down to perpetrators not being apprehended, which is a huge concern for the community of Yallourn North.

To some degree the need for such legislation is an indictment of our society. I think everyone in the house would agree that minimal funds will be distributed as a result of this bill. As I said earlier, The Nationals do not oppose the bill.

**Ms THOMSON** (Footscray) — I rise in support of the Victims of Crime Assistance Amendment Bill and do so with great support for this piece of legislation. None of us likes the notion that we have any victims of violent crime. We would prefer to live in a community where violent crime did not occur, but that would mean we were living in la-la land.

The fact is that in urban environments and places where communities get together violence crimes against the person will occur. The figures that members have been bandying about quite a lot show that the number of violent crimes against the person have stayed relatively the same over recent years. However, there has been an increase in the reporting of domestic violence and action taken as a result of it. This is due to the government's strategy and policy commitment on domestic violence.

The government takes domestic violence very seriously and is dealing with the issue in a number of ways, including by charging offenders and providing support for victims. We have come up with a strategy to deal with domestic violence, and the police commissioner and the police force have actively pursued and are following through on that policy agenda. This is important. Yes, we are seeing an increase in reporting and following through on domestic violence, but that shows the government's strategy is working.

I turn to the bill itself. I want to talk about the compensation and the package. We have heard a lot from opposition members about the package. They can talk the talk, but in 1997 they took away support for victims of crime. They could have done more, but chose not to. They chose to cut victims of crime off at the knees. The government understands that this was not good enough. We are about supporting victims of crime by providing counselling and the kind of support they need when coming to terms with the violence that has been perpetrated against them.

We have clearly identified how that money can go towards helping people deal with the consequences of violent crime. Assistance can be given to victims of crime who do not suffer a physical injury but who suffer from grief, distress or trauma. They are given a chance to access the counselling and support that they may need. Those who suffer injuries can receive up to \$60 000 to cover their counselling, medical expenses and loss of earnings.

Compensation is targeted at providing real help for victims without getting to a point where it does not take into consideration a victim's capacity to pay. Labor's election policy on this issue is that:

Labor will also ensure that a judge sentencing an offender must consider compensating the victim of the crime as part of the sentencing process, removing the need for victims or the DPP to apply for compensation.

We made this policy commitment. We will honour it, and legislation will be brought to this Parliament to meet that commitment to the victims of crime.

**Mr KOTSIRAS** (Bulleen) — It is with pleasure that I stand to briefly speak on the Victims of Crime Assistance Amendment Bill. I found it interesting to hear the member for Footscray say that the number of crimes in Victoria has stayed the same. Perhaps the member for Footscray should go out and visit some police stations; she should talk to police officers and to victims who will tell her that the crime rate has increased. It has increased in my electorate. Perhaps in Footscray the rate has gone down, but crime has increased in the city of Manningham.

The bill attempts to increase the amounts of special financial assistance that can be awarded to victims of crime. That is a good first step, but the amount given is very small. For sexual penetration or attempted murder, the maximum they can get is \$10 000. Compare the \$700 000 given to the people who took part in the S11 riots with the \$10 000 maximum for someone who has been raped — then try to tell me what is fair!

**Mr Lim** interjected.

**Mr KOTSIRAS** — Tell me whether \$10 000 for someone who has been raped could be favourably compared with the \$2000 or \$4000 that someone who has committed a crime can walk away with! I will be interested to hear the member for Clayton tell members that it is fair for someone to receive \$2000 for committing a crime while the victim of a crime involving sexual penetration can receive a maximum of only \$10 000.

The rate of crime overall has gone up, as has the crime rate in Manningham. During the election campaign the newly elected member for Doncaster put out a press release that said crime in Doncaster had gone up, that in fact the incidence of rape in Manningham has increased by 6.7 per cent and the rate of robberies in Manningham had increased by 42.9 per cent.

The police are doing a wonderful job with the resources they have available. This government is refusing to provide more resources; it is refusing to provide more police officers, and therefore crime in Manningham is going up. The government talks and complains, but unfortunately they do not put enough resources into policing.

There are two sides to an equation. Government members can talk about victims of crime, but perhaps they should try to ensure there are no victims. That is where this government has failed. It has no vision for the future; it has no plans; it has absolutely no idea how to minimise the number of victims. While this bill goes some way to assist those victims of crime, more needs to be done.

**Ms GREEN** (Yan Yean) — It is with great pleasure that I join the debate on the Victims of Crime Assistance Amendment Bill. The bill is clearly intended to improve responses to victims of crime. It comes out of an election commitment we made in our 'Access to justice' policy pronouncement to increase by 30 per cent payments to victims of crime for pain and suffering.

I am pleased that this bill is being supported by both the opposition parties, but it is a shame that in their speeches in support of this bill, they have chosen to have a whack at what the government is doing. I remember 1997. It is a great shame that although the Liberal Party and The Nationals talk tough when in opposition they did nothing when they had the opportunity to speak against the Kennett government's proposals in 1997 or against that government's callous removal, with the stroke of a pen, of compensation for pain and suffering. The Kennett government's action prevented victims of crime from claiming financial relief for the pain and suffering caused by crime.

I am really glad that in January 2001 this government improved victim services, restored entitlements and reinstated pain-and-suffering compensation for victims of crime. This bill is increasing by 30 per cent the amount that can be claimed, and I think that is an appropriate thing.

I would like to pay tribute to some of the other things the Bracks government has done. I think it has done more than any other Victorian government to assist victims of crime. Not only did we reinstate the ability of victims to claim compensation for pain and suffering but we also streamlined access to counselling and financial assistance to victims through the Victims of Crime Assistance Tribunal. In 2004 we established the Victims Support Agency and a statewide network of local victims services, following an extensive review of government funded victim services.

We established the Victims of Crime Helpline to provide information referrals to appropriate support services and counselling, if required, for victims of crime across Victoria. We have established a sentencing advisory council to ensure that the

community, including victims, has a say in sentencing reforms. We have introduced a victims register, enabling victims of violent crime to receive information about the release of an offender and allow their views to be considered by the parole board.

We have established the working-with-children check to prevent people who are safety risks, such as child-sex offenders, from working with children. We have also introduced a victims charter that enshrines victims rights in one document and sets out obligations on governments and agencies, including the police and the Director of Public Prosecutions, to ensure victims are treated with respect and receive the information and support they need. We have committed \$3.3 million in the most recent budget to support the implementation of the victims charter.

As the member for Footscray and other members have said, it is really important to continue to support victims of crime, but it is also good to take steps to ensure less crime occurs in the community. I am proud to say that Victoria remains the safest mainland state. No-one ever wants to be a victim of crime or have anyone they know be a victim of crime. We have established more and better police resources, and better sentencing regimes — we are proud to be a government that is tough on crime and on its causes — but we look after victims when they very much need support.

I am very pleased to be supporting the bill. I decry the opposition for supporting it but talking it down. The community should never forget that when the opposition was in government, it abolished support for victims of crime. We have reinstated it. We are increasing the rates of support through this bill, and I commend it to the house.

**Mr R. SMITH** (Warrandyte) — I rise to speak on the Victims of Crime Assistance Amendment Bill. I would like to place on the record that I fully support the government's amendments to the legislation. I am, however, convinced that the Bracks Labor government is tweaking around the edges when it comes to how it treats victims of crime.

It is important to increase the amount of compensation payable to victims of crime, but these victims also want to know what the Bracks government is doing about sentencing. Time and again we have seen that this government has a softly, softly approach to crime and lacks the political spine to implement the kinds of changes that the community is demanding.

Victims of crime are grateful for any assistance, financial or otherwise, but part of the healing process is

that criminals be punished according to the crime committed. Victorians are calling on this government to actually get on with the job, address crime at the coalface and put into place strategies which will impact on crime rates, because despite what members on the other side of the house would have us hear, crime is increasing in some areas. In the city of Maroondah — and I am quoting from Victoria Police provisional crime statistics — the figure that jumps out is for crimes against the person, which has jumped up by 23.1 per cent. You really have to go down this list a fair bit before you see any reduction in crime. There is the offence of bad behaviour in public, which rate has fallen by 21.7 per cent, so I guess that is something we should be happy with.

When I committed to speaking on this bill I consulted Noel McNamara from the Crime Victims Support Association, which I know many of my colleagues on this side of the house did. I wonder how many members on the other side of the house took the time to speak with this major stakeholder. We really wanted to talk to him to ensure that the concerns of the victims of crime were being heard. Mr McNamara said victims of crime were not getting paid enough, they were not getting paid quickly enough and that there were some major concerns about counselling services for victims of crime.

While this government is dragging its heels on trying to decide under which government department victims support services should go, victims are being left without any support. No longer can a victim pick up the phone and expect to speak with a liaison officer — in fact often the phone just rings out. As has already been mentioned, a rape victim can expect to wait up to six months before receiving counselling. That is appalling and totally unacceptable. Victims of crime require more than a financial commitment from this government, and I call on the Bracks government to enter into another record of commitment — not unlike the one it entered into with the police union during the last state election — to be tough on crime, to increase penalties and to ensure that those who do the crime do the time, to listen to the victims of crime and address their concerns, and to ensure that counselling services are available to victims of crime where and when they are needed.

**Mr LIM** (Clayton) — I am pleased to support this bill because it further supports victims of crime by increasing the amount of special financial assistance, similar to the pain-and-suffering compensation available under previous legislation, that may be awarded to victims under the Victims of Crime Assistance Act.

That is in contrast with what the conservatives opposite did when they were in government. They stripped victims of crime of their rights to be compensated for pain and suffering, and we should never forget that. I recall former Premier Jeff Kennett in this chamber in November 1996, my first year in this Parliament, justifying his government's decision by referring to one victim of crime — a caller on talkback radio who had wanted to buy a red coat — and inferring that people could not be trusted to make their own decisions. What a shameful paternalistic view of the world!

We all remember the slashing and burning of the Kennett years, but if there were one group that should have been treated with dignity and compassion and not subjected to the Kennett cuts, it was victims of crime. Victims of crime suffer not just the immediate costs such as medical expenses for physical injury, damage to and loss of property and time off work, but also the ongoing stress and trauma, such as when they are asked to testify in court and recall the terrible experience they have been through. I am proud to be a member of a Bracks Labor government which reinstated the rights of victims of crime. One of the first things we did on winning government was reinstate in 2000 the rights of victims of crime to compensation for pain and suffering. We are now honouring our 2006 election promise by increasing by 33 per cent payments to victims of crime for pain and suffering.

One of the key reasons why people are voting Labor in Victoria is our commitment to community safety. The Kennett government reduced the number of police officers in Victoria, but in our two terms we have increased police numbers by 1600, while at the same time building or upgrading 140 police stations. We are rightly proud of the reduction in the rate of crime by 22.4 per cent over the last five years. The member for Bulleen challenged me to quote some statistics to support these figures, so I will go through the crime rates in the local government areas that cover my electorate of Clayton. Since 2000–01 the crime rate in the city of Monash, for example, has fallen by 23.1 per cent. In the same period the crime rate in the city of Kingston — another big part of my electorate — has fallen by 26.2 per cent. At the same time the crime rate in the city of Greater Dandenong has fallen by 17 per cent. It is obvious that the member for Bulleen would find it safer to come and live in Clayton, and I would welcome him.

The Bracks government provides victims of serious crimes such as attempted murder, serious sexual assaults and violence, with dignity, compassion and financial compensation for their pain and suffering. We have got tough on crime by introducing a raft of

legislative measures, including legislation abolishing the defence of provocation, anti-hoon legislation and tougher drug laws, to name just a few.

We tend to take things for granted here in Victoria. We forget that this spot — Melbourne — is the most livable city in the world. This has not come about by accident; it has been the result of hard work and legislation introduced by this government. It happened during the watch of the Bracks government. Some members opposite mentioned that during our watch we have not done well, but of the 120 cities throughout the world that the Economist Intelligence Unit compared in terms of 12 criteria, Melbourne came out on top, and it was second only to Singapore in terms of safety and crime rate. That is simply because if you commit a crime in Singapore, it is very hard to get away from the island. We should be very proud of our safety record, and this legislation will go a long way to ensure that Melbourne continues to be the most livable city in the world. I commend the bill to the house.

**Mrs SHARDEY** (Caulfield) — I rise to speak on the Victims of Crime Assistance Amendment Bill. Before I turn to the detail of the bill, I would like to talk briefly about what I believe is happening in my own electorate, because I understand time is short.

I would like first of all to cite some figures that demonstrate trends in relation to victims of crime and crime against the person. I note that in Victoria, despite the claims of the member for Clayton, from 1999–2000 to 2005–06 crimes against the person increased by 28.8 per cent and the number of victims — that is, the number of individuals who have suffered as a result of crimes against the person during the course of the Bracks government — has increased by 31.8 per cent, going from 26 000 people in 1999–2000 to 34 275 people in 2005–06. That is a significant increase, despite all the claims that have been made here in this place today about the so-called success of the Bracks government in fighting crime.

I turn to my own electorate, where a great deal of concern has been raised about this issue. Members in this place would be acutely aware of the reports of a particular person from my electorate who was racially bashed and of the fact that it has taken some time for his case to move in any direction under this government. I understand that something is finally happening, but because this matter is now going before the courts I will not raise any of the specifics in relation to it. However, a number of people in my electorate, particularly Orthodox men, are being bashed in the streets of Caulfield, and this is of great concern. I personally know a young man who does not look

particularly religious, but who caught a cab home from a 21st birthday party, and between the cab door and his front door he was bashed and had his jaw broken. I find that totally amazing. He was set upon by a group of youths, and the residents of the Caulfield and Glen Eira areas are very concerned.

I turn to a couple of articles that appeared in my local paper in February. The first article states:

Gang-related street assaults and robberies have increased across Glen Eira this month, with police warning residents to be more vigilant in our streets.

People have been verbally abused, assaulted and robbed in a number of attacks involving more than two offenders.

...

Moorabbin's Embona task force —

that is a police task force —

is investigating the incidents, including a 17 February attack in which three victims were robbed by six men in Ormond.

The trio were leaving a party about 2.30 a.m. near the corner of Lancaster Street and McKinnon Road when they were approached by the six males in their late teens and early 20s.

The gang demanded cash and so forth, and bashed them.

Senior Sergeant Marty Tynan said whether the group of men were acting on their own or affiliated with a larger gang remained to be seen.

There is concern that gangs are emerging in the streets of my electorate. The article quotes the police as saying:

But in all the cases in February there were more than two offenders, which is a concern.

The article continues:

A Caulfield resident ... said his 26-year-old grandson and his wife became victims of a 'gang attack' after they were threatened at knife point by four men on 9 February.

He also noted that it was the Sabbath and so luckily they were not carrying money, but it left them shaken nevertheless.

The second article, which I view with great concern, is in relation to armed robberies, which, of course, have an enormous effect on the people who are victims and who suffer as a result. The article states:

Armed hold-ups and street robberies have increased dramatically across Glen Eira, with milk bars and service stations top targets for criminals.

Police have warned residents and shop owners to take precautions after 43 reported robberies since July last year. It compares with 28 for the same period the previous year.

That is an enormous increase. It further states:

Moorabbin's Embona task force's Detective Sergeant Martin Tynan said there was a trend for thieves to progress to more serious armed robberies over time.

...

'Statistically, it would be fair to say we are in the middle of a spike at the moment', Detective Sergeant Tynan said.

He said street robberies had risen ...

In the article there are examples of robberies:

After four hold-ups in four years, Carnegie service station manager Dean Anastasiadis said armed robberies were a stark reality for the industry.

...

Murrumbeena service station operator Anna Babatsias, held up at gunpoint in 2000, said it could take years to recover.

...

Mrs Babatsias was hit and forced to the ground by two thieves during an early morning robbery.

'We don't see it getting any better', she said. 'The police do a good job, but preventing hold-ups is a difficult task'.

But it is a task that this government needs to take up.

This bill increases the payments under the category of special financial assistance. In this sense the Liberal Party supports this legislation. The increase of payments will be achieved by the insertion of a new table in the act. The current scheme provides special financial assistance in addition to payments made to cover areas such as counselling services, medical expenses and loss of earnings. The Liberal Party has always supported and advocated this later group of payments. We note that the increase in other payments is only a mere 30 per cent. They remain as small payments.

As the member for Box Hill said in his contribution, the recipients of these special assistance payments are tightly defined. Some victims will be excluded because of this tight definition. He also pointed out that the genesis of these special payments was an attempt by the then newly elected Labor government in 1999 to deliver on an election promise. The government has introduced a limited scheme which has been more symbolic than meaningful. I cite the category D payments to a victim of a crime that involves the infliction of serious injury: the minimum payment is \$130 and the maximum is \$650. As I said, the opposition supports these modest increases, because it

supports other elements of the act. However, the more substantial payments which I have cited relating to incurred expenses offer greater levels of support — they are valued up to \$60 000.

The opposition is worried that these services are now not being delivered in a speedy manner. We are concerned about the assistance and consideration of victims during court proceedings, the adequate sentencing of offenders, and the protection of victims of crime against the risk of revenge attacks by offenders. We believe the Labor Party has not delivered in these areas, and I call on it to turn to these other areas of delivering support for victims which the victims say they are currently not getting in a timely manner.

**Mr WYNNE** (Minister for Housing) — I rise to support the Victims of Crime Assistance Amendment Bill. In doing so I want to again commend the Attorney-General for his zeal in pursuing support for victims of crime. Examples of this support include the Victims' Charter Act, his reforms of the Koori courts, drug courts and most recently his wonderful announcement of the restorative justice program, the Neighbourhood Justice Centre Court, which opened about a week ago during a wonderful community event based in my own electorate in Collingwood.

We should remember the history of the Victims of Crime Assistance Act. In a previous life, I was the Parliamentary Secretary for Justice. After the Attorney-General was appointed, he gave me the task of putting together a victims of crime assistance scheme which, of course, had been abolished by the previous government in 1996. There are a range of stories about the rationale of why that former scheme was abolished. My colleague the member for Bentleigh said in his contribution that the former Premier indicated that a victim of crime at that time had purchased for herself a coat — —

**Mr Stensholt** — A red coat!

**Mr WYNNE** — It was a red coat. From her point of view, it was an effort to compensate herself in relation to a nasty crime that had been committed against her. Who is it for me, or any member of the opposition, to indicate what is the appropriate action that a victim of crime should take to seek some level of comfort for themselves at a time of crisis?

It was a pleasure to be involved with the Attorney-General to develop the revamped victims of crime assistance scheme. We now have the capacity to increase the scheme. The maximum amount payable of special financial assistance to primary victims for

significant adverse effects in category A is \$10 000; in category B it is \$3250; in category C it is \$1300; and in category D it is \$650. Members ought to be reminded — and I have indicated this in the past during my contributions to debates on these sorts of bills — that this compensation is a symbolic recognition by the state that a person is a victim of crime and has been offended against. We should not mistake this compensation for reparation for the victim of crime. It is a symbolic recognition by the state that a person has been victimised and that the state seeks to acknowledge that by offering monetary compensation to them. This is an important symbol of how this government stands shoulder to shoulder with victims of crime.

It is prepared to provide a scheme of arrangements for victims which certainly goes to some extent to acknowledging in a symbolic way that people have been victims. We should not forget the past, and we should not forget the history of this compensation scheme, which was cruelly abolished by the former Liberal government but reinstated by this government. The Attorney-General will have more to say about that shortly when he sums up on the bill. I welcome the bipartisanship with which this bill has been debated and the support of both sides of the house for victims of crime. This is merely one in a suite of reform packages by this government. I wish the bill a speedy passage.

**Mr BLACKWOOD** (Narracan) — I am pleased to stand and join the debate on this bill. I support the bill because I believe that victims of crime deserve every single bit of support they can get from the government and that it is our duty to provide them with that assistance. The purpose of this bill is to increase the special financial assistance that is available to victims of crime.

In asking why we need this bill I point the house to the fact that crime is increasing and that therefore the number of victims of crime is increasing relatively, despite what we have heard from the opposite side of the house over the last two days. The diatribe and rhetoric are all just spin. The trend in the electorate of Narracan is very clear — crime is increasing. I believe there is a direct link between the lack of a police presence and criminal activity and people becoming victims of crime. In the Narracan electorate we have a number of communities that have been crying out for an increased police presence for many years. Neerim South, for example, a small town of about 2000 people, has only a 16-hour police station. The community has to rely on police from Warragul, almost 20 minutes away, to respond to issues of criminal activity outside those 16 hours.

