PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 6 February 2008

(Extract from book 1)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

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Drugs and Crime Prevention Committee — (*Assembly)*: Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris. (*Council*): Mr Leane and Ms Mikakos.

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House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Mr Lupton, Ms Marshall, Ms Munt, Mr Nardella, Mrs Powell, Mr Seitz, Mr K. Smith, Mr Stensholt and Mr Thompson

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The Hon. J. M. BRUMBY (from 30 July 2007)
The Hon. S. P. BRACKS (to 30 July 2007)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS (from 30 July 2007)
The Hon. J. W. THWAITES (to 30 July 2007)

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

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Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [4]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
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Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
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Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [3]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 6 August 2007
[4] Elected 15 September 2007

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WEDNESDAY, 6 FEBRUARY 2008

Wednesday, 6 February 2008

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

RULINGS BY THE CHAIR

Member for Ferntree Gully: conduct

The SPEAKER — Order! Yesterday the member for Ferntree Gully in his contribution to the debate on the Freedom of Information Amendment Bill made a serious reflection on both the authority of the Chair to uphold standing orders and the manner in which the Chair does so.

I suggest to the member for Ferntree Gully that he acquaint himself with chapter 22 of the standing orders, in particular standing orders 184 and 185. I also direct him to chapter 27 of *Rulings from the Chair 1920–2007* of the Legislative Assembly of Victoria. Hopefully he will then have a greater understanding of the norms and practices in this chamber.

For the Chair to order the closure of the public gallery for any time is regrettable, but the Chair is charged with upholding standing orders. Part of the Chair's responsibility is to protect the right of members of Parliament to attend their duties in this chamber unheeded. It is not for the member for Ferntree Gully to waive away his right or other members' right to that protection.

The member for Ferntree Gully has gravely insulted the Chair, and I seek his apology.

Mr WAKELING (Ferntree Gully) — I am unaware of the comments, but I apologise if the Chair has taken any offence.

Members: unparliamentary and offensive remarks

The SPEAKER — Order! On Thursday, 6 December, a point of order was taken by the Leader of the House in response to an interjection from the member for South-West Coast. The Leader of the House asserted that the member for South-West Coast had used an unparliamentary term.

Speaking to the point of order the member for South-West Coast stated:

> … what I said is that he lied, and that is not unparliamentary.

I did not rule on the point of order at the time, but I do so now. In doing so, I seek to provide some clarity on the use of the words 'lied' and 'lying'. Standing order 118 states:

> Imputations of improper motives and personal reflections on … members of the Assembly or the Council are disorderly other than by substantive motion.

Standing order 119 states:

> A member must not use offensive or unbecoming words in relation to another member.

Previous rulings from the Chair by former Speaker Maddigan and Acting Speaker Ingram state that an accusation that a member has lied or is lying is an imputation of improper motive and clearly a contravention of the standing orders.

The assertion made by the member for South-West Coast that his interjection was not unparliamentary is false. It is unparliamentary to state that a member has lied. It is my intention in the future to seek the withdrawal of unparliamentary language.

PORT SERVICES AMENDMENT (PUBLIC DISCLOSURE) BILL

Introduction

Mr BAILLIEU (Leader of the Opposition) — I move:

> That I have leave to bring in a bill for an act to amend the Port Services Act 1995 and for other purposes.

The bill I seek to introduce to the house is a bill to amend the Port Services Act and for other purposes and essentially to provide for public disclosure in real time, online, of the monitoring of the channel deepening project. It is a bill that has had some public attention already. The channel deepening project is a huge and complex one. There is huge interest and huge concern in the community, and there is great concern about the potential for environmental damage.

The SPEAKER — Order! I suggest to the Leader of the Opposition that the motion is not relating to the bill but to the fact that he has leave to bring in the bill.

Mr BAILLIEU — Indeed, Speaker, and that is a question of timing. The dredging is scheduled to commence at 7.00 a.m. tomorrow. The federal government, the Labor government — —

Mr Hulls — On a point of order, Speaker, this is a very narrow motion on whether leave is to be granted to bring in a bill. What the Leader of the Opposition is now attempting to do is debate the obvious political

motives behind this bill, and that is not what the motion before the house is about. It is a very narrow motion about whether or not leave is to be granted to bring in a particular bill, and I ask you, Speaker, to ensure that any comments he makes are within those very narrow parameters in relation to the motion.