We are aware that response times are critical in dealing with issues of criminal activity that occur in small rural communities. I will touch on the dedication of the Neerim South police by giving an example of the community policing they embark on both during and outside operating hours. All three members of this police community are involved in community groups that operate outside station hours. The officer in charge, Sergeant Craig Watts, in conjunction with the Neerim District Secondary College, formed the Neerim District Youth and Police Partnership Committee, comprising Sergeant Watts, the principal of Neerim District Secondary College and a number of students from both the college and the Neerim South Primary School, as a direct response to community concern about graffiti and the engagement of some local teenagers in antisocial behaviour. One of the achievements of this committee is the construction of an adventure playground and skate park. The committee raised \$130 000 towards the cost of construction of the park, which I think is a fantastic effort. The result is that the antisocial behaviour and graffiti have almost ceased to occur.

**Mr Stensholt** — So crime is down.

**Mr BLACKWOOD** — Crime is not down. The town of Longwarry has no police presence. The closest police station is at Drouin, which is 10 minutes away. It is also a 16-hour station, and the town has to rely on larger police stations in Warragul and maybe Pakenham to respond to criminal activity. I met with the Longwarry Neighbourhood Watch Committee just recently and had outlined to me the criminal activity that has occurred in the area and the concerns its members have about being so far away from police assistance.

I support this bill. As I said, victims of crime deserve every bit of support the government can make available to them. We must not lose sight of the fact that prevention is far better than cure, because increased police availability is desperately needed in the Narracan electorate.

**Mr STENSHOLT** (Burwood) — I am delighted to speak in support of the Victims of Crime Assistance Amendment Bill. With the increases in the amount of special financial assistance, I am proud of the record of the Bracks government in support of victims of crime, unlike the record of the Liberal Party, which abandoned victims of crime and did not support them. The opposition is supporting this legislation, and I am grateful that it is, but in the past its record in terms of victims of crime has been an absolute disgrace. It ought to hang its head in shame, and I hope it does.

I did a review several years ago of the various support programs for victims of crime. I am really proud of that review and of the fact that the services provided to victims of crime are much greater now than they were in the past. That contrasts with the Liberal Party and its record. I remember standing in 1999 against the then Premier. One of the first doors I knocked on was that of a victim of crime. She had tried to talk to the Premier's office but had got nowhere. She was treated with absolute disdain by the previous member for Burwood and former Premier. She was left to hang out to dry, quite frankly. The lack of support and the disdain of the Liberals for victims of crime were palpable. This changed under the Bracks government, changed under the present Attorney-General and changed in terms of the assistance and programs provided to victims. This bill will go even further and provide more assistance. I am proud of our record, and I support the bill very strongly.

**Mrs VICTORIA** (Bayswater) — I want to speak on the Victims of Crime Assistance Amendment Bill because I feel very strongly that some bits are missing. What I like is the fact that assistance has been increased, but some fundamental ideas have not been thought through and not added to the bill.

I support the amendments, but they do not go nearly far enough. The government needs to address the issue of prevention, and that is probably the big issue here. It is okay to say that category B victims will now get \$3250, but would it not be better if we actually stopped these crimes before they happened? We can only do that, as we all know, by increasing police numbers. The government talks about extra police, and there may well be extra police out on the beat, but they are not on the front line. The officers at one of my local police stations claim that in order to function properly they need an increase of 20 per cent in front-line police numbers. I find that figure astounding. Crime figures in that area are in fact up.

If we look at the latest crime statistics, we see that kidnapping, which is a category B offence, is up by 20 per cent. If we think that is bad, in Maroonah, which is also part of the Bayswater district, kidnapping is up by 600 per cent. That comes from the provisional crime statistics for 2004–05 and 2005–06. If we have figures like that coming out, would it not make sense to try to prevent crime rather than compensating those who have had to go through torture and torment? If we look at homicide, we have the victims of crime group saying it is up 133 per cent in one of my two districts, and I think that is atrocious. Of course that is not what we are talking about, compensation wise, today, but major crime like homicide being up by 133 per cent is

bizarre and, one would have to say, criminal, to say the least. If we asked victims of crime what they would prefer — an increase in monetary compensation after the fact or more police out on the streets to prevent crime happening — —

**Mr K. Smith** — More police on the streets.

**Mrs VICTORIA** — I think the member for Bass said it: they would like more police on the streets. I would like to address what the member for Burwood said. He claimed the Liberal Party had abandoned victims of crime. Can I suggest that he is ill informed. If we have a look at the Liberal Party policy for the last state election, we see one called 'Putting victims first'. Under the subheading 'Making offenders pay' it states:

The Liberal Party believes it is fair and reasonable that convicted criminals take more responsibility to help those affected by their crime through some financial restitution to their victims.

Under the Liberal plan courts will be under a duty to consider compensation whether or not an application has been made and, where compensation is not ordered, judges will be required to give reasons.

The community wants to see some form of direct compensation from offenders to victims as a feature of the majority of sentences.

There has been much talk in the media — certainly not just recently but over a longer period — about the public perception that our sentencing is not nearly harsh enough. That section of the document, headed 'Putting victims first', exemplifies what we are talking about today — that is, the victims.

We would obviously like to prevent crime, but if a person does fall victim to a perpetrator, a Liberal government, had it been elected, would have established new rights for victims. These would have included the right to be informed by the Office of Public Prosecutions when charges are dropped or substantially altered, with the OPP meeting victims to explain the reasons for this occurring in serious cases, and also the right for victims of serious offences like rape and serious assault to be notified and consulted about release arrangements for offenders.

If we look at all of this, is it not logical that had we prevented the crime in the first place, we would not be standing here talking about compensation levels? If we actually gave people the opportunity to be safe in the community, we would not have to talk about compensation levels.

Victims need an opportunity to heal, and what I have just discussed is an important start to actually talking

about tougher sentencing. We should go with public opinion. It is great that we are offering victims greater compensation, but the government should look at means of preventing crime.

**Mr LUPTON** (Pahran) — It is with pleasure that I join this debate and make some brief comments in relation to the Victims of Crime Assistance Amendment Bill; I very strongly support the bill.

It never ceases to amaze me and other members of the government that the opposition's hypocrisy on victims of crime knows no bounds. Its members come into this house and speak in a mealy-mouthed fashion about these issues when its track record and history on victims of crime speaks for itself. When last in government the opposition abolished victims of crime pain-and-suffering compensation. It adopted a callous, harsh and cruel attitude towards victims of crime; and of course we should also remember that when last in government, it slashed police numbers, and the crime rate in Victoria went through the roof.

The people of Victoria know that when it comes to community safety and proper assistance for victims of crime, the opposition stands in tatters and that the Bracks Labor government has a very proud record. The community understands that we stand for community safety and for giving proper and appropriate assistance to victims of crime.

That record in the time that the Bracks government has been in office includes reinstating the pain-and-suffering compensation that the Kennett government so callously abolished. We have also established the victims' charter, setting out rights of victims in this state. We have also created a special division of the Magistrates Court to deal with these victims-of-crime issues, and introduced other measures including victim impact statements for use in court proceedings.

This bill enacts an election commitment of the Bracks government that we took to the people of Victoria in November 2006, to increase pain-and-suffering compensation for victims of crime by 30 per cent. We are carrying out that promise and putting it into effect. I commend the government and the Attorney-General for their swift and prompt action in again appropriately looking after victims of crime in this state. That is what the Bracks government stands for, and that is what the people of Victoria know and understand.

**Mr MORRIS** (Mornington) — It is a pleasure to speak on this relatively slim but important bill. It is an

adjustment to the scale that is welcome and very necessary, and that is why we are supporting it.

It is a reasonable increase, but of course the quantum amount has not been touched since 2000. In effect we are talking about a catch-up plus a bit. From memory, the consumer price index (CPI) figures over the same period total about 23 per cent while the bill provides for 30 per cent increases in compensation, so these increases are a bit but not very much more than the CPI figures. Sadly, of course, the government chooses to index many of the revenue sides but not necessarily the payment side of operations.

We also, as many members have remarked today, need to remember that despite the government's rhetoric on crime statistics, many more people and families have been hurt. If we look at the figures from the Victims of Crime Assistance Tribunal over the period that this section of the act has been operating fully, we are looking at a 32 per cent increase in round terms, which translates to about 700 people who are directly affected, in addition to where we were, so the numbers are rising.

As a member representing a district at the interface between the urban and rural areas of Melbourne, I am, sadly, familiar with that problem only too well. If we look at the crime statistics for postcodes within the district of Mornington, we are looking at nowhere near as bad an increase as some have quoted in this house — it is around about 10 per cent — but when we look at how that compares with other parts of the state, say the city of Boroondara, crimes against the person are 67 per cent higher on the Mornington Peninsula.

**Mr Stensholt** interjected.

**Mr MORRIS** — It is actually not. If you take the time to speak to the officers involved, it is in fact 67 per cent higher. It is 20 per cent higher than in the city of Whitehorse, and if we look at the city of Frankston, which is the service area of the Mornington Peninsula, the incidence of crime in that area is 50 per cent higher than ours. We are talking about twice the level of the figures in Boroondara.

It is not because the police are not trying — they are doing a fantastic job — but they simply do not have the resources to respond to the problem. They have too much territory to cover, too much paperwork, too much time spent transporting prisoners long distances — —

**Mr Stensholt** — What rot!

**Mr MORRIS** — The honourable member for Burwood interjects, but to transport a prisoner to Frankston and back actually takes the only car on the

road totally out of action for 1 hour; it would be gone for a whole hour.

If we cannot get the police resources into place, then we at least need to be thinking about alternative measures and looking at using camera surveillance techniques and those sorts of resources to at least improve the strike rate. If this government is not prepared to put the manpower resources in, then let us use our brains, look at alternatives and see if we can do something significant to cut the incident rate as well as working on the other side to improve the support rate. Having said that, I support the bill, and I think this is at least one small step in the right direction.

**Ms WOOLDRIDGE** (Doncaster) — It gives me pleasure to rise to speak on this bill which seeks to increase the amount of special financial assistance for primary victims of violent crime.

I want to be clear as to what types of crimes we are talking about here: serious sexual offences, attempted murder, indecent assault and armed robbery, threats of death and conduct endangering life, as well as threats of injury, assault and attempted murder.

We need to translate the numbers that we hear about and the percentage increases to real people, because 34 000 Victorians suffered crimes under these categories last year. That statistic represents a lifetime of impact for each of those individuals and their families as a result of the violent acts they have suffered. In the areas of Doncaster and Manningham, 370 people were victims of these types of crimes last year.

I have talked to a number of them, and while they recognise that extra dollars will be of assistance they believe there is so much more that can be done. They need quicker access to counselling, as we heard earlier. They need assistance with court proceedings and also adequate sentencing. The common theme that comes from the significant adverse effects they have suffered is that they want more police on the beat. They want these crimes prevented, and they want these acts in our communities reduced. The best way to achieve this is to get police back on the beat. It is very clear to me that police officers need to be wearing out the soles of their shoes, not the seats of their pants. We need to get them back on the street preventing these crimes.

I am pleased to support the bill, but I recognise that more needs to be done to support victims of crime in addressing the adverse effects that they suffer. We need to reduce the amount of time that is spent on administration by police officers and get them back out

on the beat preventing these crimes in the community. So I support the bill but I believe that more needs to be done to address the needs of our community in relation to violent crime.

**Mr HODGETT** (Kilsyth) — It is a pleasure to add a contribution to the debate on the Victims of Crime Assistance Amendment Bill. Time is against us, so in the interests of allowing other people to speak I will be as brief as possible. I applaud the purpose of the bill, which is:

... to amend the Victims of Crime Assistance Act 1996 to increase the amounts of special financial assistance that may be awarded to a primary victim of an act of violence for significant adverse effects experienced or suffered by the victim as a direct result of that act.

But I make two points: firstly, the assistance does not go far enough; and secondly, the government should be directing its resources to the causes and not the symptoms. On the first matter, members have been told of the failings of the current system. We are told that there are only three victim liaison offices, and given the crime figures we have all heard today, we need many more than that. We hear complaints about a lack of contact, and we hear about failures —

*Honourable members interjecting.*

**Mr HODGETT** — Members should return to their own seats if they want to interject!

We hear about delays and the failings in services. There is also an inadequate education of victims of crime on the fundamental rights they enjoy under the act.

By way of a couple of examples, in the past, victims-of-homicide families were entitled to up to \$20 000 worth of counselling, but now the number of visits they can have is limited to 10. I am also informed that matters that are deemed to be trivial are eating into the Victims Compensation Fund. As a further example, a rape victim I have been told of is still waiting for counselling six months later. It is an absolute disgrace that a person who has had to endure that sort of crime is still waiting, six months later, for counselling.

Turning to the second issue, that the government should direct resources to the cause of the problem, not the symptoms, we have already heard plenty of crime statistics today, so I am not going to labour them, but I will just touch on two in my area. There has been a 23.1 per cent increase in violent crime in the city of Maroondah and a 14.5 per cent increase in violent crime in the shire of Yarra Ranges. I am not going to go through an itemised breakdown of the statistics but they are available. They are not my statistics, and they are

not made up. They are available from Victoria Police and are part of the actual and provisional crime statistics. If you want a longer term picture, since there is interest in this, from 2000 to 2005 in the state of Victoria crimes against the person increased by 31.8 per cent.

If the government wants to get fair dinkum, I suggest the following changes. Counselling should revert to the old system in which metropolitan victims received counselling within the first 24 hours and rural recipients within the first 48 hours. They certainly should not have to wait six months for counselling after being raped. With the victim support service there is a need for more victim liaison officers. As I have said, there are currently only three assigned to this activity, and that is pretty pathetic when you see that crime is on the increase. In terms of funding support, I would suggest that the government have a close look at who receives funding under the act.

The government would do well to look at the Liberal Party policy at the last election. It is a plan that is moving in the right direction to fix the cause and not just deal with the symptoms.

**Mr THOMPSON** (Sandringham) — The Liberal Party supports the general tenor of the bill. However, in relation to crime in the city of Bayside there has been a significant increase in the incidence of serious offences, unlike in the city of Kingston, which was the beneficiary of a reduction in crime, according to the latest reported figures. For those people who take an interest in monitoring crime figures, there was a matter of major concern towards the end of last year when crime statistics by way of local government area were at one point recorded on the police website but then were taken off the site at another point in time. I had occasion to raise this matter in this chamber to find out why those figures were taken off. I have not received a satisfactory answer or any substantive advice from anyone representing the government.

It is interesting to note that in the last recorded period there was a 50 per cent increase in robberies in the Bayside area, a 14 per cent increase in assaults, a 26 per cent increase in property damage, and a 56 per cent increase in burglary within the subclassification of 'other' — so burglaries in that particular area have skyrocketed in Bayside. There has also been a 23 per cent increase in theft from motor vehicles, an 18 per cent increase in shop stealing, and an increase in the incidence of other offences. There has also been a noteworthy increase in the category 'regulated public order', although you need to look at the actual numbers and not just the percentage increase to get some trends.

That is the situation in substantive terms in Bayside at a time when the Labor Party has to date neglected to fulfil an election promise made 18 years ago to build a new police station in Sandringham. It was an election promise that it failed to fulfil, and on the cusp of the recent election it indicated that it would build a new police station after the Liberal Party had earlier announced that it would build one in Sandringham to the value of \$5 million. It is going to be very interesting in the next four years to see whether the Labor Party is serious about crime, not only about protecting victims of crime but also about preventing crime and investing properly in those areas.

As I have indicated, there has been a significant increase measured in statistical terms — they are statistics provided by Victoria Police that record the increase in visits to Bayside over the last 12 months. While we support assistance for victims of crime through a range of measures, it is also important that there is an appropriate allocation of policing resources to the Bayside area.

**Mr HULLS** (Attorney-General) — I thank members for their contributions to this very important piece of legislation. We as a government will always do what we can to help victims of crime, and that is why I was very proud to be able to introduce a bill into this Parliament that increases the amount of special financial assistance by some 30 per cent.

I am not confident that members on the other side of the house have any acknowledgement of or care for victims of crime in this state. Members opposite seem quite confused about whether they believe victims of crime should be supported by the state or not. They seem especially confused about whether they think victims should be provided with state-funded compensation for pain and suffering.

Let us remind ourselves of what occurred in this place on 30 October 1996. The then Attorney-General, former member for Kew and member of the Liberal and National party government at the time, Jan Wade, introduced what I would describe as an insidious and destructive piece of legislation into this house. That gave effect to the Liberal Party's policy to end state-funded compensation for pain and suffering to victims. Let us never, ever forget that. And guess what! When one digs out the *Hansard* and has a look at how people voted, one sees that the member for Box Hill walked into this place and fully supported abolishing compensation for pain and suffering for victims of crime. He voted down compensation for victims of crime. That is what occurred on 21 November 1996. The member for Box Hill, the now shadow

Attorney-General, walked into this place and said, ‘I don’t reckon victims of crime should get any pain-and-suffering compensation’. Yet he walked into this place only yesterday and said, ‘The state government is not increasing funding for compensation for victims of crime enough’! In 1996 he said, ‘Victims do not deserve compensation for pain and suffering’, and now, in his first test as shadow Attorney-General, he has shown that he is a dud.

When he was shadow Treasurer he mucked up during the election campaign. He failed in relation to maths and science, and now he is failing in relation to humanities as well. The reality is that he has shown himself to be a dud and a hypocrite, as does every single member on that side when they stand up and say, ‘Yeah, we support the bill, but it is not really enough’. They should go back and get their grubby little hands and fingers on the *Hansard* record of 1996, have a look at the debates and then hang their heads in shame. The reality is that we on this side of the house support victims, unlike those on that side of the house who really support what Jeff Kennett said at the time, which was that you cannot trust victims to spend their compensation appropriately. Jeff Kennett heard about a woman who wanted to use the compensation to buy a red coat, so he said, ‘That’s an outrage, they should not be able to spend compensation the way they want to’.

We fully support victims of crime. I am proud of this legislation and say simply that members opposite are damned hypocrites for even getting up and speaking on this bill, let alone saying that the compensation is not enough. I wish this bill a very speedy passage.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**Sitting suspended 12.59 p.m. until 2.05 p.m.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Water: desalination plant

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. Given the massive surplus now revealed, will the Premier commit to building a desalination plant to address Victoria’s water crisis?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. On the two points that the opposition leader has raised — the first point, on the surplus — this is the mid-year financial report. As the Treasurer has mentioned, as the Minister for Finance has mentioned and as the report indicates, within the report are some one-off figures. That is expenditure to date, which is less than what will be the case at the end of the financial year. Secondly, some of the international markets have been stronger than predicted, but the expectation is that the surplus will be at or about and very close to the predicted surplus of just over \$300 million. So we are responsible financial managers. We do not — —

*Honourable members interjecting.*

**Mr BRACKS** — And proved as such over successive elections. We do not spend money we do not have. On the second part of the question which the opposition leader raised, our government has a feasibility study into a desalination plant under way. That feasibility study will determine whether or not we will proceed with such a plant in the future. I am looking forward to receiving the details of that feasibility study.

### Major events: Melbourne

**Ms CAMPBELL** (Pascoe Vale) — My question is to the Premier. I ask the Premier to update the house on the latest information on major events.

**Mr BRACKS** (Premier) — I thank the member for Pascoe Vale for her question and for her support and the support of most members of Parliament for the major events strategy in this state. In about two weeks time Melbourne will become the only city in the world to have ever hosted an Olympic Games, a Commonwealth Games and a world swimming championships. If you look at — —

*Honourable members interjecting.*

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

**Mr BRACKS** — It was only last year that the London-based consulting and research firm, ArkSports, found that Melbourne was in fact the best sporting city in the world for major events. That was the independent work it did and the research it did, which determined, of course, not only that we hold major events but that we are the best in the world at what we do. Therefore it is not surprising that this weekend we will see both the opening ceremony of the FINA world swimming championships for 2007 and also, of course, the

formula one grand prix, which has kicked off today and will culminate this Sunday. This builds on the first of the tennis grand slams, the Australian Open, and it builds on what we have seen already with the Melbourne fashion festival, which is getting bigger and bigger every year and is now one of our hallmark retail fashion events.

*Honourable members interjecting.*

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

**Mr BRACKS** — The member for Bulleen is envious — he needs to be too!

*Honourable members interjecting.*

**Mr BRACKS** — Yes, I think so. Also we have coming up in the second half of this year the major events of the Spring Racing Carnival and the AFL Grand Final week. We have the Melbourne Food and Wine Festival, which is going on in this period, the Melbourne International Comedy Festival, the Melbourne International Flower and Garden Show, the Australian Motorcycle Grand Prix at Phillip Island, the Australian International Airshow at Avalon, which also starts next week, and the Melbourne Winter Masterpieces series, which is a new series the government has embarked on to look at activities in the June–July period in Melbourne for inbound tourism. It is not surprising, therefore, that the real value of this is seen in the data released yesterday showing a 10.5 per cent jump in the number of interstate tourists choosing a holiday in Victoria. It is not surprising to see the consequences, therefore, of our strategy.

So if you look at the hotels, if you look at the hospitality industry and if you look at the tourism industry more broadly, you can see the benefits of our strategy. We embarked seven years ago on broadening the major events focus in this state to look at events over and above sport and other events. Hence, of course, the Melbourne Winter Masterpieces series, which are exclusively in Melbourne, attracting in the winter period a whole set of new visitors to our state. We looked at regional events, such as the world lifesaving championships in Geelong and Lorne and the world ballooning championships at Mildura, which were a great success as well. We have sought to broaden the events and to look at the calendar and make sure that we can fill the calendar up.

Any other city or any other state anywhere in the world would want to have the issue that we have, and that is having so many events jam-packed into such a busy period. This is a great success for our state that has

enormous economic benefits. I am looking forward very much to the big events which are coming up but also to capitalising on those for the benefit of Victorians in employment and economic activity.

### **Drought and bushfires: government assistance**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. Given the mid-year financial report, which indicates an increased surplus of \$910 million compared to the budget forecasts, will the government do the decent and responsible thing and commit to spending \$250 million over three years to fund the range of programs and initiatives which The Nationals have proposed to address the devastating social, economic and environmental impacts of the drought and the bushfires in country Victoria?

**Mr BRACKS** (Premier) — I thank the Leader of The Nationals for his question. As the Leader of The Nationals would know, in relation to one of the worst droughts we have had in Victoria — indeed one of the worst droughts in Australia — and one of the worst bushfire seasons we have seen since Ash Wednesday, we are spending record amounts on both those efforts for Victorians. We are spending the most ever that a Victorian government has spent on recovery after bushfires and the preparation for the bushfire season, and the most ever that a Victorian government has ever spent on droughts, including a half-rate subsidy for exceptional-circumstances-declared areas and other direct employment benefits, after listening to communities, listening to councils and listening to what was needed in response to the drought as well.

We are doing that in a framework of responsible economic and financial management. It is no coincidence that we have a strong financial performance in the accounts which were released today, because that is what we have been committed to. We have been committed to a surplus on the current account ever since we came to government, and our commitment remains. We are also not going to spend money we do not have. We anticipate, with further expenditure, with further movement in the markets and with the further expenditure which is required for the effects of drought and bushfires, that we will come close to the estimated surplus by the end of this financial year.

So we are providing in our future expenditure for more money to spend on bushfires and more money to spend on drought. We will be taking that out of the Treasurer's advance and other appropriations, as we should in providing for the community and assisting in this difficult period.

**12th FINA World Championships: program**

**Ms MUNT** (Mordialloc) — My question is to the Minister for Sport, Recreation and Youth Affairs. I ask the minister to update the house on the upcoming FINA world swimming championships.

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Mordialloc for her question. There are now just over 48 hours until the opening ceremony of the 12th FINA World Championships gets under way. In the six weeks since the final of the Australian Open, Rod Laver Arena has undertaken a dramatic transformation, with the largest suspended pool ever assembled now taking centre stage.

I had the honour of joining with the Premier on Sunday when it was announced that the championship pool will be named after Susie O’Neill. This is the first time that a pool at a FINA championships has been named after a former athlete. Susie O’Neill is one of Australia’s most popular and successful swimmers, having held a record 35 Australian titles and having won 8 Olympic medals, including 2 gold, 7 world championship medals and 10 Commonwealth Games gold medals. For a decade between 1990 and 2000 Susie O’Neill had a fantastic reputation for coming home from every international meeting with a medal. It was an absolutely amazing performance.

Despite all her accolades Susie told the public on Sunday, when it was announced that the championship pool would be named after her, that it was:

... the hugest honour I’ve ever had. To me, to it feels better than winning ...[a] gold medal.

Coming from the mouth of one of Australia’s best athletes, that is a real achievement. These championships promise to be one of the best sporting events Victoria has ever hosted and will be a fitting tribute to Susie O’Neill. Many of the 2000 athletes from up to 175 countries have already arrived in Melbourne and have made their home and training bases throughout the Melbourne community. These championships continue to be the fastest selling championships in history, and the atmosphere will be electric when thousands of spectators pack Rod Laver Arena, the Melbourne Sports and Aquatic Centre and St Kilda Beach to cheer on our national stars as they take on the world’s best.

Behind the scenes the backbone of these championships will undoubtedly be the 2000 volunteers who will be working up to 15 shifts and up to 8 hours a day to make the event happen. That is a lot of their own time to

make sure that Melbourne maintains its reputation internationally as the world’s best sporting and events capital. As a thankyou to the volunteers for their hard work and commitment in helping us deliver the world swimming championships, a prestigious international event, we will reward them for their efforts. As was the case with the Commonwealth Games and the Sydney Olympics, it is more than appropriate that each volunteer has the opportunity to attend the opening ceremony on Saturday night to watch Shannon Noll, Natalie Bassingthwaight, David Campbell and Christine Anu perform some of their greatest hits, with a special tribute to Ian Thorpe. It will prove to be a special night.

*Honourable members interjecting.*

**Mr MERLINO** — While there are some new faces opposite, the opposition still does not like good news. Most Victorians would agree that rewarding our volunteers with the chance to go to the opening ceremony is an appropriate recognition of their time and effort in freely looking after the tens of thousands of spectators who will be attending the championships. With a worldwide viewing audience of over 1 billion people and 12 000 interstate and international tourists, the championships are a great investment for Victoria and will reinforce why Melbourne is considered to be the sporting and events capital of the world.

**West Gate Bridge: traffic congestion**

**Mr MULDER** (Polwarth) — My question is to the Minister for Roads and Ports. I refer the minister to a report by the government’s consultant, Hyder Consulting, into congestion on the West Gate Bridge in which Hyder claimed that introducing contra-lane flow would not work, and I ask: given that contra-lane flow is the key to the success or failure of the entire shabby billion-dollar Transurban M1 project, why did the government ignore Hyder’s advice?

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for Polwarth for his question.

*Honourable members interjecting.*

**The SPEAKER** — Order! If the Treasurer and the Leader of the Opposition wish to have a discussion, they should leave the chamber.

**Mr PALLAS** — The difference between this government and the opposition is that we actually have a plan for dealing with congestion on our biggest arterial roadway. Sixty per cent of the congestion in metropolitan Melbourne actually occurs on the east–west arterial. I have to tell you, Speaker, that in the last election

campaign we heard nothing from the opposition about any plan; it had no plan whatsoever for dealing with this. When this government stumps up a billion-dollar plan to address congestion with some of the most leading-art approaches to dealing with congestion, what do we hear from the opposition? We hear nothing but harping, moaning and complaining.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister, to continue without assistance from the government backbench.

**Mr PALLAS** — The position of this government is that, yes, we believe contra-flow is an appropriate mechanism when dealt with in the context of the other initiatives that will be put in place as part of the Monash–West Gate proposals, such as a billion-dollar plan looking at extending the number of lanes from Heatherton Road all the way through to the Burnley Tunnel. In addition to that, we will be expanding the lane capacity between the West Gate Bridge and the Burnley Tunnel. We will be putting ramp-metering processes in place. It is not just one initiative; we are talking about a substantive plan aimed at addressing east–west travel needs in the short term.

**Mr Mulder** — On a point of order, Speaker, my question related to a report that had been provided to the government by the government’s consulting engineers, Hyder Consulting, which says that the contra-lane program would not work. In actual fact — —

**The SPEAKER** — Order! The taking of a point of order does not give the member for Polwarth the opportunity to restate the question. I have been listening carefully to the Minister for Roads and Ports, and he is addressing the issue that the member has raised, which is the West Gate Bridge contra-lane flow. I cannot direct the minister on how he answers the question. He is being relevant to the question, and I do not uphold the point of order.

**Mr Batchelor** — Has Edmund been writing your questions again?

**The SPEAKER** — Order! The Leader of the House!

**Mr Mulder** interjected.

**The SPEAKER** — Order! I warn the member for Polwarth.

**Mr PALLAS** — Opposition members do not like good news, and apparently they do not like a plan to address congestion in this state. We believe that the

strategies we have put in place will work as part of an integrated approach, which is cutting-edge technology. I am proud that this government has at least recognised the substantive problems and is taking substantive actions to deal with them.

### **Racing: tricolors race day**

**Ms GRALEY** (Narre Warren South) — My question is to the Minister for Racing. I refer the minister to the government’s commitment to supporting the racing industry in Victoria, and I ask the minister to detail for the house how the government’s support of the tricolors race day is an example of that commitment.

**Mr HULLS** (Minister for Racing) — I thank the member for her question. As most members would know, racing in this state is certainly the strongest in Australia, but we must continue to innovate and look at ways of promoting and presenting the product to attract new audiences to racing.

The industry employs some 70 000 people — 40 000 effective full-time employees, including many young people — right across the state. Last year as part of the government’s ongoing support for the industry we commissioned a review under the former Minister for Racing. Its purpose was to provide an independent assessment of the governance of thoroughbred racing, in particular, in this state. It is all about responding to the challenges ahead in the racing industry.

In 2001, as members would recall, Racing Victoria Ltd was established in this state to be the controlling body for the thoroughbred industry. When it was established it was only really a hybrid model. What we want to do is move to a totally independent governance structure in relation to racing. We need to have an independent body — one that is fully resourced and one that can have control of all the intellectual property and the information technology and the like in relation to the racing industry. When that independent body is finally set up, the racing industry in Victoria will be able to move even further ahead of its competitors in other states.

I notice that the shadow spokesperson for racing has complained about my comments in relation to this matter. What I have said is that I have a completely open mind in relation to the structure, as long as we improve on the status quo. It is not an option to maintain the status quo. Nonetheless I hope the shadow minister will join with thousands of Victorians at another major event that is taking place on Sunday at Cranbourne.

**Dr Napthine** — I will be there!

**Mr HULLS** — That's good. I am glad you will be there because — —

*Honourable members interjecting.*

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

**Mr HULLS** — I am pleased that he is going to be there, because he probably will have noticed that it is a tricodes meeting. There are three codes — the dogs, the trots and the thoroughbreds — and I think it is called the racing, pacing and chasing day. Indeed there is a harness horse in race 5 by the name of Crafty Dennis, so I hope the member will be putting his money on Crafty Dennis.

This will be the most action-packed race day in Australia and probably even the world, can I say, because the racing, pacing and chasing day will mean that over 5½ hours there will be some 23 races. That is a race taking place every 15 minutes. It is all-day, action-packed entertainment, and I encourage all members of this place who cannot be at the grand prix and who cannot be at the FINA world swimming championships to get out to Cranbourne for the tricodes meeting.

I know that there will be some dogs, harness horses and thoroughbreds that will be of interest to members of this place. If the Leader of the Opposition can get there, there is a horse running called Divide and Rule, so I hope he can get out there for that. There are a number of dogs in race 5 that were sired by that well-known greyhound Go Wild Teddy. The member for Scoresby may like to get out there and back a lean greyhound racing-machine called Wellsy, which is running. I hope he can also get out there. The member for Murray Valley might like to put his dough on a pacer called Jasper Jo.

To sum up, all roads — except the roads that lead to the grand prix and to the FINA swimming championships — lead to Cranbourne on Sunday. I extend an open invitation to all members of this place, including of course members of the opposition. To conclude, there is even a dog running — it is entered, at least; it is actually a reserve — that sums up the opposition's policies at the last election. That dog's name is Loopy.

**Federal member for Wills: character reference**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. How was the Premier able to

categorically deny yesterday that the former Minister for Small Business had any knowledge of the infamous Mokbel reference when on Tuesday the Premier stated that he had not had any discussions with the former minister?

**Mr BRACKS** (Premier) — I thank the opposition leader for his question. I learnt about this matter in the press. I read the press, and I noticed that the head of the liquor licensing control commission said that this was a matter it decided on independently, and I rested with that assurance.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South-West Coast and the Leader of the Opposition!

**Tourism: government initiatives**

**Mr SEITZ** (Keilor) — My question without notice is directed to the Minister for Tourism. I refer the minister to the government's commitment to ensuring that Victoria remains the top tourist destination, and I ask the minister to detail for the house the most recent independent data to demonstrate the success the government is having in delivering on that commitment.

**Mr HOLDING** (Minister for Tourism) — I thank the member for Keilor for his question. This is an opportunity for us to reflect on the great things that this government has achieved in the tourism industry in the last seven years. Since coming to office in 1999 this government has invested more than \$350 million in supporting and strengthening Victoria's tourism industry and in watching this industry go from strength to strength.

The member for Keilor asked specifically whether there is independent data which the government can point to in order to verify the strength of our tourism industry and in particular to underscore recent growth in the industry. I am very pleased to inform the member — and indeed all honourable members — that the national visitor survey data that was released yesterday shows that interstate visitor numbers to Victoria in the year to December grew by 10.5 per cent. This is well above the national average and something that we are very pleased about, because we know that there are many jobs, particularly in regional Victoria, that depend on a strong and vibrant tourism sector, especially if jobs and investment are to continue to grow. We know also that Australian visitors to Victoria spend \$8.7 million every day, supporting the Victorian economy and making

sure that that investment in jobs and growth can continue.

Looking at the national visitor survey data, we are also very pleased to see that there has been strong growth in domestic visitor numbers, both to and within Victoria. In fact the data released yesterday shows a 4.6 per cent growth in domestic visitor numbers. This is something we very pleased about, because it shows that Victorian domestic visitor numbers are growing at a rate faster than not only the national average but also domestic visitor numbers in New South Wales and in Queensland. That shows the strength of the Victorian performance.

We are also particularly pleased to see the strong growth in regional economies, because we know that one of the great challenges for our tourism industry is to make sure that there is visitor dispersion and that we see visitors not only coming to Melbourne but getting into the regional areas. Again, if we take those visitor numbers we see that in the year to December there was a 15 per cent increase in domestic visitor numbers to the goldfields tourism region. This is a fantastic result for that part of Victoria, and it is something we are very pleased about.

On the Mornington Peninsula we have seen an increase of more than 10 per cent in visitor numbers — again, a fantastic result for that part of Victoria — and a 9.6 per cent increase in domestic visitor numbers into Gippsland, which is another great result. It shows that regional Victoria is very much getting the benefit of these strong domestic visitor numbers to Victoria and within Victoria.

We are also very pleased because we recall the devastating impact that the bushfires had on the Grampians region last year. More than half the national park burnt out in that period in January, and of course we would have expected a significant impact on domestic visitor numbers into the Grampians region. This was probably the most catastrophic tourism impact event to have occurred in that region's history, so to see domestic tourism numbers in that region showing a 2.3 per cent growth over the year is very encouraging and impressive, given the devastating impact that those fires had. It also puts into context the capacity for a strong, well-targeted and well-resourced regional tourism recovery program for the north-east of Victoria and for the Gippsland region following the recent devastating impact of the bushfires in that area.

These are great figures for Victoria. They build on the strength of the work that the Victorian government has been doing to boost tourism throughout the state. They

build on the great success of our major events strategy. They build on all the fantastic work that Victoria is doing to boost and to strengthen our tourism performance. They will continue to underwrite the strong performance in jobs growth and investment. We look forward to continuing to work in strong partnership with Victoria's tourism operators to continue to grow this vital sector.

### **Police Association: pre-election agreement**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. How is the Premier's commitment to running an open, honest and accountable government consistent with his refusal to release a copy of the letter from the police union that culminated in the secret pre-election deal with the union, his refusal to detail in this house to whom and where the letter was addressed and his refusal to provide even the date of that letter to the house?

**Mr BRACKS** (Premier) — I am very proud of the record of this government in opening up democracy. You only have to look at the reforms in the upper house and at the Auditor-General's reforms. For the first time under our government we restored the powers and the integrity and the independence of the Auditor-General. We also made sure that in the constitution that position was reaffirmed. If you look at freedom of information and the reforms and changes we have made to make it more accessible — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Scoresby!

**Mr BRACKS** — The hypocrisy of the other side! The opposition leader was president of a party which closed down democracy in this state. The hypocrisy is unbelievable when you think of what we have done over the last seven years.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition and the Deputy Leader of the Opposition!

**Ms Asher** interjected.

**The SPEAKER** — Order! I warn the Deputy Leader of the Opposition.

### **Economy: performance**

**Mr BROOKS** (Bundoora) — My question is to the Treasurer. Can the Treasurer advise the house of any

recent economic figures that demonstrate Victoria is the best place to live, work and raise a family?

**Mr BRUMBY** (Treasurer) — I thank the member for Bundoora for his question and advise the house that I have more good economic news for the state today. The Australian Bureau of Statistics today released its labour force figures. These are the latest figures for February. They show that in February, Victoria's unemployment rate fell to 4.8 per cent. That is off a participation rate — the percentage of people in the workforce — of 64.7 per cent, which is one of the near-highest levels of participation that the state has ever had.

What is better, Victoria added more jobs in February than any other state in Australia. Over the last 12 months to February we have added more jobs than any other state except Queensland. This means that since the election of the Bracks government over seven years ago we have seen a 17.2 per cent growth in jobs — that is, 377 000 jobs. That is equivalent to 1000 new jobs every week since we were elected.

That is not the only good news for our state. These are stunning results for our state. Last week the national accounts were released. Those national accounts show, if you look over the first six months of the 2006–07 financial year, that Victoria had the second-strongest state final demand growth of any state in Australia. If you look at our population, as the Premier mentioned — —

**Mrs Fyffe** interjected.

**Mr BRUMBY** — Did you say, 'Thanks to GST'?

**The SPEAKER** — Order! The Treasurer!

**Mr Hulls** — She said, 'Thanks to you, JB'!

**The SPEAKER** — Order!

**Mr BRUMBY** — Let the *Hansard* stand corrected, Speaker.

**Mrs Fyffe** interjected.

**The SPEAKER** — Order! The Treasurer will not respond to interjections, the Attorney-General will not offer assistance to the Treasurer, and the member for Evelyn should cease that endless interjecting.

**Mr BRUMBY** — As the Premier remarked, last week we had the population data as well. There was 1.36 per cent growth over the last year. Putting that in perspective, Melbourne added more people last year than any other capital city in Australia. It is no wonder

they come here, is it? We have a strong economy and a strong government.

When you think of our events, what other city is there in the world where you could go and watch the grand prix, you could see the world swimming championships, you could enjoy the food and wine festival, you could go to the tricode meeting at Cranbourne and see a race every 15 minutes, and you could go to the Avalon airshow? This is a sensational state in which to live, to work, to invest and to raise a family.

Members might like to guess which state in the calendar year 2006 had more building approvals than any other state in Australia?

*Honourable members interjecting.*

**Mr BRUMBY** — You're right — it was Victoria! All of this is happening because we put the right plan in place. These things do not happen by accident. Access Economics a few weeks ago described the performance of the Victorian economy as 'magnificent'. It did that because we put the right plan in place seven years ago.

We substantially increased our investment in infrastructure. This year we will be spending \$3.5 billion on infrastructure across the state. In the last year of the Kennett government the figure was just \$1 billion. We have cut taxes: we have cut land tax, we have cut payroll tax, we have cut WorkCover premiums and we have abolished more taxes under the GST agreement than any other state in Australia — and all of that has attracted new investment to our state.