Mr BAILLIEU — I am prepared to continue, Speaker.

The SPEAKER — Order! I will rule on the point of order. I do not uphold the point of order at this time. I have reminded the Leader of the Opposition of the narrowness of this debate, and I will be prepared to cease to hear him if he strays into a broader debate on the bill.

Mr BAILLIEU — If I were to stray into a broader debate on the bill, I would be describing the content of the bill, and I do not intend to do that in any way. This is a moment in time in which the people of Victoria have an intense interest. This project is about to commence, and the provisions of this bill go to issues which the Victorian public have a great interest in. It is an interest shared by the federal Labor government, shared by Bayside council, shared by the Property Council of Australia, shared by the media, shared by those who were on the steps of Parliament yesterday and shared by many others. The government has failed the people of Victoria by not introducing such a bill to the house itself. There is, as I said, great concern, and we feel it is necessary to bring this bill to the house now. This project is of intense interest to Victorians.

The SPEAKER — Order! I believe the Leader of the Opposition is straying into debate. The question is clearly narrow: that the Leader of the Opposition have leave to bring in the bill.

Mr BAILLIEU — I accept your ruling, Speaker, but now is the right time to produce this bill. The *Age* editorial this morning is headed 'Dredging of the bay will need continual public scrutiny'. Now is the right time.

Mr Hulls — On a point of order, Speaker, quite clearly now the Leader of the Opposition is straying into a political debate about a major project here in Victoria. He has strayed well and truly off the very narrow motion, and I ask you to either bring him back to the motion or stand him down.

Mr BAILLIEU — On the point of order, Speaker, yesterday in this house the Premier submitted a statement of the government's intentions. It was accompanied by a long document that included at the front of the document a statement from the Premier in which he said the government intended to increase its accessibility and accountability and seek new ways to engage the public, be accountable and strengthen the trust the community places in it. The production of this bill — —

The SPEAKER — Order! The Leader of the Opposition is speaking to the point of order raised by the Deputy Premier.

Mr BAILLIEU — I am, Speaker. The granting of leave to introduce this bill is about accessibility and accountability of this government and its agencies in regard to a project of intense interest to all Victorians. That is why now is the right time. Speaker, I invite you to rule the point of order out of order.

The SPEAKER — Order! I do not uphold the point of order, but I suggest to the Leader of the Opposition once again that this is a very narrow debate on the question that he have leave to bring in the bill. I will not hear political commentary that would be more acceptable if the bill were before the house to be debated.

Mr BAILLIEU — Indeed, Speaker. The government can choose to reject this motion — it can choose to stifle it and refuse leave by rejecting the motion — and if it does, it will reject the will of the people of Victoria. There is nothing to prevent the introduction of this bill, save for government members — and I invite them, particularly those with bayside seats, to consider it seriously. Briefings have been offered and given, and the bill has been in circulation. I ask government members to support this motion to allow the introduction of the bill, which is in Victoria's interests and certainly in the interests of those with a passion for Port Phillip Bay and with the intention of scrutinising the channel deepening project.

Mr INGRAM (Gippsland East) — Speaking on the motion — and I know it is a narrow motion — I think it is important that all members of this place, not just government members, have the opportunity to introduce private members bills and to have them presented to the house and, hopefully, debated. Unfortunately there is limited opportunity for members other than government members through the executive to have legislation introduced into the Legislative Assembly. I think that is a problem with our system.

It is important that the house is encouraged to provide leave to introduce the bill. The government has control over the business program, so it potentially has other ways of not allowing this debate to be brought on or preventing it from being debated in the future. What we

are discussing here is the opportunity for a member to have leave to introduce a bill, present it to the Parliament and have it considered. I support the Leader of the Opposition on the motion.

Mr Hulls — On a point of order, Speaker, in relation to the motion itself I seek clarification from you on whether you deem this to be a procedural motion and, therefore, whether the general rules that apply to procedural motions in relation to the number of speakers that are allowed will apply.