We have improved services. You cannot have strong population growth and a great quality of life if you do not have a great education system and a great health system. We have done that. We have put in place sustainable environmental policies, and we have also made sure that we grow the whole state, not just Melbourne. It is no coincidence that the four fastest growing inland cities in Australia in the last year have been four Victorian cities — Bendigo, Ballarat, Shepparton and Mildura.

This is a good story to tell. It is a story about good management, the right policies, the right governance and the right plan delivering the right results for Victorians.

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

## GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL

*Second reading*

### Debate resumed from earlier this day; motion of Mr ANDREWS (Minister for Gaming).

**Mr K. SMITH** (Bass) — The Gambling Regulation Amendment (Review Panel) Bill is a sham. In fact this whole episode of reviewing the licences both for lotteries and for poker machines has been an absolute disgrace in the way it has been carried out by this government, with the interference that has obviously occurred with the Premier and David White from Tattersall's when he was there as their consultant and with the absolute lack of information that is going to be made available to this review panel that has been set up in Victoria. One has to ask, 'To look at what?'

There is very little it can look at. It cannot look at anything that has occurred up until this particular point of time; it cannot look at the practices that have been undertaken by the panel that was set up originally by this government to look at whether the operators of the lottery, Tattersall's, should be allowed to continue or whether it should be opened to other people coming in.

They will not be able to look at what happened with Intralot, as to whether they have been treated properly and been given a fair go as far as their application for the licence is concerned. They are not going to be able to look at the protocols to check on what has happened as far as representatives from Tattersall's are concerned and as far as probity is concerned. We do not know whether they have even looked at any of the people who were working at Tattersall's, who may well have left, as to whether they were in a position to have had probity checks done on them. They will not be able to see why the solicitor-general wrote a letter, expressing concern that probity had not been carried out with regard to the review of lottery licences.

We have to be very concerned about how the Premier can appoint somebody like Ron Merkel, QC, who is in fact a judge, and two or three others to a committee that has not been set up.

**Mr Lupton** interjected.

**Mr K. SMITH** — One has to question it. The member for Prahran can complain about it, but the truth of the matter is he got appointed to nothing, because there was nothing.

**Mr Lupton** interjected.

**Mr K. SMITH** — He has been appointed. Don't you read the papers? Don't you — —

**The SPEAKER** — Order! We will not have this private conversation between the member for Bass and the member for Prahran.

**Mr K. SMITH** — He was interjecting; I felt I had some right to reply.

**The SPEAKER** — Order! Interjections are disorderly, and responding to them is also disorderly.

**Mr K. SMITH** — The panel will have no access to the history of anything that has been done up until now, so how can we call it a review panel? This was done on the eve of an election — on 17 November last year — when the Premier suddenly decided, because of the pressure that was being put on him, that he would set up a review panel to look at what had occurred up until that time. We have companies like Tattersall's, which has had its licence renewed for a further 12 months, with no money coming to the state government or to the people of Victoria from that renewal. That is a huge windfall gain for Tattersall's. What sort of a reward is that? Why has it been offered that reward? One has to question that, but unfortunately the review panel that is being set up, to be led by Mr Merkel, will not be able to look into any of those things. It will not be able to check and find out why that licence was issued and what probity checks were done on any of the people involved — it can do none of that — yet they are the things it should be looking at.

Things stink here in Victoria as far as gaming is concerned. We know it is a multibillion-dollar business. As a state we have prided ourselves on the fact that we had what was seen to be a good, clean industry in Victoria, and the government benefited greatly from that industry. In excess of \$1 billion a year flowed into the government's coffers from gaming, and it had an opportunity to set up a review to check out who was going to get a licence to be able to operate lotteries in the future. Would it be one, would it be two or would it be three different companies? What would the government actually be looking at? It had a chance to do that, and it blew it. The government has now had to issue a licence for Tattersall's to make money — and make money without making a contribution to the state's coffers.

That should not have occurred. Why? Because the government stuffed up very badly in the way it went about carrying out the review it was undertaking at the time. We do not know what agreement was reached between the Premier and David White in the little

tete-a-tete they had down at Lorne or at Wye River. We do not know what happened there, but the Tattersall's board does know. Is Mr Merkel going to be able to make any inquiries in regard to that? No. Is he going to be able to listen to any tapes of discussions that went on between the board and Mr White? No. He is not able to look at any of these things, even though he should be able to.

The member for Malvern will be moving a number of amendments to this bill, and I will support those amendments. There is good reason why those amendments should be put into place. This review should be the opportunity to call for any relevant witnesses or documents, but Mr Merkel and his two or three advisers do not have the right to call for any of them. They cannot inquire into anything that has been dealt with and anything that has happened up until the time this panel is put in place. They cannot call for documents, and they cannot ask for anything. They are not able to do that, yet that is what they should be able to do — they should be able to see those things. Mr Merkel cannot look at any of the ministerial decisions that have been reached, any of the information that the advisers have provided or any of the information that David White may have given to the committee or, more importantly, to the minister. He is not able to inquire into those things or look at them.

Members on the other side of the house should be concerned about that. This is really bad stuff from their point of view, because what their government has done, what their minister has done, what their Premier has done and what their Attorney-General has done is wrong, and they are all going to carry the stink of what has occurred in relation to this review being undertaken. There is an upper house committee that will be able to look at this issue and in fact will be able to inquire into it in the way that Mr Merkel should be able to inquire into it. That committee will be able to do it, yet the review that is to be undertaken will not be able to talk to people and will not be able to ask for documents to be delivered. When it does finally write out a report, it will be given directly to the Minister for Gaming for him to be able to censor and change at his will. What will be released to the Parliament? Nothing, if the minister does not want to release the report to the Parliament.

What is this review all about? What will this review cost the people of Victoria — this review that will not be able to make the proper and full inquiries that it should be making? The government must have four people on that panel — not just one, two or three, but four, like it promised. The people of Victoria want to have some transparency, and they want to be able to see

what is going on, but this review is going to be held in secret and the report will be secret. What sort of a review is that? What sort of confidence can the people of Victoria have in a review that is a mere joke? As I said when I started my contribution, this review is a sham and it should not be allowed to go on. I can only say to the members of the government that they are going to be in serious trouble with the people of Victoria in regard to this. The upper house committee will be able to discuss these issues, and it will all be done in the open. Some of the backbenchers will probably be surprised by what is disclosed by the committee, and they will be horrified to think that their government, their minister, their Premier and their ex-mate David White have been involved to the extent they have. Corruption can occur with gambling licensing and, believe me, it will be shown to have occurred with this government.

**Mr HOWARD** (Ballarat East) — I speak in support of the Gambling Regulation Amendment (Review Panel) Bill before us today. As we have heard, this bill will establish a panel to independently and publicly report on the public lotteries review and the gambling licences review. We know that these new licences are associated with large amounts of money, and this government is not only determined to practise the highest probity standards but it wants to ensure that the public is also satisfied that this is the case as these matters are being reviewed.

As we have heard, the review will evaluate the regulatory structures associated with the operation of gaming machines, wagering and approved betting activities. The review panel will also be reporting on processes for awarding the next licences for public lotteries. They are significant issues that the panel is going to oversee, and it will show the public that the government is being open in wanting to demonstrate to the people that full probity will be ensured. It will also be the intention of the panel to ensure equal opportunity for all licence applicants; to ensure confidentiality in regard to intellectual property and so on; to ensure that declarations of potential conflicts of interest are clearly put forward at the beginning of any discussions; and to ensure that no improper interference takes place in the licensing process.

The member for Bass has ranted and raved for some time, presenting a range of misinformation, as he regularly does. I note that at one point in response to an interjection he claimed that the proposed chair of the new panel, Ron Merkel, QC — an eminent ex-judge who has had quite a distinguished career — has already been appointed, and he said you just need to read the press to see that. I have the media release that was put

out by the minister on 7 March, and clearly that first statement from the minister's office — it does not matter what the papers might have said — says that the government will appoint Ron Merkel, QC, obviously at the appropriate time when the panel has been constituted. It does not say that he has been appointed. The member for Bass continues to rant and rave and to get it wrong at every point.

I do not want to speak for too long on this bill because there are others who want to speak on it, but I do want to make it clear that I think this is a very sound process that the government is undertaking. This is something the government promised before the election and will ensure happens. It will ensure that the independent panel will review these matters.

I do not want to be seen to be promoting gambling, because I am speaking on the bill. I am not regularly involved in gambling. Periodically I have attended the Ballarat Cup, the Kyneton Cup and other racing events within my electorate. I have wagered on those occasions, but I have learnt from those experiences that gambling is not very satisfying. I have tried a range of ways of wagering. I have looked at horses as they have entered the mounting yard and tried to decide which horses would most likely be the winners; I have picked horses by their number; I have picked horses by their colours; and I have looked at the form guide.

In general I have found it is an experience that people are unlikely to win at. Even when I ask people who say they have plenty of experience about which horses to bet on, they also get it wrong. I have found that there is no good reason to promote gambling.

I also do not find gaming machines particularly satisfying. I am concerned about people in the community, who clearly cannot afford to lose money, gambling in gaming venues. They lose their money, leading to their having gambling problems. This government has taken extensive action to try to support the families of people with gambling problems. These family members find themselves in a situation where one or more members of their family has a gambling problem. The government needs to continue to pursue this problem and support people who should steer themselves clear of gambling. People need to know they are able to afford the money they spend on gambling, because there is a good chance they are going to lose it.

I support this bill. It is very sound. I trust that when the panel is established, it will demonstrate to the public that the government will operate with high levels of probity when dealing with reviews.

**Mr KOTSIRAS (Bulleen)** — There is a smell and a stench in Victoria caused by members opposite. This inquiry is a sham. As a result of this government's inaction and action, in some instances, the gambling industry unfortunately, some might say, is corrupt. The conclusion to the proposed inquiry will not put this government in good shoes.

Gambling is a major problem. It is a huge problem in Manningham and in my electorate. I am disappointed that the former Minister for Gaming is not in this chamber and is not prepared to stand up and tell members what happened while he was in that role. It is a shame he is not here to tell us what happened and what was discussed or was not discussed with the Greek firm in relation to gaming in Victoria. In actual fact I have not seen the former Minister for Gaming at all today; I think he is avoiding the Parliament because of this legislation.

In the city of Manningham gambling is a huge problem. From July 2005 to January 2006 inclusive, \$35 924 566 was spent on gaming machines in the city of Manningham. From July 2006 to January 2007 inclusive, \$37.7 million was bet through gaming machines in the city of Manningham. Gambling is a huge problem. This government is trying to increase the number of gaming machines in Manningham from the present 617 to 915. The local newspaper ran a forum about gaming machines; most of the people who contributed to the forum were against an increase in the number of gaming machines in Manningham. The contribution of a resident of Bulleen was:

I think there should definitely not be any more pokies in Manningham — especially at The Pavilion where lots of young people go.

Enough damage is done by the pokies already in the area.

It is a shame that this government is refusing to listen to people and is talking about secret deals instead. If the government were serious about cleaning up the gaming industry in Victoria, it would support the opposition's straightforward proposed amendments to the bill. We are calling for the hearings, the evidence of witnesses and documents to be made public. How can this inquiry operate in secrecy, behind closed doors? An inquiry behind closed doors is one that no-one hears or sees and where the government can do what it wants. Why does the panel have three, not four, members? What are the government's motives for that?

If the government were serious about gaming in Victoria, members opposite would support the proposed amendments moved by the member for Malvern. For once in their lives, they should stand up to

their minister and the Premier, make a difference to the people and families who are hurting, and put Victoria and Victorians first rather than a desire to be in government for the next 10 years.

Victorians should come first. Families are hurting. I call upon the Minister for Gaming to look after their interests first, rather than the interests of the Labor Party.

**Ms DUNCAN** (Macedon) — I rise to speak this afternoon on the Gambling Regulation Amendment (Review Panel) Bill 2007. This bill fulfils an election commitment made by the Premier in November last year to establish an independent gambling licences review panel to assess the processes undertaken in the review and the awarding of gambling licences. This will add to a raft of legislation that has already been introduced by this government to provide further scrutiny of the gambling licensing review process.

The government recently announced it has appointed Ron Merkel, QC, to be the chair of the panel. Once this bill has been passed, the panel will examine the processes undertaken to grant lottery licences and will present a report through the Minister for Gaming to cabinet, which will be publicly released when an announcement is made about the lottery licences.

The member for Bulleen questioned the timing of this process. I suspect he has not read the bill, because the speech he made is the kind of speech you make when you have not read a bill and you do not know its contents.

The panel, as I said, will report to the minister on whether the processes conform to the standards of good governance as defined in a number of specific criteria, and if the review panel does report a concern in any aspect of the process the minister is able to direct a steering committee or the Victorian Commission for Gambling Regulation to remedy the matter of concern and ask the review panel to report again on the process after the concern has been addressed. The Governor in Council, acting on the recommendation of the minister, may add to the criteria against which the panel is to report if required over the course of the Gambling Licences Review project. The government is not trying to pre-empt what, if any, problems may arise but is leaving it open to a point that if issues do arise they can be addressed at that time. I again emphasise and reinforce to the opposition that the review panel will be drawn from members outside of the government. We know that Ron Merkel, QC, will be the chair and other members will be drawn from persons with a

background in the private business sector, public administration and the community sector.

Conflicts of interest will be closely watched. None of the members will be permitted to have any financial or business interests in or associations with any member of the gambling or racing industries that are subject to the review, nor with any interest that may have a secondary related interest in the gambling or racing industries in Victoria. The secretary of the department will have the power to direct a panel member to divest themselves of any such business or financial interests or remove the member from the panel if he or she is found to have a conflict of interest. This is further evidence of this government's determination to make sure that the gambling processes in this state are beyond reproach. I commend the bill to the house.

**Mr DIXON** (Nepean) — The opposition is not opposing this bill because it thinks that any —

**Ms Duncan** — You think it's a sham.

**Mr DIXON** — I will get to that. Any scrutiny of gambling in this state is worthwhile because there are so many question marks over gambling, the minister's involvement and the government's involvement that the public is asking what is going on. We think that any regulation or overview is very welcome, and therefore we are not opposing this legislation, but the review needs some teeth. The genesis of the review and the review panel was an off-the-cuff ad hoc announcement during the election campaign when things were getting pretty hot with the stink of corruption and outside interference in gambling in Victoria.

The amendments proposed by the member for Malvern will certainly improve the panel. His amendments propose that the panel will be able to call for any relevant witnesses and documents to examine, most importantly, the ministerial decisions and information leading to those decisions, the lead-up to all the information and the goings-on in our gambling industry; be totally open in all aspects of the hearings; have a four-member panel, as the government had initially promised; present the report to the panel within 14 days of receipt so it is not being sat on and worked over by spin doctors; and also remove the minister's ability to doctor the report by requiring the solicitor-general's advice on what can actually be presented. The member for Macedon said the panel members will have nothing to do with the gambling industry, but the whole process has to be removed from the gambling industry, removed from the government and be very accessible to the public.

The other issue I think this review panel should be looking at and which is certainly a concern in my electorate is the cap on poker machines. The Mornington Peninsula shire, which I represent mainly, has only 7.71 machines per 1000 adults, but because of the regional caps this government has applied there are 543 machines floating around the state looking for a home. The people of Mornington Peninsula do not want those. The government's non-capped standard of 10 machines per 1000 adults means that we could theoretically have an extra 252 machines on the Mornington Peninsula. We do not want that.

Another aspect that this review panel should be looking at is the interaction between what the community wants with gambling and planning laws, because even if our local council does not want it, even if we held a plebiscite and 78 per cent of people said, 'We do not want any more machines in our electorate', the whole thing can be overridden by the Victorian Civil and Administrative Tribunal. As we saw in Romsey, the will of the people and the will of the local representatives are just totally overridden. That is a real issue in my electorate.

I wish to close by saying that one of the main reasons we do not want any more poker machines in my electorate is that two of the towns mentioned recently in the Jesuit Social Services study of disadvantage and very low income were Rosebud and West Rosebud, where there is not only low income but massive poverty which has manifested itself in all sorts of ways. There is no way known that the people of Rosebud and West Rosebud need any more poker machines. I hope this review panel does something about that and looks at the nexus between planning and gaming machines.

**Ms BEATTIE** (Yuroke) — I have to say it is not often that I speak on gaming bills, but as Parliamentary Secretary for Planning when I looked at this bill it struck me that there are a lot of similarities between planning and this bill, because they are both all about process. They are not about politics, they are all about process — the process that is to be followed. When we look at the Gambling Regulation Amendment (Review Panel) Bill the processes in there are beyond reproach. It is not like the political witch-hunt that is taking place in the upper house, which is all about politics and not about any process at all.

I want to talk about the review panel and its independence. The review panel members will be drawn from outside the government, as they should be. When the chair, of whom much has been made, is appointed, which has not happened as yet, he will be required to have been a judge of a court in Australia.

This government has said quite clearly, as the member for Ballarat East alluded to, that that judge will be the very eminent former Federal Court justice, Ron Merkel, QC, who was a highly respected and highly regarded member of the judiciary.

The other members will be drawn from persons with backgrounds in the private business sector, public administration and the community sector. So all those processes are happening along the way, and there will be absolutely no conflicts of interest. None of the members will be permitted to have had any financial business interests in or associations with any member of the gambling or racing industries that are the subject of the review, nor with any interests that have secondary or related interests in the gambling or racing industries in Victoria.

Of course this government is acutely aware that those particular industries — gambling and the racing industry — must be squeaky clean. That certainly is our desire, and this is how we are ensuring that they are squeaky clean. The secretary of the department will have the power to direct a panel member to divest himself or herself of such a business or financial interest or remove the member of the panel if he or she is found to have a conflict of interest.

I want to talk about the timing of the publication of the interim and final reports, because the review panel will be required to submit a report to the minister whenever requested to do so by the minister, at a time to be determined by the minister in consultation with the panel — and that consultation with the panel is very important indeed. Of course with such an eminent person as Ron Merkel, QC, one can be sure that this will be a full and robust consultation.

The panel will also be able to submit a report to the minister when it chooses to do so, and that will enable the review panel to bring to the minister's attention any concerns it may have. Again, this is good legislation, and it is about the processes of gaming. Of course this government has always been committed to having the most significant review in Victoria's history. We were not the ones down at the Crown Casino in white dinner jackets waltzing up and down the stairs. We kept ourselves at arms length from that sort of circus, but others chose not to do so!

We will certainly be maintaining the independence of this review panel. It will add a further layer of scrutiny to the gambling licensing review process.

**Mr O'Brien** interjected.

**Ms BEATTIE** — You won't get a job on the radio after this. But don't worry — Robert's already done it!

**Mr O'Brien** interjected.

**Ms BEATTIE** — That position has already been taken up, so the member for Malvern will just have to sit there and bide his time.

Upon passage of the bill the panel will examine the processes undertaken to grant the lotteries licence and will present a report through the gaming minister. This is good legislation. It fits in very nicely with my job as Parliamentary Secretary for Planning, because it is all about the processes involved. We should let the process take place and not go on the witch-hunt that is occurring in the other place. If the other place wants to run off on a frivolous exercise — so be it. But this house will review everything: it will have the processes in place, and it has the guidelines.

On three separate occasions the probity auditor, Pitcher Partners, has confirmed the decision making and probity of the interdepartmental steering committee that has oversight of this matter. There will be full and robust consultation between the chair of the panel and the minister. We have done things with probity and integrity, and the minister can hold his head high knowing that he is a person of integrity. He will ensure that the probity processes are in place and that we get the best value for Victoria.

Gaming, gambling and racing in this state are in good hands with the Bracks Labor government, and I commend the bill to the house.

**Mr MULDER** (Polwarth) — I raise to make a brief contribution in relation to the Gambling Regulation Amendment (Review Panel) Bill. In particular, the bill sets in place a review panel process that will really do nothing more than restrict access to information. It is there to protect the minister of the day and to protect previous ministers who have been involved in gaming licences here in Victoria.

The issue that I am greatly concern about relates to the panel's lack of transparency and the inefficient powers that quarantine ministers from any of the review processes. You would have thought that, if you were going to put in place a review process to look at our licensing regime, the one person you would want to draw into this process and question would be the minister. But we have already seen one minister who was caught up in the middle of this whole grubby scheme depart the scene, and although there has been no explanation as to why the former gaming minister was removed from his post, the fact that we now have

this inquiry in the upper house no doubt means that we will start to root out some of the issues that have been hidden from the Parliament.