The SPEAKER — Order! I have deemed this a procedural motion. However, it is on a very narrow question — whether the Leader of the Opposition has leave to bring in the bill. There will be six speakers, with 5 minutes each. I have sought the Clerk's advice on that matter.

Dr NAPTHINE (South-West Coast) — I rise to support the Leader of the Opposition and the Independent member for Gippsland East on the motion before the house. The motion relates to allowing the Leader of the Opposition leave to bring a bill before the house. The fundamental nub of the argument is the importance and timing of the bill. I put it to you, Speaker, and to the house that this is an essential bill to protect the environment of Port Phillip Bay for the people of Victoria.

The SPEAKER — Order! I caution the member for South-West Coast that this is a very narrow debate on the matter of leave, not on the bill itself.

Dr NAPTHINE — Absolutely, Speaker; I take your advice. Therefore it is essential to argue why leave is needed and why it is needed now, so it is a matter of the timing of seeking this leave and why it is important that leave is granted now for this bill to be brought forward to be debated by the house.

The reason leave is needed now is that we are at a very critical time in the schedule of the channel deepening project. Yesterday it was announced that dredging will commence at 7.00 a.m. tomorrow. Yesterday the federal Minister for the Environment, Heritage and the Arts, Peter Garrett, made an announcement with regard to his approval for the channel deepening process. Yesterday we had the release of the environmental management plan.

The SPEAKER — Order! I suggest to the member for South-West Coast that those occurrences have nothing to do with the question that the Leader of the Opposition have leave to bring in this bill. As I have suggested to the Leader of the Opposition, they are more about the bill than the question of leave.

Dr NAPTHINE — No. With respect, Speaker, they are about the timing of this leave — and the timing is critical to why leave is needed. There was an approval process yesterday and there was a release of an environmental management plan, even though the minister responded yesterday to a half-concluded document — —

The SPEAKER — Order! I ask the member for South-West Coast to restrict his comments to the question before the house.

Dr NAPTHINE — And the question before the house is: why is leave needed to introduce this bill?

The SPEAKER — Order! The question is that the Leader of the Opposition have leave to bring in the bill.

Dr NAPTHINE — So the question is: why should leave be given so he can bring in this bill? That is the question.

The SPEAKER — Order! The Chair will not continue in this vein. The member can take the advice of the Chair and restrict his comments to the question before the house, or he can conclude his contribution.

Dr NAPTHINE — To date, nobody has argued why leave should not be given, why this bill is not important and why this bill, which will introduce real-time environmental monitoring to protect the bay, should not be debated and not be debated now.

The SPEAKER — Order! That is not the question before the house. The question before the house is that the Leader of the Opposition have leave to bring in the bill.

Dr NAPTHINE — The argument I am putting is to why this bill is important and why leave should be given. I think that is a relevant argument that the Parliament ought to hear.

The SPEAKER — Order! I suggest to the member for South-West Coast that the time for debate on why the bill is needed is when the bill is before the house, not the question that leave be given to bring in the bill.

Dr NAPTHINE — The motion from the Leader of the Opposition is:

> That I have leave to bring in a bill for an act to amend the Port Services Act 1995 and for other purposes.

I am arguing why leave ought to be given for that — to make sure we have proper environmental monitoring to protect Port Phillip Bay and to prevent the channel deepening project from buggering up the bay because

of the lack of environmental monitoring that is being imposed by this government.

The SPEAKER — Order! This morning it has already been suggested to the member for South-West Coast that unparliamentary language will not be allowed. I consider the term that he has just used to be unparliamentary.

An honourable member — Which one?

The SPEAKER — Order! I will not repeat the term.

Dr NAPTHINE — We are not allowed to say 'bugger the bay' — —

Honourable members interjecting.

The SPEAKER — Order! I refuse to hear the member for South-West Coast.