Other issues relate to the fact that no prior decisions of ministers or none of the processes leading to their decisions can be examined. Once again we have had one minister removed from his role and another minister who has been playing tighter than any AFL footballer I have ever seen in terms of delivering his lines. I am talking about the current Minister for Gaming, who has had his lines relating to what has taken place with the tendering process drilled and drilled into him before coming into this house to answer questions. Not once has he been prepared to elaborate in any way, shape or form on the circumstances surrounding the involvement of the former minister, David White and on the other issues that we believe should be discussed in open public forums.

It has been an absolute, complete and total cover-up. Within the bill there is no provision for public hearings, and there is absolutely no transparency at all. Any discussions will take place behind closed doors, which as we know is what this government does — and does extremely well. The minister has stated that the report will not be published until after any tender decision has been announced. You would have thought that, if there were issues that needed to be put out into the public arena so that the public could judge whether or not the tender process had been handled in an appropriate and transparent manner, these decisions and this report would be tabled and made available prior to the tender being let. In that way members of the public could make a decision as to whether they believed the process was fair and above board.

The other issue involves the power of the minister to censor any sensitive information contained in the report. Does that mean it will be doctored? That is what we are talking about — the minister having the power to doctor this report. Why on earth would you set up a review panel and then take away the power to make available information that the panel members believe should be put out to the public? Why would you enable the minister to sit down and doctor the report before it is actually made available to the public? This is absolutely and totally outrageous.

In addition, according to the bill the secretary must publish a report only after excluding any information that is, in the minister's opinion, protected. Having a look at the definitions in the act, it means information in respect of any person, so we are saying that if a particular person is discussed within the review panel process and the person is a Labor mate, the minister can

decide to make a decision to protect that Labor mate, and that will be all right. This entire bill has nothing whatsoever to do with improving the tender process and improving the procedures that relate to the letting of tenders. It is all about protecting Labor mates.

If someone should happen to come before this review panel and there is something in there of a nature that could embarrass the government, that information is going to be removed from the report. That is absolutely outrageous. There is no way known you can have a Premier on his feet in this house talking about open, honest and transparent government, as he was in question time today, when the government puts forward a piece of legislation like this to the Parliament.

I will touch on something that as a result of the tendering process and as a result of how the electronic gaming machines are going to be handled across the state I have raised in my electorate, and that is the potential for some of these machines to be dumped into the Polwarth electorate. I have already written to the councils in my electorate and asked them to rally support within their communities and to prepare themselves for the fact that we could become a dumping ground for electronic gaming machines.

Once again this legislation is all about protecting the minister. It is all about putting a veil across the processes of the Labor government in handling the tender process that is currently in place. As I have said, I have never seen a minister play as tightly as the minister at the table has on this issue because he is protecting an awful lot of people on his feet.

**Mr HUDSON** (Bentleigh) — It is a pleasure to speak on the Gambling Regulation Amendment (Review Panel) Bill. The significance of this bill is that it will review the processes undertaken in the reviewing and awarding of gambling licences in Victoria. I would have to say that this process is obviously a rolled gold, cast-iron process.

The member for Malvern, who turned up here 5 minutes ago, thinks he is going to make a name for himself. What he has done is he has gone out, he has got some matches, he has lit a fire, he has poured a whole lot of petrol on it, he has fanned the flames and he has said, 'Look, look, fire, fire! Where is the arsonist? Let us find the arsonist'. The arsonist is sitting over there. You are the only one who is beating this thing up. I can tell you this, you and your mates in the upper house —

**The DEPUTY SPEAKER** — Order! The member for Bentleigh, through the Chair.

**Mr HUDSON** — You might be trying to fan the flames —

**The DEPUTY SPEAKER** — Order! I remind the member for Bentleigh to direct his remarks through the Chair.

**Mr HUDSON** — The opposition is going to end up with egg all over its face on this one. Opposition members are going to end up with egg all over their faces. The witch-hunt that they have set up in the upper house will be shown to be just that, because when the community has an opportunity to compare a process that is going to be overseen by Ron Merkel, QC, who is a former federal court judge — no-one in here to date has questioned his impartiality, his integrity, his honesty or his rigour as a federal court judge — with the trumped-up kinds of allegations that are being made by the member for Malvern, I can tell you who the community is going to believe. It is going to side with Ron Merkel because the community knows that his track record as a QC and as a federal court judge is such that he will bring a rigour to the process that the member for Malvern could never do.

What the member for Malvern is doing, and all of the members of the opposition are doing, is running around and looking under beds, yelling 'Fire, fire!' and hoping that eventually people will believe there is one that has been lit by someone other than the member for Malvern. The public will not be fooled by that because they know that there is more rigour being applied to this process than anything that the Liberals ever did in letting the casino contracts. Everyone knows that the letting of the casino contracts was the dodgiest process that was ever put in place by a government, and it was not reviewed with the rigour that we are bringing to it.

We have already had the probity auditor, Pitcher Partners, sign off on this process three times. I suppose in the member for Malvern's great conspiracy theory Pitcher Partners are in on it too. That firm is willing to compromise its integrity, its business name, its good standing in this community presumably because it is part of the mates deal. It is part of the great conspiracy of what is going on here!

It is quite extraordinary. We will also have a conspiracy surrounding the other panel members who will be brought into the process! We are going to have three or four other members, all of whom will have no conflict of interest through any association with any member of the gambling or racing industries, which we have made absolutely clear. They will be able to have absolutely no contact with any of those industries. But, of course, they are in on it as well. They will be with Ron

Merkel, QC. They will be part of the process. The secretary of the department is in on it as well. He is part of the grand conspiracy. In his role in this process he will have some kind of vested interest in protecting government!

This is an absolutely disgraceful attack on the integrity of Ron Merkel and other people who will be independent of the racing and gambling industries. It is certainly an outrageous slur on the reputation of Pitcher Partners, which has already signed off on this process — not once, not twice but three times. It is certainly a disgraceful attack on the probity of this process. Those opposite are doing it for political purposes. Let us be honest about this. They are fishing around. They are looking for issues.

**Mr Mulder** interjected.

**The DEPUTY SPEAKER** — Order! The member for Polwarth had his opportunity.

**Mr HUDSON** — You are hoping you can throw mud and make it stick.

**Mr Mulder** interjected.

**The DEPUTY SPEAKER** — Order! The member for Bentleigh should direct his remarks through the Chair. The member for Polwarth should cease interjecting.

**Mr HUDSON** — The member for Polwarth is slinging as much mud as he can and hoping that he can make some of it stick. He has not got a shred of evidence; he did not produce a shred of evidence. In fact no members of the opposition have come in here today and produced one, single shred of evidence that would add anything to their case — none whatsoever! We are all going to be waiting with bated breath to see what this upper house inquiry is going to produce, but it is not going to produce anything that will add to what we know about the process, because it is clean.

Let us have a look at the review panel and what it is going to do. It will report to the Minister for Gaming on a range of issues that include whether all parties interested in one of the licensed authorised activities have been treated impartially and have been given the same opportunity to access information and advice in relation to the review process. In other words, has it been impartial, has it been an absolutely clean process, has everyone been treated exactly the same? That goes to the core of integrity, it goes to the core of impartiality and it goes to the core of whether or not this has been a rigorous process. I submit that it will be found that it has been rigorous. Ron Merkel will do his job, and the

member for Malvern will still try to light the fire. Unfortunately there ain't going to be anything left there for him to fan! He is going to be left with egg on his face because the process will be shown to be clean, to have full probity and to be one of integrity. I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — I am pleased to speak in regard to the Gambling Regulation Amendment (Review Panel) Bill. It is fitting that the member for Polwarth is in the house, because in the fine tradition of the Labor Party's handling of the gaming industry in this state he will be hosting the review in his electorate, because it is most likely that Ron Merkel, QC, and friends will be sitting in a holiday house to conduct this review. They will be sitting up there with their takeaway Chinese and a bottle of sauvignon blanc, or perhaps they might be sitting on the balcony overlooking the ocean. This is the contempt with which this government treats the community in regard to conducting a proper review of the gambling industry.

This government promises to be open and honest — they were the words that this government talked about back in 1999 — yet it has been caught out with another secret deal. As members of this side of the house have rightly pointed out, any public action made by this minister will be exempt from the process. How can you conduct a review of the industry if you cannot even review what the minister has done? As I said, the meetings will be conducted in private and, most likely, in Lorne, and the only people who will benefit from it will be the people in Lorne — the traders.

There is no guarantee that the committee can call for or bring forward all relevant ministers and documents. What is the point of conducting a review if you cannot even obtain the necessary documentation? We have called for a four-member panel, but, more importantly, we are very concerned that this minister will pull out his black texta and start covering copious sections of the report to ensure that we the community do not find out what the government does not want us to read.

Gaming and the impact of poker machines are of grave concern to residents in my electorate. I have raised this issue in the local media. I have raised the concern that under the government's gaming policy an extra 288 machines can be dumped within the city of Knox. The government in response wheeled out a spokesman; no minister or other member of Parliament was prepared to respond, so it wheeled out a spokesman. Interestingly the spokesman said machines will go into Knox only if approved by the regulator and a planning permit is obtained from the council. That is very

interesting, because the government spokesman said they will only go in if approval has been given by the planning authority, that being the local council.

You only have to look at Romsey or Ringwood. Did the government get approval from the local council? Of course it did not. The government relied on the Victorian Civil and Administrative Tribunal to ignore the local community and make the ultimate decision. This government talks a lot, but when it actually comes to being open and accountable it is very thin on the ground.

**Mr HODGETT** (Kilsyth) — I rise to speak on the Gambling Regulation Amendment (Review Panel) Bill and to implore the government to accept the member for Malvern's sensible amendments, which provide that ministers and their staff will not be exempt from the review and that meetings of the review panel must be held in public unless the review panel determines that there are special circumstances that require the meeting, or part of it, to be held in private. These amendments together with the others expand the scope of the review so that ministers and their staff can be called upon to give evidence. These amendments and the others are sensible and support open, honest, transparent and accountable governance, which we should all strive for.

During question time today the Attorney-General gave us a few tips for the tricodes event at Cranbourne this weekend. The Attorney-General forgot a certain winner if these amendments do not go through, and we will see it in the report — that is, the winning form of black texta!

**Mr ANDREWS** (Minister for Gaming) — In November last year the government committed to add a further layer of scrutiny to the gambling licence review process, and the bill before the house delivers on that commitment in full. It is a further layer of scrutiny that will be added to a well-established process both under the Gambling Regulation Act and via other announcements and decisions that the government has made.

There is a fundamental misunderstanding on the other side of the house as to what exactly is the role, purpose and function of this review panel, and there also seems to be a misapprehension about the context in which this bill comes before the house. There are other well-established processes that have operated for some years now, given that we have reviewed the arrangements for public lotteries, electronic gaming machines, Club Keno, wagering and the funding of the Victorian Racing Industry, which have been ongoing for some time. It is important to note for the record that

there are a whole range of other processes that are on foot and have been occurring over time — for instance, at each stage of the public lotteries licence review and the review of the post-2012 arrangements, announcements were made and explanations were given by the Minister for Gaming.

Each of the two steering committees and the Victorian Commission for Gambling Regulation, which have roles within this process, have been performing their functions in accordance with lengthy and detailed probity plans. Each of those bodies — that is, the steering committees and the VCGR — has its own separate probity advisers who provide advice and sign-offs as to the probity and integrity of the activities of those bodies. Each of the two steering committees and the commission has its own independent legal advisers to, again, provide support and assistance to ensure that the high standards of probity and integrity are being maintained throughout.

The processes are clear. The notion that this bill puts in place a gambling licence review panel that will conduct the entire gambling licence review, which is effectively what is being put forward by members opposite, is absolute nonsense. It is important to note that there is context here and there are other processes going on, but that this is an additional layer of scrutiny to an existing process.

The example that has been cited on a number of occasions is that the interdepartmental steering committee that has carriage of the public lotteries licensing process has a probity plan and a probity auditor. That probity auditor has at three separate points throughout that process signed off — once, twice, and three times — on the work and the decision making. The integrity and probity of that has been signed off. The probity auditor has signed off on that.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I recall that the member for Bass had his opportunity.

**Mr ANDREWS** — The notion from those opposite that this process is tainted is absolute nonsense.

The member for Malvern would have us believe that he is the appropriate arbiter of these matters, that somehow he is the person who is the great arbiter of what is right and wrong. The probity auditor appointed under the probity plan is the appropriate person to determine the integrity or otherwise of the work of an interdepartmental steering committee that oversees the public lotteries licence review.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The members for Bass and Malvern should cease interjecting.

**Mr ANDREWS** — So as to add a further layer of scrutiny and oversight in relation to the processes to be followed in these matters, this bill has been introduced. As I said, it will put in place an additional layer of scrutiny in the processes that are followed. At a point where I make a decision in terms of the awarding of a licence or industry structures, I can have a report from this panel, and I can act with confidence that the processes followed in providing advice to me, which would form the basis of a decision, have been upheld and conducted with integrity and probity and have been of the highest standards, and that is an appropriate way to go forward.

**Mr K. Smith** — How would you know?

**Mr ANDREWS** — Forgive me if I am not lectured on attention to detail — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The members for South-West Coast and Bass will cease interjecting and let the minister finish.

**Mr ANDREWS** — Interjections are of course disorderly, Deputy Speaker, but I would just say to the member for Bass, ‘Don’t hold your breath waiting for me to take advice from you, Sport. You wouldn’t know what day it was’.

**The DEPUTY SPEAKER** — Order! The minister, through the Chair.

**Mr ANDREWS** — The only thing the member for Bass knows — through you, Deputy Speaker — is that there is a world, and he’s in it!

**Mr K. Smith** interjected.

**Mr ANDREWS** — That’s all you know, Mate!

**Mr K. Smith** interjected.

**Mr ANDREWS** — That’s all you know. I shall return to these important matters. This bill puts in place an additional layer of scrutiny as to the processes. This is a process review — a review of process and governance as to how those processes have actually worked. That is what is being reviewed by this panel, and that is an appropriate way to go forward.

To briefly address some of the specific matters raised by the member for Malvern and the Leader of The Nationals and others, I will firstly point out that in his presentation earlier today the member for Malvern made a significant error. I think we can look at his contribution and the criticisms he made of the bill in the context of the error he has made. The member for Bass also seemed to support that as well.

**An honourable member** interjected.

**Mr ANDREWS** — The member for Malvern claimed that a premium payment should have been sought when the Tattersall’s licence was extended in December last year. He made much of this. He claimed that I had somehow failed in my duty and failed to secure a premium payment on behalf of Victorian taxpayers, that that would have been appropriate and proper and that I was empowered to do that. That is wrong. The member for Malvern has fundamentally misunderstood that this was an extension to the licence.

*Honourable members interjecting.*

**Mr ANDREWS** — This is the advice I have and it is important — —

**Mr O’Brien** interjected.

**Mr ANDREWS** — The member for Malvern is happy to throw mud; he is happy to make allegations of corruption and all sorts of other things.

*Honourable members interjecting.*

**Mr ANDREWS** — It is important that this is on the record.

**The DEPUTY SPEAKER** — Order! I am sorry to interrupt the minister. The member for Malvern had his opportunity, as did the member for Bass. The minister has the right to sum up and make comment. I ask members on the opposition benches to cease interjecting now.

**Mr ANDREWS** — Thank you, Deputy Speaker. This was an extension to the licence on existing terms and conditions; it was not an amendment to the licence. I am advised that section 5.3.19 specifically provides for a premium payment on an amendment and no similar provision applies with respect to an extension of the licence under section 5.3.8. So the member for Malvern, who is happy to make all sorts of claims in here and in the media about how I should have secured a premium payment and additional value for the Victorian taxpayer, is, on the advice I have, simply wrong. The expert from Malvern is simply wrong, and

we will take all of his contributions on these matters with a grain of salt from now on.

A range of different amendments have been proposed by the member for Malvern. In terms of what the member for Malvern termed a 'quarantine' clause, it is important to note that the review panel mechanism is being inserted into an ongoing process in relation to public lotteries matters. It is therefore important to qualify the scope of the panel's functions in terms of that ongoing process. It is fundamentally different to the review of arrangements post-2012.

Decisions that have already been made about the lotteries industry structure, for instance — on which applicants have acted in good faith, have framed bids and put those bids in on the basis of the decisions and the announcements that were made in framing the industry structure — should not be undermined, nor should the licence applicants have, as it were, the goalposts moved in that ongoing process.

Can I say, though, in response to the member for Malvern and other questions that have been raised about this matter, that on the extension of the current lotteries licence for 12 months, whilst not material in terms of determining who will ultimately hold the public lotteries licence, those matters, to the extent that they are relevant or connected to the licence-awarding process, will be examined by the gambling licence review panel. I hope that deals with the issue and the member for Malvern's concerns. I think we have provided this advice to the member for Malvern in an earlier briefing, but I simply repeat that for the benefit of all honourable members.

In relation to the notion of two or three members joining former justice Ron Merkel, whom the government has simply proposed as the chair, and the notion that we were in contempt of the Parliament, we had proposed subject to the passage of this bill that Mr Merkel would head up the gambling licence review panel. We think he is an appropriate choice — he is a distinguished former judge of and spent 10 years at the Federal Court; he is a distinguished person and is someone who will discharge his duties under this legislation very well in terms of adding an additional layer of scrutiny.

In relation to the issue about whether two or three members should join him on the panel, I have made it clear and the Premier has made it clear that the panel will be a four-member panel. Mr Merkel and three other nominees are to be appointed through Governor in Council, and announcements will be made at an appropriate time about those people.

The issue of two or three relates to, for instance, a safeguard to ensure that we can continue to have a functioning panel in law in the event of a death or an illness, rather than the process having to stop while Governor-in-Council processes were put in place to replace one of the four people. It is nothing more or less sinister than that. It is a very simple, common-sense position. I think that dispenses with the member for Malvern's proposed amendment.

In relation to public meetings it is clear, with the greatest respect to the Leader of The Nationals, that perhaps the most telling point — and I will come back to some of the other detailed issues when we get to the consideration-in-detail stage — in this debate today was when the Leader of The Nationals effectively invited us to compare this bill and the framework it will set up with the way the upper house inquiry conducts itself. That is very interesting, because what we know, and what is absolutely beyond doubt, is that that upper house inquiry is nothing more than a three-ring circus — a witch-hunt that is politically motivated and has absolutely nothing to do with probity and everything to do with the politics of these issues. There is no better example of that than the way this committee conducts its business. I was invited to make a comment on it, as we all were, and it seems to me that it meets one day and then we read about it the following day.

As I understand it, the *Age* had an article a day or perhaps two days after a meeting, talking about the fact that lotteries would be the first item up on that particular witch-hunt's work program. Then just this week we had another wonderful demonstration of the way this witch-hunt conducts itself. It had a meeting one day, and the following day the *Herald Sun* had a full list of everybody who will be called to give evidence and the types of documents that will be called for. That is a demonstration of the probity and integrity of that witch-hunt, that three-ring circus run by the Liberal Party, The Nationals and the Greens in the other place. That is the way they operate.

Let us be clear about this. Invitations to amend this bill and to have public hearings, coercive powers and all those issues are nothing more than an attempt to morph this appropriate governance and process-review mechanism into that inappropriate witch-hunt which is being conducted in the other place. The government will have no part of that in the Legislative Council, nor will we in relation to the amendments proposed by the member for Malvern.

This is an appropriate set of arrangements with which to move forward in order to add an additional layer of scrutiny to the gambling licence review process. It is an

appropriate set of changes to make, to add an additional layer of scrutiny to this process, a process that has been underscored by probity auditor tick-offs. I assure the member for Malvern and all members that in relation to this process we will get an outcome that has probity, that has integrity and that represents best value for all Victorians. This mechanism will assist us in doing that. I commend the bill to the house.