House divided on motion:

Ayes, 33

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms
Napthine, Dr	

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Andrews, Mr	Hudson, Mr
Barker, Ms	Hulls, Mr
Beattie, Ms	Langdon, Mr
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carli, Mr	Lobato, Ms
Crutchfield, Mr	Lupton, Mr
D'Ambrosio, Ms	Maddigan, Mrs
Donnellan, Mr	Marshall, Ms
Duncan, Ms	Merlino, Mr
Eren, Mr	Munt, Ms
Foley, Mr	Nardella, Mr
Graley, Ms	Neville, Ms
Green, Ms	Noonan, Mr
Haermeyer, Mr	Overington, Ms
Hardman, Mr	Perera, Mr
Harkness, Dr	Pike, Ms
Helper, Mr	Richardson, Ms
Herbert, Mr	Robinson, Mr
Holding, Mr	Scott, Mr
Howard, Mr	Seitz, Mr

Motion defeated.

Leave refused.

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Water, the Deputy Premier, the Leader of the Opposition and the member for Kororoit. The Chair will be shown respect by all members in this house.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Before calling the member for Gippsland East I wish to advise the house that under standing order 144 notices of motion 85 to 95 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Frankston Hospital: urology unit

To the Legislative Assembly of the Parliament of Victoria:

Residents who require treatment in the area of urology are currently required to travel to Clayton to seek medical assistance. The absence of a urology unit at Frankston Hospital is discriminative to residents who require medical assistance.

We, the undersigned concerned citizens of Victoria, ask the Legislative Assembly of Victoria to request the Victorian government to provide a urology unit at Frankston Hospital as a matter of priority.

By Mr BURGESS (Hastings) (623 signatures)

Rail: Stony Point line

To the Legislative Assembly of the Parliament of Victoria:

During November 2006 state election the Victorian government gave a commitment to install new Sprinter trains on the Stony Point to Frankston rail line by the end of 2007.

We, the undersigned concerned citizens of Victoria, ask the Legislative Assembly of Victoria to request the Victorian government to honour its commitment to install the new Sprinter trains on the Stony Point to Frankston rail line as a matter of priority.

By Mr BURGESS (Hastings) (84 signatures)

Police: Somerville station

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

The humble petition of the undersigned citizens of the state of Victoria sheweth:

That the allocation of police resources in Somerville is woefully inadequate and is placing the health and safety of Somerville residents along with residents of surrounding communities such as Baxter, Tyabb and Pearcedale at significant risk.

At present Somerville has no police station and despite their best efforts the wonderful neighbouring police forces of Frankston and Hastings are stretched by many demands and find it difficult to provide the service which they would like to provide.

In particular the rapid growth in population experienced by both Somerville and surrounding townships will further exacerbate this very real threat to local law and order.

Your petitioners therefore pray that the Brumby government urgently fund the establishment of a fully manned, 24-hour-a-day police station in Somerville to service the local and surrounding communities as a matter of vital importance.

In addition, we seek extra police for the current Hastings police station.

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

By Mr BURGESS (Hastings) (39 signatures)

Tabled.

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

DOCUMENTS

Tabled by Clerk:

Auditor-General — Local Government: Results of the 2006–07 Audits — Ordered to be printed

Essential Services Commission:

Review of Port Planning

Water Tariff Structures Review

Subordinate Legislation Act 1994 — Minister's infringement offence consultation certificates in relation to Statutory Rules 151, 152, 153.

MEMBERS STATEMENTS

Water: environmental levy

Ms ASHER (Brighton) — I draw to the house's attention the failure by the government to properly manage the environmental contributions collected from water authorities. Originally the levy was to be introduced from October 2004 to June 2008, and that has now been extended to June 2012: $227 million was to be raised from 2004 to 2008, and $295 million in the subsequent years, yielding a total of $522 million. The last three Department of Sustainability and Environment annual reports have shown a total of $137.3 million being expended under this levy.

As the Liberal Party claimed at the time, the reporting requirements for this were sloppy. The money has been diverted into items that sit more easily in consolidated revenue. For example, $2 million has been expended on something called a 'legislative program'; $2 million-plus has been spent on 'urban water regulatory reform'; approximately $1 million has been spent on 'institutional/mergers'; $2.7 million has been spent on 'sustainable water strategies; and $214 000 has been spent on 'Lake Mokoan investigation', which is a project the locals do not want.

We claimed at the time that the environmental levy was a slush fund, but it is the worst type of slush fund. It is a slush fund to boost consolidated revenue.

Monbulk Aquatic Centre: upgrade

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to congratulate the local Monbulk community, which has campaigned for a number of years for a substantial upgrade to the Monbulk Aquatic Centre. The Brumby government has just provided $837 500 to redevelop the centre, which will give it a breath of new life and provide a better facility for local residents to swim, play and socialise at. The Shire of Yarra Ranges has also contributed $1.7 million to the project. This is a fantastic demonstration of how the state government and local council are working together to benefit the community.

Speaking of the aquatic centre, I would like to acknowledge the leadership shown by the Monbulk Aquatic Club's Gabbi Mitchell and wish the best of luck to the 11 members of the squad who are competing in the state sprints this weekend at the Melbourne Sports and Aquatic Centre. The team includes Leigh Yellard, Caitilin Latto, Damon Daroidis, Josh Latto, Phoebe Yellard, Mitchell Lowe, Dominick

Edwards-Brown, Lachlan Mitchell, Kathryn Hender, Hillary Duff and Emily Fitzgerald.

Julie Howard

Mr MERLINO — The residents of Selby can be very proud of local activist Julie Howard and the campaign she has undertaken to improve road safety in their community. Julie has worked tirelessly to improve road safety for motorists and pedestrians at the Belgrave-Gembrook Road and Charles Street, Selby, intersection.

Julie has organised public meetings, collected petition signatures and ensured the cooperative involvement of the Shire of Yarra Ranges and VicRoads. The Brumby government has committed $69 000 to the project, which will provide for a concrete median strip and splitter island and improve delineation at the intersection. This project will make Selby safer, and it is a great demonstration of how local communities provide advice and support to government on important issues such as safety, infrastructure and community development.

Water: north–south pipeline

Mr WALSH (Swan Hill) — I condemn Brumby government ministers for their deliberate and continuing strategy of denigrating country people. What right does the government have to think it is above the law of common decency? I thought that in a democracy individuals had the right to question government decisions. If you live in country Victoria and exercise that right, according to the leader of government business in this house you are an ugly, ugly person. If you sign a petition against the building of the north–south pipeline because you believe it will rob your community of wealth and jobs, you are, according to the Minister for Water, a quasi-terrorist and a member of a sorry bunch of people.

If you are a councillor representing your shire at the Municipal Association of Victoria conference, you will have the Treasurer forcing his way into the debate to lecture you and tell you that if you support a motion against the north–south pipeline, there will be no money for country Victoria. You will be lectured and told that unless there is a benefit for Melbourne, the Brumby government will not spend anything in country Victoria. Country Victorians have a right to stand up to the arrogance of this government. I suggest that there needs to be an anger management course for some cabinet ministers and some lessons in common decency.

Country people are not 'ugly, ugly people', they are not quasi-terrorists in supporting their community in the right to be heard, and they are most definitely not a sorry bunch of people. I remind the Minister for Water that the majority of people do not support the Brumby north–south pipeline.

Monash Medical Centre: equipment

Mr ANDREWS (Minister for Health) — On 21 January I was very pleased to visit the Monash Medical Centre in Clayton — the latest of many visits I have made to that fine facility — to announce new funding for some important medical equipment. I was pleased, obviously, as Minister for Health, but also as a local member of Parliament and someone who lives in that community. It is a great boost to facilities at that particular health service.

Some $2.159 million is provided to purchase, among other items, 259 new high-tech beds to increase patient comfort; 3 new patient hoists; 6 physiological monitors; other 24-hour monitoring system equipment; 11 defibrillators, and other important equipment. It is all important equipment to help provide better care, to treat more patients, and to improve the patient experience at Monash Medical Centre.

This is part of the $3.7 million provided to Southern Health in a broader sense in this year's round and takes the total commitment of this government to providing medical equipment across Southern Health since 1999 to more than $16 million. That comes on top of a new $10 million emergency department at Monash Medical Centre together with record funding right across Southern Health — 101.5 per cent additional funding for more nurses and more doctors to treat more patients and provide better care.

This is all about the way in which our government has invested to support one of the busiest health services — in fact the biggest health service — in our state. We are proud of our investment. There is more to be done, but this is a great example of our commitment to continuing to work to support Southern Health, particularly Monash Medical Centre, and all who use the first-class services provided there.