**House divided on motion:**

*Ayes, 71*

- |                 |                |
|-----------------|----------------|
| Allan, Ms       | Languiller, Mr |
| Andrews, Mr     | Lim, Mr        |
| Asher, Ms       | Lobato, Ms     |
| Baillieu, Mr    | Lupton, Mr     |
| Batchelor, Mr   | McIntosh, Mr   |
| Beattie, Ms     | Maddigan, Mrs  |
| Blackwood, Mr   | Marshall, Ms   |
| Bracks, Mr      | Morand, Ms     |
| Brooks, Mr      | Morris, Mr     |
| Brumby, Mr      | Mulder, Mr     |
| Burgess, Mr     | Munt, Ms       |
| Cameron, Mr     | Naphine, Dr    |
| Campbell, Ms    | Nardella, Mr   |
| Carli, Mr       | Neville, Ms    |
| Clark, Mr       | O'Brien, Mr    |
| Crutchfield, Mr | Pallas, Mr     |
| D'Ambrosio, Ms  | Pike, Ms       |
| Dixon, Mr       | Richardson, Ms |
| Donnellan, Mr   | Robinson, Mr   |
| Duncan, Ms      | Scott, Mr      |
| Eren, Mr        | Seitz, Mr      |
| Fyffe, Mrs      | Shardey, Mrs   |
| Green, Ms       | Smith, Mr K.   |
| Haermeyer, Mr   | Smith, Mr R.   |
| Hardman, Mr     | Stensholt, Mr  |
| Harkness, Dr    | Thompson, Mr   |
| Helper, Mr      | Thomson, Ms    |
| Herbert, Mr     | Thwaites, Mr   |
| Hodgett, Mr     | Tilley, Mr     |
| Howard, Mr      | Trezise, Mr    |
| Hudson, Mr      | Victoria, Mrs  |
| Hulls, Mr       | Wakeling, Mr   |
| Ingram, Mr      | Wells, Mr      |
| Kosky, Ms       | Wooldridge, Ms |
| Kotsiras, Mr    | Wynne, Mr      |
| Langdon, Mr     |                |

*Noes, 9*

- |               |            |
|---------------|------------|
| Crisp, Mr     | Ryan, Mr   |
| Delahunty, Mr | Sykes, Dr  |
| Jasper, Mr    | Walsh, Mr  |
| Northe, Mr    | Weller, Mr |
| Powell, Mrs   |            |

**Motion agreed to.**

**Read second time.**

*Consideration in detail*

**Clauses 1 and 2 agreed to.**

**Clause 3**

**Mr O'BRIEN** (Malvern) — I move:

1. Clause 3, page 6, after line 30 insert —
  - “(c) to consider, and report to the Minister on, the conduct of any of the following in relation to the regulatory review or the authorisation and licensing process —
    - (i) a Minister of the Crown;
    - (ii) a person employed under Division 1 of Part 6 of the Public Administration Act 2004;
    - (iii) a registrant or an applicant for an authorisation or a licence;
    - (iv) a person engaged to provide services to a registrant or an applicant for an authorisation or a licence;”.

This amendment seeks to make sure that the minister and the ministers of the Crown who have been involved in this process are not quarantined from this review. It attempts to make this a genuine review that does not just focus on the public servants but actually looks at the ministers of the Crown, their staff, the registrants and applicants for these licences, and the consultants who have been employed, including lobbyists such as David White. It ensures this review panel can examine what role they have had in the integrity or otherwise of these processes. This goes to the heart of whether this is going to be a genuine review or whether this is going to be a sham.

I would also just make the comment that the minister has previously stated that the current lotteries licence was not subject to a premium payment because there was no provision under the act. I would inform the minister, if he was not already aware, that the existing licence was extended previously by this government, and a multimillion-dollar premium payment was extracted. If the minister is aware of that, then his entire argument that it is somehow illegal to now claim a premium payment when previously one has been claimed just falls in a heap and is shown to be the absolute cant and nonsense it is. This amendment should receive the support of all honourable members who want this to be a genuine inquiry and not a sham — if they want this to be a real test of integrity, probity, transparency and accountability rather than a whitewash or a David White-wash.

**Mr RYAN** (Leader of The Nationals) — The Nationals support the amendment. In response to a couple of points made by the minister in his summing-up of the second-reading debate, if all of this was such a good idea, why wait until the 17 November

to produce it? Nine days before an election when government members were under the pump, and they produce it. If all of this was such a brilliant plan, why did it happen in those circumstances? That is the first point.

The second point is the commentary in relation to the select committee. What I did was to compare and contrast the processes in relation to this legislation versus those that we will get through the select committee. I am not taking it personally, Do not get me wrong. With due respect, Minister, I have been insulted by much better than you. The issue is that they have a process in that select committee which is going to enable the proper procedures to occur.

The next thing to be said in relation to the powers, as reflected in proposed section 10.2A.3(3), is that if you are going to have the powers, then give them teeth. If you are not going to have the powers, do not put them in. In the principal act, for example, in section 7.7.3, which deals with the issue of ongoing monitoring, there are powers contained within the government's own legislation now which talk about a capacity, as it is termed, of a 'requirement to give information or a document for investigation'. That is in the principal act right now. What is wrong with importing those provisions into this provision — subsection (3) of proposed section 10.2A3 — in circumstances where the people who are going to be examined, contrary to the position that the minister keeps putting, comprise more than simply the people who are associated through the bureaucracy or the commission in relation to this. A person, as it is termed, is also entitled to be called for the purposes of being examined by the panel. If you are going to have that person or those people capable of being brought before this review panel, give the review panel the capacity to call whom it wants and to require those people, when they get there, to produce documents which are pertinent to the panel's inquiry.

The fourth and final point I want to make is that subsection (4) of proposed section 10.2A.3 could, in my view, read, 'Nothing in this part authorises the panel to consider any review or authorisation and licensing process leading to a decision already announced by the minister'. I believe that is a fair construction of that provision. That means the panel is precluded by the terms of the legislation in looking at the events historically which have given rise to previous approvals. I say to the minister, 'How silly is that?'

Why should it be that the chair and the members of the panel are precluded by law from being able to ask about the processes which have taken place leading up to the public announcements regarding the previous approvals

that have been made by the government. That is a ridiculous and contradictory position if you are going to put a bloke like Ron Merkel at the helm of this, and you are going to put people apparently of the same sort of capability as the government would have it. I have no contest at all with Ron Merkel's appointment. I think he was an able judge; he is a very competent barrister. I think as a matter of principle he would do the job well. But get him out of the straitjacket!

Why should it be that the man fulfilling this important role is going to be prohibited by law from being able to look back at the history of events that have given rise to this?

#### **Business interrupted pursuant to standing orders.**

**The DEPUTY SPEAKER** — Order! The time set down for consideration of items on the government business program has arrived, and I am required to put the following questions. The question is:

That amendment 1 be agreed to.

All those in favour say aye.

**Honourable members** — Aye

**The DEPUTY SPEAKER** — To the contrary, no.

**Honourable members** — No.

**The DEPUTY SPEAKER** — Order! I think the ayes have it.

**Honourable members** — The noes have it.

**The DEPUTY SPEAKER** — Order! I made a mistake. I think the noes have it.

The question is:

That clause 3 be agreed to.

All those in favour say aye.

**Honourable members** — Aye.

**The DEPUTY SPEAKER** — Order! All those against say no.

**Honourable members** — No.

**The DEPUTY SPEAKER** — Order! I think the ayes have it.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I have put the amendment.

**Dr Naphine** interjected.

**The DEPUTY SPEAKER** — Order! I will put the question again, because I read the wrong section.

**Dr Naphine** — On a point of order, Deputy Speaker, I heard you call for those who supported the amendment. You called for the ayes and the noes, and you said, ‘The ayes have it’. No division was called for. The interpretative — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I ask the member for South-West Coast to bear with me. For clarification, I will put the question again.

**Dr Naphine** — Hang on! The point of order I am raising is that you have already — —

**The DEPUTY SPEAKER** — Order! I ask the member for South-West Coast to allow me for clarification to put the question again.

**Dr Naphine** — The thing has already been resolved. You have already accepted that the amendment has been carried. Then you have moved on to clause 3, as amended.

**The DEPUTY SPEAKER** — Order! I ask the member for South-West Coast if he would allow me for clarification to put the question again. I mixed up the two sheets of paper. I am admitting to a mistake.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I do not mind admitting to a mistake. I asked if the member would bear with me and let me put the question again. The question is:

That the amendment be agreed to.

**House divided on amendment:**

*Ayes, 33*

Asher, Ms  
Baillieu, Mr  
Blackwood, Mr  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Delahunty, Mr  
Dixon, Mr  
Fyffe, Mrs  
Hodgett, Mr  
Ingram, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Morris, Mr

Northe, Mr  
O’Brien, Mr  
Powell, Mrs  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr K.  
Smith, Mr R.  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Weller, Mr  
Wells, Mr

Mulder, Mr  
Naphine, Dr

Wooldridge, Ms

*Noes, 46*

Allan, Ms  
Andrews, Mr  
Batchelor, Mr  
Beattie, Ms  
Bracks, Mr  
Brooks, Mr  
Brumby, Mr  
Cameron, Mr  
Campbell, Ms  
Carli, Mr  
Crutchfield, Mr  
D’Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Eren, Mr  
Green, Ms  
Haermeyer, Mr  
Hardman, Mr  
Harkness, Dr  
Helper, Mr  
Herbert, Mr  
Howard, Mr  
Hudson, Mr

Hulls, Mr  
Kosky, Ms  
Langdon, Mr  
Languiller, Mr  
Lim, Mr  
Lobato, Ms  
Lupton, Mr  
Maddigan, Mrs  
Marshall, Ms  
Morand, Ms  
Munt, Ms  
Nardella, Mr  
Neville, Ms  
Pallas, Mr  
Richardson, Ms  
Robinson, Mr  
Scott, Mr  
Seitz, Mr  
Stensholt, Mr  
Thomson, Ms  
Thwaites, Mr  
Trezise, Mr  
Wynne, Mr

**Amendment defeated.**

**Clauses 3 to 5 agreed to.**

*Remaining stages*

**Passed remaining stages.**

**STATUTE LAW REPEALS BILL**

*Statement of compatibility*

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Statute Law Repeals Bill 2006.

In my opinion, the Statute Law Repeals Bill 2006, as introduced in 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 bill**

The bill repeals acts of Parliament that have become redundant because they are spent in effect and no longer serve any purpose.

The acts to be repealed are listed in the schedule to the bill. The schedule includes many amending acts that are spent in effect as they have amended the principal acts. The schedule also includes principal acts that have no ongoing operation.

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

This bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human rights and, therefore, 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 any human rights issues.

HON. STEVE BRACKS, MP  
Premier

*Second reading*

**Mr BRACKS** (Premier) — I move:

That this bill be now read a second time.

The bill before the house, the Statute Law Repeals Bill 2006, is a regular mechanism for reviewing Victoria's statute books. The bill is vital to the orderly management of the state's statutes, so that the laws remain clear, relevant and accurate.

The bill repeals redundant acts, which chief parliamentary counsel has identified as being redundant. The acts to be repealed are listed in the schedule to the bill.

The majority of these redundant acts are amending acts which are spent in effect and have no further purpose. The amending acts contain transitional and substantive provisions. The transitional provisions are no longer required because of the passage of time or subsequent legislative enactments. The substantive provisions are no longer required because they have amended or repealed the provisions of the principal acts which they were enacted to amend or repeal. These amending acts include the Melbourne and Metropolitan Board of Works (Amendment) Act 1981, the Public Sector Management (Amendment) Act 1995 and the Treasury Legislation (Repeal) Act 2005.

Any residual effect of the transitional and substantive provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The bill also repeals principal acts which have no ongoing operation, such as spent appropriation acts and other redundant principal acts like the Town and Country Planning (Planning Schemes) Act 1979 and the Grain Handling Improvement Authorities

(Abolition) Act 1984 and the State Board of Education (Repeal) Act 1992.

The bill is part of the Victorian Parliament's regular housekeeping arrangements. It will repeal redundant acts which have no further function and should be removed from the Victorian statute book. The bill will ensure that Victorian statutes are updated and maintained in a regular and orderly manner to ensure they remain relevant to the Victorian community.

I commend the bill to the house.

**Debate adjourned on motion of Mr McINTOSH (Kew).**

**Debate adjourned until Thursday, 29 March.**

*Referral to parliamentary committee*

**Mr BATCHELOR** (Minister for Victorian Communities) — By leave, I move:

That the proposals contained in the Statute Law Repeals Bill 2006 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

**Motion agreed to.**

**HOWARD FLOREY INSTITUTE OF  
EXPERIMENTAL PHYSIOLOGY AND  
MEDICINE (REPEAL) BILL**

*Statement of compatibility*

**Mr BRUMBY (Minister for Innovation) 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 Howard Florey Institute of Experimental Physiology and Medicine Act (Repeal) Bill 2007.

In my opinion, the Howard Florey Institute of Experimental Physiology and Medicine Act (Repeal) 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 bill**

The bill repeals the Howard Florey Institute of Experimental Physiology and Medicine Act (1971) in order to facilitate a commitment under the *Healthy Futures* statement to create a major neuroscience and mental health research centre.

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

This bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human right and therefore 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.

JOHN BRUMBY, MP  
Minister for Innovation

### *Second reading*

**Mr BRUMBY** (Minister for Innovation) — I move:

That this bill be now read a second time.

### **Introduction**

The bill calls for the repeal of the Howard Florey Institute of Experimental Physiology and Medicine Act 1971 and for the transfer to another entity of all property, rights, liabilities and staff of the Howard Florey Institute of Experimental Physiology and Medicine.

The Howard Florey Institute of Experimental Physiology and Medicine Act 1971 was enacted to establish a body corporate known as the Howard Florey Institute of Experimental Physiology and Medicine.

In *Healthy Futures*, the Victorian life sciences statement, a \$53 million commitment was made to facilitate the creation of the Australian Centre for Neuroscience and Mental Health Research ('the centre'). The creation of the centre requires the amalgamation of three institutes that will form a new entity to be known as the Florey Neuroscience Institutes.

The centre will create critical mass in neurosciences, reinforce Victoria's growing international reputation in neurosciences and deliver an increased focus on translating research into practical benefits for people suffering from degenerative conditions.

The Howard Florey Institute of Experimental Physiology and Medicine is one of three institutes to be amalgamated. Accordingly, it is necessary to repeal the Howard Florey Institute of Experimental Physiology and Medicine Act 1971 and to provide for the transfer of all property, rights and liabilities held, and staff employed, by the Howard Florey Institute of Experimental Physiology and Medicine to a company, limited by guarantee, incorporated under the

Corporations Act that is to be the successor in law of that institute.

The Howard Florey Institute will become a wholly owned subsidiary of the Florey Neuroscience Institutes. It is proposed that each of the three Florey Neuroscience Institutes subsidiary companies (that is, the Howard Florey Institute, the Brain Research Institute and the National Stroke Research Institute) would ultimately be wound up in a few years time leaving the Florey Neuroscience Institutes as the sole operating entity.

The Howard Florey Institute of Experimental Physiology and Medicine is one of three Victorian research institutes governed by acts which include: the Baker Medical Research Institute Act 1980; and the Prince Henry's Institute of Medical Research Act 1988.

Being incorporated under their own act (as opposed to incorporation under the Corporations Act) provides no apparent advantage for the affected institutes in pursuit of their operational, research or commercial activities.

The Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill 2007 will enable the amalgamation of the three institutes to create the Australian Centre for Neuroscience and Mental Health Research.

I commend the bill to the house.

**Debate adjourned on motion of Mr DIXON (Nepean).**

**Debate adjourned until Thursday, 29 March.**

## ROAD LEGISLATION AMENDMENT BILL

### *Statement of compatibility*

**Mr PALLAS (Minister for Roads and Ports) 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 Road Legislation Amendment Bill 2007.

In my opinion the Road Legislation 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 makes a technical amendment to the definition of 'trip' in the EastLink Project Act 2004 to reflect the tolling technology and changes to the Melbourne CityLink Act 1995

to support interoperability. It also extends the area in respect of which the Southern and Eastern Integrated Transport Authority is a 'referral authority'.

The bill makes technical amendments to the process for nominations for 'owner onus' offences, to replace the requirement for a sworn statement or statutory declaration with a simpler statement requirement.

#### Human rights issues

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

The bill does not affect any human rights protected by the charter.

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

The bill does not impose any restrictions on human rights protected by the charter.

#### Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with any human rights protected by the charter.

TIM PALLAS, MP  
Minister for Roads and Ports

#### *Second reading*

**Mr PALLAS** (Minister for Roads and Ports) — I move:

That this bill be now read a second time.

This bill makes a number of important amendments to facilitate the delivery of the EastLink project and the operation of operator onus vehicle offences.

#### **EastLink tolling**

The proposed changes to the EastLink Project Act 2004 will facilitate tolling and interoperability, as well as make a number of other improvements to the act.

The bill amends the definition of 'trip' in the EastLink Project Act 2004 to ensure that the EastLink tolling system can be operated consistently with the legislation. Section 2 of the EastLink Project Act 2004 presently defines a trip as a journey on EastLink 'uninterrupted' by entry or exit. This definition will not be effective as the toll gantries will not be placed at entry and exit points: it will therefore not be possible to determine conclusively whether a 'trip' as currently defined has occurred. A new definition will be substituted which provides certainty.

A 'trip' will now consist of any amount of travel in one direction on EastLink that occurs within the space of 1 hour, without repeating any toll zone. The time for a

journey along the entire length of EastLink is approximately 25 minutes. This allows customers to either make several short journeys, or enable breaks to be taken during a longer journey which will still result in the customer being tolled for just one trip. Many more customers will gain the benefit of having their toll charges limited by the toll cap and from minimising the use of trip passes.

#### **EastLink interoperability**

The bill also makes amendments to the Melbourne City Link Act 1995 to facilitate interoperability between EastLink and CityLink.

Interoperability permits the customer of one toll road to use other toll roads without making arrangements with other toll road operators (such as opening an account or purchasing a pass). It also means that a vehicle only needs to carry one electronic tag, anywhere in Australia. The customer is billed for usage of all 'interoperable' toll roads by the tollway operator with whom he or she has an account relationship. This is underpinned by arrangements between the tollway operators.

The EastLink Project Act 2004 and the EastLink project concession deed, which facilitated the EastLink project, made express legislative provision for the customers of other tollway operators to use EastLink interoperably. By contrast, the Melbourne City Link Act 1995 supports the interoperability of CityLink and interstate toll roads, but not with other Victorian toll roads.

The bill amends the Melbourne City Link Act 1995 to enable CityLink interoperability with EastLink, but providing that the interoperable arrangements will only come into effect once EastLink and CityLink enter into an agreement dealing with interoperability.

This amendment reflects the commercial reality that the interoperable arrangements will only be effective once EastLink and CityLink enter into an agreement regarding interoperability. A standard provision in an interoperable arrangement, often called a roaming agreement, is for the payment of a fee called the roaming fee. This fee is not payable by the customers of toll roads but is paid by one toll road operator to another. It represents reimbursement primarily for the cost and effort involved in collecting tolls from its own customers on behalf of another toll road operator.

In order to ensure that CityLink is reimbursed for the fair cost of upgrading its systems to provide for interoperability, the Melbourne City Link Act 1995 will be amended to provide that the roaming fee recoverable

by CityLink from EastLink (for the use of EastLink by CityLink account customers) must not exceed the net incremental marginal cost of providing that service. The bill assists in the determination of the roaming fee by enabling the Secretary of the Department of Infrastructure to publish guidelines in the *Government Gazette* to facilitate the calculation of the net incremental marginal cost. If guidelines are not published, the concessionaires for EastLink and CityLink may simply agree on a roaming fee that does not exceed the net incremental marginal cost.

One other provision that is inserted by this bill is to make the Southern and Eastern Integrated Transport Authority a referral authority under the Planning and Environment Act 1987 for certain areas adjoining the EastLink extended project area (for which the authority is already a referral authority). This provision exists primarily to ensure that the authority is informed of any significant developments in sensitive areas such as those overlying or near the tunnels.

### **Operator onus**

The bill makes several amendments designed to improve enforcement of vehicle-use offences where the identity of the driver is not established at the time the offence is detected.

With such offences, effective enforcement of road laws depends, in the first instance, on the vehicle registration system and, if necessary, on information that is then provided by vehicle operators to identify the person responsible for the offence.

To this end, the bill amends the existing 'owner onus' provisions of the Road Safety Act 1986 and the Melbourne City Link Act 1995 which deal with liability for traffic camera, parking and tolling offences.