Housing: youth homelessness

Mr KOTSIRAS (Bulleen) — Over the last few months I have visited a number of key youth organisations to get a clear indication of the level of failure of this Labor government. I challenge the Minister for Sport, Recreation and Youth Affairs to do the same. He will be surprised at his government's

failure to deal with the many problems facing our young people.

While this government sits on its hands, is happy to print colour brochures of the various ministers, and arranges Hollywood-style media stunts, some of our young Australians are struggling to find a place to sleep. Teenagers are the fastest growing group among Victoria's homeless. Nearly 40 per cent of the total homeless population of Australia is aged between 12 and 24; and over 25 per cent of them are young people aged between 12 and 18. The main reason that young people are in search of a place to sleep is relationship or family breakdown, often through violence and abuse. Yet when this occurs they might have no-one to turn to, depending on the time of day.

This uncaring Labor government has not increased real funding for our homeless youth over the last eight years, nor has it established practical programs that have made a difference. If we are to give these young people a chance, this Labor government needs to commit to providing more housing options and to increasing funding to agencies that work with the homeless. These organisations are doing a superb job, but often they have to resort to begging or simply relying on volunteers to get some accommodation and assistance for young Victorians.

This heartless government needs to take immediate action. It must work with the key stakeholders to improve the problem of youth homelessness. Strategies must include — —

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

Western suburbs: achievements

Mr HAERMEYER (Kororoit) — I want to use the opportunity today to pay tribute to the people of the western suburbs. Over the weekend I had the opportunity to attend the 60th birthday party of an icon and favourite son of the western suburbs — Les Twentyman. He has certainly done a great deal for the western suburbs.

When you look at the western suburbs — which are often talked down by a lot of people — what comes to mind are some of the great sports heroes, the Olympians, the academics, the industrialists, the people in the creative arts and the educators who have come from the western suburbs. Of particular note are those involved in sports, such as Doug Hawkins and Mark Viduka, the captain of the Australian soccer team, who was an inspiration to every kid in the western suburbs and showed that any kid from the western suburbs can go out there and achieve great things. Even someone like Tony Maticevski, one of the up-and-coming young Australian designers on the international scene, has a huge presence.

The western suburbs are the cradle of a great deal of industry, enterprise and innovation. They are the heartland of our manufacturing sector. But more than that, they are the place where everything is happening in Melbourne at the moment. The western suburbs have some great areas developing and are a great place to live. We are developing a whole lot of diversity in terms of the industries that are out there. The western suburbs are truly the place to be. If anybody wants to put the western suburbs down, I will come after them with a metaphorical baseball bat.

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

Police: Mornington Peninsula

Mr BURGESS (Hastings) — Next Tuesday morning the community, local police officers and the Police Association will hold a public meeting at the Peninsula Lounge, Moorooduc, in my electorate to deliver a blunt message to those further up the police corporate ladder and the state government that police resourcing on the Mornington Peninsula and across the state is in crisis. In fact the meeting has been dubbed 'The state of crisis'.

Why in 2008 does this argument still rage about police resourcing? The community and grassroots police officers know all too well that police resources are at crisis point, while police command and the state government say everything is fine. In the most base terms Victorians are paying this government ever-increasing amounts of money in taxes to look after them, and they are being demonstrably short changed. Grassroots police officers risk their health and safety every day in increasingly unsafe work environments to protect a public they have sworn to serve.

I invite the chief commissioner, the Premier and the minister to attend this meeting and to really listen to what the community and local police are saying. Police command and the state government will have another opportunity next Tuesday to listen to the community and will ignore this opportunity at their peril.

Karen Jensen

Mr BURGESS — I would like to express my deep sadness at the passing of Karen Jensen of Crib Point after a courageous battle against cancer. We were all

inspired by the love and support Karen received from the community and her family, especially from her devoted mother, Lois. Karen touched her community, and her life had true meaning. She will be sadly missed but never forgotten.

Peter Dowe

Ms MUNT (Mordialloc) — I wish today to raise two issues of significance to my local area where local people have made a wonderful contribution to our community. Peter Dowe is a local man who was moved to take action on pedestrian safety by the tragic death of a pedestrian who was struck by a bicycle on Beach Road, Mentone. Because of his tireless efforts since that time changes will be made to improve safety at this crossing. Mr Dowe has coordinated with Kingston council and VicRoads to plan for preventive measures including two painted warning signs on the asphalt, a car park approach to the crossing, perhaps bollards, a cyclist sign and pedestrian warning signs on either side of the crossing on Beach Road. I say, 'Well done, Mr Dowe'. I thank you for your work and dedication to pedestrian safety in our local area.

Friends of Mentone Station and Gardens

Ms MUNT — I would like to congratulate the Friends of Mentone Station and Gardens for their many hours of volunteer work at the Mentone train station. Their advocacy has been instrumental in supporting my efforts to secure our government's support for improved facilities and services at the station. It is now a premium station, is manned from first train to last and is currently undergoing capital improvements. Grants from government for the forecourt gardens, many hours of volunteer work by the Friends of Mentone Station and Gardens and regular community working bees have made our heritage train station a jewel in our community's crown. I am also pleased that community workers from the Moorabbin courthouse are now helping with these endeavours.

South Gippsland Highway: floodproofing

Mr RYAN (Leader of The Nationals) — I rise to urge the government to act as a matter of urgency to floodproof the South Gippsland Highway between Sale and Longford. The highway was closed for several days in each of two flood events last year during the months of June and November.

When these events happen they cause little less than chaos for the people who usually cross that section of the highway for the purpose of living their lives in the general course of things or to conduct business. People who live in Longford and beyond often need to travel that section of road on a number of occasions each day. I have put the case to the government that work to floodproof the road needs to be undertaken as a matter of urgency. It will cost several million dollars, but it will ensure that the money already spent by this government — to its credit, totalling about $20 million — in building bridges to cross the La Trobe and Thomson rivers is able to be realised to its full value.

Many individuals and organisations in the community are supporting the drive for this work to be done. The representation I have received from ExxonMobil has been on the basis of the enormous confusion caused to general operations at its plant at Longford when the road is closed. The Royal Australian Air Force has similar issues with its personnel. Many other people in this region also need this work to be done urgently.

Moonee Valley Relay for Life

Mrs MADDIGAN (Essendon) — This weekend the ninth Moonee Valley Relay for Life will be held. It is a charity event to raise funds for the Cancer Council Victoria. I would like to congratulate the two conveners of the Moonee Valley Relay for Life, Tony Hardy and David Wenig, on the great work they do in getting this community event together — and indeed the Essendon Football Club. This is the second year the club has been a part sponsor of the relay, and in fact we now use the Essendon Football Club ground to have our relay.

This relay has been very successful. In the nine years it has been running it has raised $1.5 million for Cancer Council Victoria, which is the second highest amount raised by relays for life around Victoria. It has had 340 teams and 6800 participants. We in the Labor Party have a team, and have had since 2000, which is very aptly called Labor Legs. I invite any members in this house who would like to come and join us on Friday night at 6 o'clock to participate in our walk around the Essendon football ground — —

Dr Sykes interjected.

Mrs MADDIGAN — Perhaps there are some ex-footballers from the National Party who have a particular link with the Essendon football ground who might like to come and join us. You do not have to be a member of the Labor Party to go in the Labor Legs team, so I am more than happy to invite all my colleagues to come and join in this great event. I congratulate the organisers of it.

Racial and religious tolerance: anti-Semitism

Mrs SHARDEY (Caulfield) — The issue I raise this morning relates to the fight against anti-Semitism in Victoria. For all the fine words that have been uttered in this place, the real fight against this insidiousness is far from over. Anti-Semitism has been alarmingly on the rise, particularly in my electorate, with young fathers and teenage boys being bashed and hit with baseball bats in Caulfield's local streets in what, it is strongly believed, are race-hate-induced crimes which have rendered parents and families fearful for their safety as they go about their daily business.

The most obvious race-hate crime of assault has not been dealt with under the Racial and Religious Tolerance Act, and unlike New South Wales, Victoria does not have a police hate crime unit. I am told that the reason is that Victoria Police, despite all the evidence, does not believe racially based hate crime is occurring in this state. I was staggered to hear of this after the Menachem Vorchheimer case and after a weekend recently when rocks were thrown at Glicks bagel shop in Balaclava Road, swastikas were graffitied on a Caulfield synagogue and swastikas and the letters 'SS' daubed on a phone booth in Bambra Road, Caulfield.