Under these owner-onus laws, a vehicle owner may avoid liability by making a statutory declaration or a sworn statement. Making a false statutory declaration or false sworn statement amounts to the crime of perjury under the Crimes Act 1958. This can attract a penalty which is disproportionate to the seriousness of the offence in relation to vehicle-use offences.

These owner-onus provisions are due to be superseded on 1 July 2007 by new 'operator onus' laws passed by Parliament last year. Under those new operator-onus laws, statutory declarations will be replaced with simple written statements, such as in a letter. It will be an offence to knowingly provide false or misleading information in a statement made in relation to a vehicle-use offence.

This bill will bring the nomination process under the current owner-onus laws into alignment with the new procedure to commence from 1 July. This means that people who make false statements under the existing laws to evade responsibility for vehicle-related offences would not be charged with perjury but with a new summary offence carrying a lesser penalty. These amendments will also facilitate the administrative transition from the old to the new systems by enabling simple statements to be used for all offences, irrespective of the date of the offence.

The bill also amends the new operator-onus provisions to provide for extensions of time to bring prosecutions whenever responsibility for a vehicle-related offence is transferred to a new person.

The bill also amends the provisions of the Road Safety Act 1986 dealing with traffic safety cameras, where the vehicle detected by a device is a trailer or motor vehicle that is being towed by another motor vehicle.

The new operator-onus laws already allow for responsibility for such an offence to be transferred by the operator of the towed vehicle to the operator of the towing vehicle. For example, the owner of a semitrailer that is detected in a speeding offence could nominate the owner of the prime mover as the person responsible for the offence.

The purpose of the amendments is to complement those laws. They should ensure that evidence collected in relation to the towed vehicle can also be used where appropriate to prosecute the person responsible for the towing vehicle. Provisions in the bill are designed to prevent double jeopardy.

I commend the bill to the house.

**Debate adjourned on motion of Mr MULDER (Polwarth).**

**Debate adjourned until Thursday, 29 March.**

## **GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL**

### *Statement of compatibility*

**Mr ANDREWS (Minister for Gaming) 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 Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007.

In my opinion, the Gambling and Racing Legislation Amendment (Sports Betting) 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 bill

The bill has two objectives:

To strengthen public confidence in the integrity of sport from a betting perspective.

To ensure that sporting bodies receive a share of the proceeds from betting that takes place on their respective sports.

Legislation is required to meet these objectives because market forces have failed to deliver satisfactory outcomes in these two respects.

Under the proposed legislation, it is an offence for a sports betting provider to offer bets on events held in Victoria without having a betting agreement in place with the relevant sports controlling body or else a determination of the Victorian Commission for Gambling Regulation (commission). The betting agreement is to cover the payment of fees (if any) and the sharing of information.

### Human rights issues

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

Section 13: Privacy and reputation

A person has the right:

- (a) Not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) Not to have his or her reputation unlawfully attacked.

The following proposed new sections of the Gambling Regulation Act 2003 being inserted by clause 3 of the bill will have an impact on that human right:

#### *4.5.14 Matters to be considered in determining applications*

In determining whether to approve a sporting body as the sports controlling body for a sporting event, the commission must have regard to whether the body has clear policies on the provision of information that may be relevant to the betting market.

The commission must also have regard to whether the sporting body has clear policies on the sharing of information with sports betting providers for the purpose of investigating suspicious betting activity.

#### *4.5.23 Agreement of sports controlling body*

A betting agreement between a sports controlling body and a betting provider must provide for the sharing of information between the parties for the purposes of protecting and supporting integrity in sports and sports betting.

#### *4.5.26 Determination of commission*

In resolving a dispute between a sports controlling body and a betting provider over the terms of their betting agreement, the commission must make a decision on the sharing of information between the parties for the purposes of protecting and supporting integrity in sports and sports betting.

In making this decision, the commission must have regard to the existing legislative rights and liabilities of the parties with respect to the use and provision of information.

Each of these new sections may have implications for the privacy of gamblers, sports players and officials. However, none of the sections unlawfully or arbitrarily interfere with their right to privacy. In developing information policies and information-sharing arrangements, sporting bodies and sports betting providers must still comply with their obligations under privacy legislation. The new sections in no way limit or interfere with these obligations.

Consequently, the bill is compatible with the right to privacy.

### Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

HON. DANIEL ANDREWS, MP  
Minister for Gaming

### *Second reading*

**Mr ANDREWS** (Minister for Gaming) — I move:

That this bill be now read a second time.

I am proud to present this bill to the house today. This bill contains measures that will make important and groundbreaking improvements to the way sports betting is regulated in this state.

The measures have been designed to strengthen public confidence in the integrity of sporting events and the betting that takes place on those events. In addition, the measures will enable sporting bodies to receive their fair share of the revenues from betting that takes place on their sports. This recognises that the sporting product itself is a valuable input into the betting product from which betting providers ultimately benefit. It also recognises the integrity-related costs that sporting bodies incur as a result of bets being wagered on their sports.

The Bracks government recognises the important contribution that sport makes to the social and cultural fabric of the Victorian community and economy. It is vitally important that Australia's favourite sports are not compromised by the betting that takes place on them. This bill is an attempt to reduce that risk. Indeed,

the bill provides sports with an opportunity to benefit from the growing sports betting market, by providing them with an additional revenue stream that can be ploughed back into the development of their sports at the grassroots level.

### **Key features of the bill**

I now turn to some of the key features of this bill.

The bill contains the following key amendments to the regulation of sports betting:

The transfer of responsibility for approving sporting and other non-racing events, for betting purposes, from the ministers for gaming and racing to the Victorian Commission for Gambling Regulation.

The creation of a new offence that prohibits betting on specific contingencies that have been prohibited by the commission.

The creation of a mechanism that enables the commission to approve a sporting body as a sports controlling body for betting purposes.

The creation of a new offence that prohibits a sports betting provider, based either in Australia or overseas, from offering bets on Victorian events without either the written agreement of the sports controlling body or else a binding determination of the commission.

The creation of a dispute-resolution mechanism for circumstances in which a betting provider and a sports controlling body are unable to reach an agreement.

### **Transfer of responsibility for approving events**

Under existing gambling legislation, the ministers for gaming and racing are responsible for approving sporting and other non-racing events for the purposes of betting. There are no stated criteria that the ministers must have regard to in making their decisions. Once an event is approved, betting providers licensed in Victoria may offer bets on it.

The bill transfers responsibility for approving these events to the commission. In addition, the bill specifies criteria that the commission must have regard to in making its decision. These criteria are designed to ensure that betting is only conducted on events that can be adequately managed from an integrity perspective.

Transferring responsibility to Victoria's independent gambling regulator is consistent with good regulatory practice. It will ensure the process for approving these

events is entirely independent and transparent. It will also enhance public confidence that approvals are based squarely on integrity-related considerations.

### **New offence — offering bets on prohibited contingencies**

Existing gambling legislation is clear on which sporting events are approved for betting purposes. However, the legislation is silent on the specific types of contingencies that can be bet on. For example, while cricket is approved for betting purposes, the legislation is silent on which types of bets can be placed on cricket, such as the winning team, the winning margin or the highest individual score.

Certain types of contingencies are more vulnerable to manipulation and fixing than others. Again using the example of cricket, betting on how many runs a particular player scores or on how many wides are bowled in the first over of a match may raise bigger integrity concerns than betting on the winning team. Sporting bodies have stressed the risks to the integrity of their sports caused by betting on particular types of contingencies.

As a response to these concerns, the bill empowers the commission to prohibit specific types of contingencies, in relation to events held in Victoria, that it considers inappropriate for betting purposes. The bill specifies integrity-related criteria that the commission must have regard to in making this decision.

In addition, the bill makes it an offence for a sports betting provider to offer or place bets on a contingency that has been prohibited by the commission.

This new offence is an important plank in the suite of measures designed to protect sporting and other non-racing events from match-fixing scandals and other inappropriate betting. As a result, betting providers, sporting bodies and the general public can have greater confidence that every outcome within a match is determined in the spirit of the game and free of manipulation.

### **Approval of sporting bodies**

Existing sports betting regulation does not encourage sporting bodies to put in place adequate systems to strengthen the integrity of their sports in a betting context. This bill seeks to fill that gap.

A sporting body will be able to apply to the commission to be approved as a sports controlling body of an approved sporting event. In making its decision, the commission must have regard to criteria that relate

to the capacity of the sporting body to adequately manage the integrity of the sporting event.

As I shall explain, controlling body status will provide a sporting body with the legal right to negotiate fees and information sharing arrangements with betting providers. This provides a strong incentive for sporting bodies to invest time and resources into developing appropriate integrity systems, including codes of conduct, monitoring and enforcement mechanisms, and policies on the provision of information that may be relevant to the betting market.

### **New offence — offering bets without a betting agreement**

For sports for which a sports controlling body has been approved, the bill creates a new offence that prohibits a betting provider from offering bets without either the written agreement of the sports controlling body or else a binding determination of the commission. This offence applies to sporting events held in Victoria.

The written betting agreement between a controlling body and a betting provider must cover information-sharing arrangements and the payment of a fee, if any, to the controlling body.

A key feature of the bill is that the details of the betting agreement, including the type and level of fee, is to be determined by the parties to the agreement. The parties themselves, rather than the government, are in the best position to establish an efficient fee that reflects commercial realities.

The bill contains measures that actively bring the parties to the negotiating table but that, as far as possible, leave the outcome of those negotiations to the parties themselves.

### **Dispute resolution**

An approach based on commercial negotiation can only work if supported by a binding mechanism for dispute resolution.

If a betting provider and controlling body are unable to negotiate a betting agreement, then the betting provider may apply to the commission for dispute resolution. The commission will be able to make a binding determination on the outstanding issues, having regard to criteria that guide the commission as to the appropriate terms and conditions.

### **Impacts of the bill**

First and foremost, the measures contained in the bill are intended to strengthen public confidence in the integrity of both sport and of betting that takes place on sport.

This new sports betting regime does not, and indeed cannot, guarantee that Australian sports will remain entirely free from match-fixing scandals. No regime on earth can completely protect sports from the risk of betting-related corruption.

What this regime aims to do is strengthen the capacity of sporting bodies to recognise and manage these integrity risks.

Second, as a result of this package of reforms, sporting bodies will be in a better position to share in the revenues from betting that takes place on their sports — an outcome that is fair, reasonable and sustainable.

Precisely how sporting bodies spend these additional revenues is ultimately a commercial matter for the sporting bodies themselves. However, it is intended that some of the money will be invested in improved integrity systems that will further strengthen the integrity of sporting events in the context of a growing sports betting market. In addition, it is hoped that some of the money will be invested in the development and promotion of sport at the grassroots level. Sporting bodies will find it easier to maintain public support for their involvement in sports betting if there are demonstrable benefits flowing to grassroots sport.

### **Conclusion**

In conclusion, the bill represents a bold and innovative approach to the regulation of sports betting in what is a rapidly evolving market. No other government in Australia, and to my knowledge in the world, has responded to the challenges and opportunities presented by sports betting as comprehensively as this government.

The Bracks government has already demonstrated its commitment to promote a viable, accountable and strong racing industry through its successful race fields legislation.

The measures contained in this bill demonstrate a similar commitment to sport.

I commend the bill to the house.

**Debate adjourned on motion of Mr O'BRIEN (Malvern).**

**Debate adjourned until Thursday, 29 March.**

**Remaining business postponed on motion of  
Mr ANDREWS (Minister for Gaming).**

**ADJOURNMENT**

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

That the house do now adjourn.

**Lake Mokoan: decommissioning**

**Ms ASHER (Brighton)** — I raise an issue for the Minister for Water, Environment and Climate Change. The action I require him to take is to meet with a group of people called Justice for the Broken Valley, who held a public meeting this week. The public meeting and the plan devised by this group arose from the government's decision to decommission Lake Mokoan. This action, the decommissioning of a water supply, is extraordinary at this time of water crisis in Victoria.

The group has issued a press release, dated Tuesday, 13 March, which says:

The Broken Valley community have tried to be fair and reasonable in their dealings on this issue, only to be confronted with intransigent, obstinate bureaucrats.

The members of the group have relayed their frustration to the minister and have asked him to meet with them just to hear their proposal, and I would like to touch on that proposal. I would not think it would be difficult for the minister for water to meet with a community group that has an alternative proposal. The key element is that the proposal will cost less than the proposed decommissioning of Lake Mokoan. The group has worked with Murrumbidgee Irrigation, and an engineer has drawn up some proposals which would match the water savings, preserve a permanent wetland, maintain a recreational area for the community and leave a storage in the bed of the lake to ensure a secure water supply. The minister should meet with the group rather than run away again, like he did when farmers wanted to talk to him about the compulsory acquisition of land.

For the minister's edification I can refer him to the Liberal Party policy for the 2006 state election. Our policy at the election was that a Liberal government:

... will halt the decommissioning of Lake Mokoan and consider the option of partitioning the lake to create a more efficient storage without reducing water security or water rights.

Just to show the Liberal Party was right on the ball at the last election, under a section headed 'Lake Mokoan'

we make reference to the proposal that this group is supporting. Our policy says:

Labor has ruled out a compromise solution that will reduce evaporation losses, restore the wetland and maintain a significant storage similar to the successful work undertaken at the Barren Box Swamp near Griffith in New South Wales.

That is precisely what this group is proposing. This would be a meeting. It is not asking the minister to completely change his mind, it is asking him to open his mind. I implore the minister to have a meeting with this concerned group of people.

**Country Fire Authority: Badger Creek brigade**

**Mr HARDMAN (Seymour)** — I raise a matter for the Minister for Police and Emergency Services. The action I request is that he provide funding for a new Badger Creek Country Fire Authority (CFA) station. After working with the Badger Creek fire brigade and the Minister for Police and Emergency Services for several years I was pleased to announce during the 2006 election campaign the government's intention to build a new fire station during this term. I have had regular communication with brigade secretary Peter Broman and captain Nicholas Rodway, who have worked tirelessly to keep the issue of upgrading the station on the radars of the CFA and the government and before me.

Badger Creek CFA has also raised significant funds with assistance from the local community, and especially the Healesville Lions club which provided \$5000 to build a second shed to house its second tanker, and I congratulate them for the efforts they are making in the community.

The issue now is about providing members with the confidence that funding will be delivered in a timely fashion so that conditions for the volunteers are commensurate with the contribution they make locally and across the state. Badger Creek CFA sent three crews to this season's north-east and Gippsland fires; they went to Briagolong, Bruthen and Bairnsdale. Like all other local brigades, the Badger Creek fire brigade makes a great contribution across the state.

Locally the Badger Creek CFA protects very significant assets such as the Healesville Sanctuary where the state recently invested \$9.8 million. This sanctuary has very important breeding programs for endangered species and a wonderful wildlife welfare centre for native animals that require assistance. As well, thousands of local, interstate and international visitors attend each year to enjoy this wonderful and continually improving facility.

The brigade also looks after areas which have difficult, mountainous and heavily treed terrain, but those areas are also populated and hard to get to, so the brigade obviously needs the best possible equipment in order to be able to get to those fires as quickly as possible. Nick Rodway, the captain of the brigade, has been in contact with me as recently as today and is keen to ensure that the new station is provided as soon as possible. He believes it will provide significant benefits to both the CFA on a statewide basis and the Badger Creek fire brigade members. I call on the Minister for Police and Emergency Services to provide funding for the Badger Creek fire station which we committed to in the 2006 election campaign.

### **Lake Mokoan: decommissioning**

**Dr SYKES** (Benalla) — I wish to raise an issue for the attention of the Minister for Water, Environment and Climate Change. I ask the minister to meet with a delegation from the Justice for the Broken Valley group and allow it to present to the minister its proposal for a reconfiguration of Lake Mokoan, a proposal which has strong community support and delivers the required water savings at less cost than the proposed total decommissioning of the lake.

Since the Victorian government announced its intention to decommission Lake Mokoan there has been intense debate over maintaining current security of supply of water to irrigators and establishing what is the current level of security of supply. There are also other concerns regarding flood risks to Benalla and the serious impact on the environment and Aboriginal sites of significance.

Broken Valley irrigators have engaged Murrumbidgee Irrigation Ltd to develop an alternative proposal for the reconfiguring of Lake Mokoan based on the recently completed, environmental award-winning Barren Box Swamp project. The Department of Sustainability and Environment (DSE) has rejected this alternative proposal, claiming that it will not deliver the required water savings and that its cost of less than \$40 million is unrealistically low. The Broken Valley irrigators dispute both of these claims. In particular the irrigators cannot understand how DSE can justify a cost of \$6 million per kilometre of dam wall when the Barren Box Swamp project costs were less than \$2 million per kilometre of dam wall and a second independent contractor has quoted \$1.5 million per kilometre of dam wall.

A serious question arises: how can \$6 million per kilometre be justified? Is someone on the take, or is this another example of gross incompetence by the Bracks

government in managing major projects using public money? I ask the minister to meet with the delegation and explain to the irrigators the costing of \$6 million per kilometre of dam wall when the costing determined by the irrigators' independent assessments are \$2 million per kilometre of dam wall or \$1.5 million per kilometre of dam wall.

Earlier today I spoke of the pain being experienced by country Victorians as a result of the drought and fires. Broken Valley irrigators have been spared some of this pain because of the higher security of water available to them as a result of the presence of Lake Mokoan. However, the source of the pain for irrigators has been the challenge of trying to defend the retention of their current security of supply in the face of grossly misleading statements and positions adopted by a series of government departments. This anguish has taken its toll on the local community, and I ask the minister to immediately address this issue and ensure that he governs according to the government claim of governing for all Victorians.

### **St Georges Road, Northcote: roundabout**

**Ms RICHARDSON** (Northcote) — I raise a matter for the Minister for Roads and Ports concerning the roundabout on St Georges Road in the electorate of Northcote. I call on the minister to commission a report from VicRoads into how the safety of this intersection may be improved.

The roundabout is the intersection of St Georges Road, Charles Street, Elizabeth Street and Merri Parade. It is well known to my constituents and to north-south commuters using the road. The intersection is complicated by the tramline and the bike path that run down St Georges Road and into the intersection at the roundabout. I travel along St Georges Road every day and pass through the roundabout either on my way here or to and from my office and back home again. It is a road that I know I have to be very wary of, and the intersection itself presents a range of problems for people as they enter it.

As a local, I pause, stop and look, but I often see people who are perhaps from other parts of Melbourne enter and be unsure of what to do. After entering the intersection they hesitate, they look about, they move forward and they move back — and quite often you see near misses take place.

On 5 March a particularly nasty accident prompted a local resident of mine, Erica Garland of Charles Street, Northcote, to voice her concerns in the local paper, and I must say I share her concerns about this particular

intersection. It is busy roundabout that presents us with a complex range of problems. Many suggestions have been made, including traffic lights, moving the roundabout — in other words, changing the configuration of the roads — better bike paths and better signage, and all these suggestions should be considered.

In conclusion, I hope the minister can take action to ensure that the interests of commuters and my residents are looked after.

### **Kew courthouse: restoration**

**Mr McINTOSH** (Kew) — I have a matter for the attention of the Minister for Finance that concerns the immediate heritage obligations of the Victorian government in relation to the Kew courthouse and police complex. I note that the Kew courthouse is heritage listed under the Victorian Heritage Act, and it is a building of special significance to all Victorians. The action I seek from the minister is that he ensure that the government meets its immediate legal and moral obligations to restore and rehabilitate the courthouse, which has been left to rot over the last four years since the Victoria Police moved to the new Boroondara complex.

Since Victoria Police moved out the Kew courthouse site has been effectively left to rot. The buildings are in a very dilapidated state, and in many cases are in a state of disrepair. I note that recently the government moved to at least plug the holes in the roof, which has stemmed part of the problem. Those holes were quite significant. There is not only a legal obligation but also a moral obligation on the Victorian government, because the courthouse was built in the 1880s and has been in the consistent ownership of the Victorian government since that time. As I said, it was occupied for many years by Victoria Police, and it operated up until 20 or 30 years ago as a significant part of the Kew community.

At this stage I would like to pay tribute to a couple of people in my local community, but in particular Professor Peter McIntyre. He has worked tirelessly with many members of the Kew community to try to raise funds to help with the restoration of the courthouse and to keep the courthouse in the community's hands, given the threat that the government has made to place it on the open market for a developer to come along and redevelop that site. I certainly acknowledge that some work has been undertaken, but certainly more needs to be done. Indeed the last estimate was that there could be as much as \$2 million worth of rehabilitation and restoration works required in relation to that matter.

The government has a moral obligation, but it certainly has a legal obligation also under the Heritage Act, and of course that obligation vests with the current owners, irrespective of any potential or eventual sale of that property. Accordingly I call upon the government to immediately meet that need and not shift the blame to the City of Boroondara, the people of Kew, or indeed the commonwealth government.

**Mr Stensholt** interjected.

**Mr McINTOSH** — It remains wholly and squarely a legal and moral obligation of the Victorian government, and the member for Burwood knows it.

### **Brentwood Secondary College: refurbishment**

**Ms MORAND** (Mount Waverley) — I raise a matter for the Minister for Education in the other place. I would like the minister to come and visit Glen Waverley and open the new facilities at Brentwood Secondary College. Brentwood Secondary College received \$2.5 million in the 2005–06 budget to go towards upgrading the school classrooms. The new facilities include four new general purpose classrooms, two science rooms, an information technology teaching area, seminar space, a computer pod, staff workspace and a physical education classroom.

In addition to that a fantastic new gymnasium has been built with locally raised funds and with school funds, with the school community and the school council putting together a cooperative. I want to congratulate the staff and the school council on the effort they put into organising that cooperative and achieving the great outcome that is there for all to see. Brentwood Secondary College opened in 1969. It was not long after that that I was a student there for six years, during which I received my secondary schooling, so I have a strong affinity and love for that school. I know that this refurbishment will be welcomed by all the students, their parents, the staff and the community generally.

Brentwood has also received funding under the Leading Schools program, which is providing three additional teachers and approximately \$550 000 to refurbish existing classrooms and construct a new thinking, learning and creativity centre. These new facilities will grow and support the quality learning programs put in place by Vicki Forbes, the principal, and the great staff at Brentwood. It is a great example of a strong partnership between the community, the government and the school.

The support from the government is building on the great work taking place at Brentwood, and I want to

share with the house the excellent Victorian certificate of education (VCE) results that Brentwood achieved last year. Twenty-three per cent of students gained an ENTER score over 90, and 42 per cent of the students received an ENTER over 80. Following the completion of their VCE, 65 per cent of the students have gone on to university study and 29 per cent are undergoing TAFE studies. This is an outstanding effort by the VCE students and the VCE teachers and staff as well.

Providing a great education for Waverley students and for students across Victoria is vital. A good education is essential to getting the best start in life and the greatest possible opportunities. The member for Mulgrave joined me when the Minister for Education announced the funding in 2006. Four schools in my electorate have also been prioritised in the \$1.9 billion rebuilding program announced during the election campaign, and I am looking forward very much to those works being completed. Those schools are Mount Waverley Primary School, Glendal Primary School, Mount Waverley Junior School and Glen Waverley Secondary School.

### **Bayswater Secondary College: air conditioning**

**Mrs VICTORIA** (Bayswater) — I rise to request an immediate investigation by the Minister for Education in the other place into this government's policy not to air-condition new building works and renovations in Victorian schools.

In the 2004–05 state budget \$1.9 million was allocated to Bayswater Secondary College for a new technology wing. Some would say this was fantastic news; however, if we scratch below the surface, we see there are questions that need answering. Bayswater Secondary had been sadly deprived of upgrades for decades, so when this government promised nearly \$2 million, everybody was overjoyed. But this cheeky government approached the federal government for \$700 000 towards the project, which was gladly given. The building went ahead, with \$1.2 million of state funds and \$700 000 of federal funds combined. So where is the remaining \$700 000 of state money that was actually allocated to this school and was in the state budget?

Some of it should have funded air conditioning for this project. The new Bayswater Secondary College building looks great, but there is a catch: during a normal Melbourne February and March, the three new classrooms, two science/maths rooms and the food technologies kitchen cannot always be used. When I visited the school two weeks ago it was a mild day — the temperature was in the low 20s — but the rooms were very warm. I cannot imagine what they would be

like on a 35 or 40-degree day. Some classes have had to be cancelled, because it is ludicrous to expect students to work in rooms with temperatures reaching more than 50 degrees.

This is a brand-new building. Gas heaters — let us count the black balloons — have been installed for winter, with the recommendation that they be switched on for less than an hour a day, but no air conditioning has been built in. I ask the minister: would it not be cheaper and wiser to install ducted climate control systems in a brand-new building rather than retrofitting it in a patched-up manner? The new administration area was also not provided with air conditioning. Is there a single government department that would put up with working conditions like these? Surely occupational, health and safety rules are being breached.

The Minister for Education must look at the current guidelines and make amendments so that schools do not face the added expense of retrofitting cooling systems. He should stop making schools dip into their emergency funds to purchase what one would assume would be basic supplies in an advanced country like ours in 2007.

This government has published a blueprint which states:

The environment in which students work has an impact on learning ... Resources are allocated to maintaining classrooms that are conducive to quality teaching and learning.

I invite the minister to explain how classrooms where the temperatures reach more than 50 degrees are a conducive teaching, learning or working environment.

### **Consumer affairs: road safety personal alarm**

**Mr EREN** (Lara) — Acting President, I wish to raise a matter for the attention for the Minister for Consumer Affairs, who is at the table. I am concerned about the safety of a product which I was able to purchase in my electorate, and I request that the minister take action to ensure the safety of Victorian consumers by investigating what options may be available to prevent further sales of this product.

Recently while on my lunch break I happened to come across a discount store near my electorate office. I went in for a browse, and one of the items I saw, which I have with me today, is a device which claims to 'cure sleepiness right away'. The item purports to 'prevent traffic accidents to ensure driving safety' — and all for \$2! The product is designed to be attached to the ear of

a person who intends to drive a motor vehicle and to prevent the driver from falling asleep.

What was particularly disturbing to me was the description of the device's uses. On the front of the pack it says 'especially suited for long-distance driving, drunk driving and night driving'. I could not believe it. The product is supposed to emit an alarm to wake the driver when they tilt their head forward, which they may do when falling asleep at the wheel. There is even a picture of a person falling asleep at the wheel on the front of the packaging. I believe it could be taken seriously, and that is why I raise the issue in the house today. There is no safe way to drive when drunk. There is no way you can sit behind the wheel of a car intoxicated and not pose a risk to yourself and others. We all understand that.

Having served on the parliamentary Road Safety Committee in the last term of Parliament, I have been a witness to many horrific images and evidence of the way that drink driving can destroy lives. Recently my electorate was rocked by the horrific deaths of three people on the Princes Highway near Werribee. Drink driving ruins lives, and I want the sale of any item that encourages drink driving to be stopped.

I have spoken to the owners of the discount store and voiced my concerns. I believe they now understand how wrong it is to sell a product that purports to help people who are drunk to drive safely. I am concerned that this item may be available for sale in other stores around Victoria, and I believe we must stop its sale. I urge the Minister for Consumer Affairs to investigate what options are available to prevent further sales of this product.

### **Golden Way–Bulleen Road, Bulleen: traffic lights**

**Mr KOTSIRAS** (Bulleen) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action that I wish from the minister is to provide funding for the installation of traffic lights at the T-intersection of Golden Way and Bulleen Road in Bulleen. It is a very dangerous T-intersection, especially during peak times in the mornings and evenings. I would like the minister to come over to visit the electorate of Bulleen and actually attempt, in the morning or afternoon, to make a right-hand turn from Golden Way into Bulleen Road. It is impossible to do. I urge him to provide enough funding to ensure that traffic lights are installed.

I was a bit disappointed to read during the election campaign that the Labor candidate said in a press

release that was quoted in a newspaper that there was no need to install traffic lights at this intersection. The article in the *Manningham Leader* states, in part:

Neil Campbell said he did not believe the Liberals' proposal was the solution people wanted.

How would he know what people wanted? He did not live in the electorate. He had no idea of what people in the electorate wanted. I suppose that is why he did not win the seat. It is disappointing that he did not even have — —

**An honourable member** — It was your charisma, don't be shy about it.

**Mr KOTSIRAS** — He was not even prepared to offer the residents the opportunity of a visit to the electorate.

What I want the minister to do is to provide the funding for traffic lights at the T-intersection. I am happy to provide coffee and biscuits for the minister should he decide to visit the electorate — —

**An honourable member** — Cream biscuits?

**Mr KOTSIRAS** — Any biscuits. I am happy to also provide a nice Greek cake, baklava, if the minister decides to visit the electorate. But the money is needed, and I urge the minister to please provide it before someone gets hurt.

### **Braybrook: *Dropping Off the Edge* report**

**Ms THOMSON** (Footscray) — Acting President, I wish to raise a matter for the Minister for Victorian Communities. I call upon the minister to take action to address the problems of disadvantage in Braybrook, along with other areas, given that the Jesuit Social Services report, *Dropping Off the Edge*, shows that people are suffering from high levels of disadvantage. As the house will be aware, the purpose of the Jesuit Social Services report was to identify areas of concentrated disadvantage throughout Australia. It does this by focusing on areas within each Australian state that consistently rank highly on a range of indicators of disadvantage, including low family income, housing stress, health, education and low birth weight.

On this basis Braybrook, which falls within my electorate of Footscray, was identified as one of the most disadvantaged suburbs in Victoria. Braybrook has a very dynamic and diverse social, cultural and economic mix. The area is generally characterised by a high degree of cultural diversity, high levels of unemployment and a high percentage of public housing — approximately 21 per cent. Over 50 per cent

of the residents were born overseas, and 39 per cent are from non-English-speaking countries. Far from being evidence of disadvantage, the cultural diversity evident in Braybrook is celebrated keenly by locals and viewed as one of the area's key strengths. The community has a strong sense of pride and has identified the need to overcome the label of disadvantage.

I was very fortunate in November — I think it was the Sunday after the election — to attend the Braybrook Big Day Out function and help with the cooking of the halal sausages. The cultural mix, the choice of food from a wide variety of nations and the entertainment was a huge highlight. I wish to take this opportunity to congratulate the organising committee of the Big Day Out on a huge event. There are still major areas of need, and my request to the minister is to take action to address the concerns outlined in the report and work with the community of Braybrook to build an area that will no longer be characterised by disadvantage.

**The ACTING SPEAKER (Mr Nardella)** — Order! Before I call the minister, I want to raise two issues. Firstly, there was some discussion regarding similarities between the adjournment issues that the members for Brighton and Benalla raised. Page 5 of *Rulings from the Chair* sets out Speaker Plowman's ruling that there was a 'glimmer of difference'. I rule that the adjournment matter raised by the honourable member for Benalla is in order.

Secondly, some honourable members have been referring to the Chair as 'Acting President', but in this chamber the Chair should be referred to as, for example, 'Acting Speaker'.

**An honourable member** — We have moved on!

**The ACTING SPEAKER (Mr Nardella)** — Order! Yes, we have all moved on, haven't we!

### Responses

**Mr CAMERON** (Minister for Police and Emergency Services) — We will not have any of that 'President' talk in this great house! The honourable member for Seymour raised a matter relating to the Badger Creek Country Fire Authority. The honourable member is a great supporter of the CFA and its volunteers, which are very important to this community, and many Victorians have had that hit home to them this fire season in particular when they saw the tremendous and valuable work the volunteers do. Volunteers do a tremendous amount of work in their community constantly.

The honourable member for Seymour has been a tremendous supporter of the Badger Creek CFA. He has lobbied on its behalf, and as a consequence of that the government gave a commitment to the Badger Creek CFA during the course of the election campaign. I can advise the honourable member for Seymour that those commitments for the facilities will be met this term. I give the honourable member that assurance.

**Mr BATCHELOR** (Minister for Victorian Communities) — The member for Footscray raised with me the issue of disadvantage in Braybrook with particular reference to the Jesuit Social Services report entitled *Dropping Off the Edge*. I congratulate the member for Footscray on raising this matter. It is very important — —

**Ms Asher** interjected.

**Mr BATCHELOR** — No disadvantage in Brighton — only its choice of local member!

I agree with the member for Footscray that the issue of concentrated disadvantage is indeed concerning. I wish to point out that the Jesuit Social Services report serves as further evidence that the government's approach to addressing disadvantage, particularly place-based disadvantage, is exactly the right one. In demonstrating that disadvantage is concentrated in certain areas it is argued in the report that governments should focus their efforts on a smaller number of highly disadvantaged neighbourhoods. Furthermore, the Jesuit Social Services report suggests that efforts should be directed at building stronger communities and engaging in a degree of social cohesion. This is exactly what the Bracks government is proposing to do and what stands behind the philosophy of the Department for Victorian Communities.

This concept of place-based disadvantage has informed the government's social welfare policies for a number of years now, particularly through the targeted approach to address disadvantage outlined in *A Fairer Victoria*. Furthermore, the Bracks government has focused on many of the suburbs that have been identified in the Jesuit Social Services report, including Braybrook. Others include Broadmeadows, Heidelberg West, Colac, Corio, Doveton, Eaglehawk and Hastings. Work is under way in each of these areas to narrow that gap between disadvantaged communities and the rest of the state.

Through *A Fairer Victoria* the Bracks government has invested \$1.6 billion to address disadvantage right across the state by improving access to universal services, reducing barriers to opportunity and making

government easier to work with. The Department for Victorian Communities administers several programs designed to address place-based disadvantage in targeted urban communities. The community renewal program and the community building initiative, for example, build on the work of the government's successful neighbourhood renewal program, which is administered by the Department of Human Services. The member for Footscray will be pleased to know that the neighbourhood renewal program currently operates very successfully in Braybrook.

Neighbourhood renewal is a long-term commitment by the state government to narrow that gap between disadvantaged communities and the rest of the state. It is a new approach that brings together the resources and ideas of residents on the one hand and also those of governments, business and community groups to tackle disadvantage in areas where there is a high concentration of public housing. Neighbourhood renewal has successfully involved residents in direction setting and decision making, and the results speak for themselves.

Braybrook now has the annual community festival, the Braybrook Big Day Out, which the member for Footscray acknowledged she had been to and helped cook the sausages at. The concept behind the Braybrook Big Day Out is to register an increase in resident participation, and it has been successful in doing that. The suburb of Braybrook now hosts regular community dances with a multicultural theme which give residents the opportunity to sample food, music and dance from other cultures that are alive and well in the suburb. Each of these measures has worked to increase the level of social cohesion in Braybrook and thus mitigate the impacts of the disadvantage that has been identified as being there.

Community renewal takes a similar approach by bringing residents, businesses, governments and local organisations together to help transform the community into a place of opportunity and activity. It is committed to the idea of helping people help themselves by involving them in the decision-making process. Similarly the community building initiative (CBI) is a place-based investment targeting regional areas. It is designed to strengthen communities by encouraging participation in community events and activities that bring local people together to plan for the future of their towns. CBI delivers new and improved community facilities, employs local people and increases the economic activity of small businesses and tourism.

Also operating in Braybrook is the Braybrook Partnership Project. This project brings together

Melbourne Citymission and the Maribyrnong City Council, which have been working with the Department for Victorian Communities and local community agencies to address issues of social disadvantage affecting young people. This project is focused on creating new pathways to sustainable education and employment to help people learn how to get into jobs.

Each of these projects is focused on prevention and early intervention. Furthermore, our investments are long term, because the Bracks government understands that there is really no quick fix. This means that we are seeing only the tip of the iceberg in terms of the progress that is being made. There is more work to be done, and more progress will be made.

The Bracks government will continue to work to address disadvantage in this state, and in Braybrook, and will continue to build stronger communities by helping people help themselves. This is all about helping people help themselves, and through that they will be able to directly address areas of concentrated local disadvantage. I look forward to working with the member for Footscray for the people in the Braybrook community. I congratulate them on having worked together thus far and urge them to continue to work together, and with their local council and the government in these various programs that have been specifically put in place to address disadvantage.

**Mr ANDREWS** (Minister for Consumer Affairs) — I thank the member for Lara for raising an important matter of product safety. It is fitting that he raises it today, given that today is World Consumer Rights Day and is an important opportunity to highlight issues of consumer protection and product safety. In relation to these matters the government has worked diligently over seven years to put in place what is broadly acknowledged as Australia's foremost product safety regime.

**Ms Asher** interjected.

**Mr ANDREWS** — The member for Brighton says 'toys'. Toys are a very important thing — that is, safe toys or toys that are not dangerous. Before Christmas last year the government led, through Consumer Affairs Victoria, a very important exercise where some 31 000 dangerous toys were seized. Some of those were seized from wholesalers and novelty shops in the member for Lara's area. A number of other vendors and wholesalers right throughout regional Victoria had dangerous toys seized from them.

These are very serious matters. Child safety and the safety of products in a broader context right across the Victorian economy are very important, and consumers need to be confident — on this day of all days — that when they buy a product it is fit for the purpose for which they buy it. And following on from that, they need to know that it will not do them any harm and that the product is safe. Product safety is an important part of our consumer protection framework, and with the process and regime we have in place in Victoria this government is acknowledged as leading our nation in terms of product safety.

In relation to the specific product the member for Lara alerts me to, I can only concur with the member. I am very concerned to see a product that purports to provide people with a degree of safety or in some way encourages people to drive when they are tired or, most worryingly, when they are under the influence of alcohol. As the member for Lara rightly noted — I know he spent some time on the Road Safety Committee, and perhaps he will again do so in this Parliament — it is never safe to drive when you are drunk, and it is important that products do not in a false and misleading way put that message out there into the Victorian marketplace.

In the Fair Trading Act there are provisions which allow me to issue ban orders prohibiting the supply of dangerous goods. I think this product is worthy of further investigation by Consumer Affairs Victoria as to its potential safety risks in relation to both the troublesome advertising and claims that are made and the fact that, if a consumer were to use the product in the way that is put forward, potentially all manner of different issues concerning traffic accidents and things of that nature may affect them.

I will ask Consumer Affairs Victoria to investigate that product under the product safety provisions of the Fair Trading Act. If it is deemed appropriate, then I will issue a public warning in relation to that, and that will be published in daily newspapers.

**The ACTING SPEAKER (Mr Nardella)** — Order! I call on the Minister for Gaming to respond to the honourable members for Brighton, Benalla, Northcote, Kew, Mount Waverly, Bayswater and Bulleen.

**Mr McIntosh** — On a point of order, Acting Speaker, I notice the member for Northcote is not present in the chamber. Perhaps she does not care or is not interested in the — —

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

**Mr ANDREWS** (Minister for Gaming) — That is very clever! The member for Brighton, the Deputy Leader of the Liberal Party, raised an issue for the attention of the Minister for Water, Environment and Climate Change in relation to the Broken Valley and is seeking a deputation or meeting.

The member for Benalla raised a near identical issue in relation to — —

**Mr Kotsiras** interjected.

**Mr ANDREWS** — He is actually not here; I thank the member for Bulleen for drawing that to my attention. So the seriousness with which he regards his matter is similar to the member for Kew — —

**Mr McIntosh** — I'm here.

**Mr ANDREWS** — Indeed, that is right. We are all very aware that he is here. It is always the case when the member for Kew is in the chamber that we are reminded that he is here — he is larger than life!

The member for Northcote raised an issue for the Minister for Roads and Ports in relation to a roundabout on St Georges Road.

The member for Kew raised a matter for the Minister for Finance, WorkCover and the Transport Accident Commission in relation to heritage obligations in respect of the Kew courthouse and police complex. It is an important matter, and I am sure he will deal with that in due course.

The member for Mount Waverley raised for the Minister for Education in another place a matter in relation to Brentwood Secondary College. If I might be indulged for one moment, Brentwood Secondary College is a fine school. It is on the border of my electorate and the electorate of the member for Mount Waverley. It is further evidence of this government's commitment to providing the best possible facilities for young people in our local community.

The member for Bayswater raised for the Minister for Education in the other place an issue relating to air conditioning in school developments.

The member for Bulleen raised a matter for the Minister for Roads and Ports relating to the installation of traffic lights at the intersection of Golden Way and Bulleen Road.

The other matters have been dealt with by relevant ministers. Those matters having been raised, I will forward them to the relevant ministers for their attention and action.

**The ACTING SPEAKER (Mr Nardella)** —  
Order! The house is now adjourned.

**House adjourned 5.17 p.m. until Tuesday, 17 April.**