It was these matters that I raised in a private meeting with the United States special envoy on anti-Semitism, Dr Gregg Rickman, who was appointed by the US Secretary of State. Dr Rickman was in Australia to monitor the rising number of attacks on the Jewish community, which have increased to 638 across the nation and are twice the previous annual average.

Erin McLoney

Ms MARSHALL (Forest Hill) — The young citizen of the year award is an award given on Australia Day to acknowledge people who have demonstrated passion, enthusiasm and commitment to helping others in the city of Whitehorse. One of those who received this great honour this year is Erin McLoney, a Forest Hill constituent.

Erin is a 24-year-old single mother who has overcome significant barriers in her own life, including homelessness, drug addiction and raising her daughter, Dakota, on her own. Erin received the Whitehorse young citizen of the month award in April 2007 for her involvement in the Family Access Network's young mum's group. Originally joining to reduce the social isolation in her life, Erin was able to form positive relationships and went on to become a role model for other young mothers.

During 2007 Erin successfully completed year 11 at Box Hill TAFE and this year will complete year 12. Erin's five-year-old daughter, Dakota, also started her school life this year. But Erin feels she is in control of her own destiny, and it was this positive attitude that contributed to her being named the Whitehorse young citizen of the year.

Bette Ellis

Ms MARSHALL — The community achievement awards are given to Whitehorse residents who show remarkable dedication to working within our community, most commonly without remuneration or recognition. The Forest Hill electorate is served by so many people who enrich our lives and create the great community that we are so fortunate to live in. One of these volunteers is Bette Ellis. Bette has been involved with the Louise Multicultural Community Centre for more that 15 years. Although suffering bouts of ill health, she is a very popular volunteer with staff and students alike. Congratulations to all.

Parliament House: public protest

Mr K. SMITH (Bass) — Yesterday's protest, both outside and inside Parliament House, was brought about by the total frustration of people at the contempt shown by the Premier for the people of Victoria. He says he is the action man and thinks he can make decisions that may ruin people's lives and livelihoods without having a proper discussion with them about their genuine concerns.

Yesterday a representative group of Victorians from many different concerned groups gathered on the steps of Parliament House. No, it was not a big group and it was not meant to be, but it was from various groups protesting about the Premier's apparent contempt in ignoring their concerns on a large number of issues. The Premier could have gone out onto the front steps and spoken to them, as many of the other leaders did, but he did not bother. I bet he would have been there with bells on if it had been a bunch of people of the likes of Brian Boyd or Sharan Burrow, ragtag union thugs to whom he owes so much. But no, the Premier hid himself away from his Victorian people because he did not have the guts to go out and face them.

It is no wonder they took the opportunity to come into the public gallery of their Parliament to hear if the Premier would answer questions in question time. I am sure they were not surprised to learn he does not give answers in Parliament either, so the protesters should feel some degree of comfort from knowing he shows

the same absolute contempt for the Parliament and for the people of Victoria and treats all the same way.

Australia Day: Williamstown electorate

Mr NOONAN (Williamstown) — I rise to congratulate a number of local residents and a youth group for being recognised as part of the recent Australia Day celebrations.

Rising star Danny Alsabbagh was the co-recipient of the young citizen of the year award. Danny recently played the role of Toby in the acclaimed ABC comedy series *Summer Heights High*. A student with Down syndrome, Danny is part of a local group called Be Yourself, using recreational activities to connect young people with mild to moderate disabilities. Danny is an inspiring example of a young person who refuses to accept that a so-called disability should in any way limit his desire to achieve his goals in life.

Co-recipient of the young citizen of the year award, Fusion Dance Alliance, is a group created for and by Pacific youth, running support programs and dance classes in my area. Importantly the group's work provides a positive, creative, safe and culturally friendly space for our Pacific youth.

Joseph Attard was awarded the Hobsons Bay citizen of the year for his tireless volunteer service to the community spanning almost five decades. Mr Attard has worked hard to establish support services for multicultural communities including welfare services, interpreters, counselling, and learning and development opportunities. Amongst his many achievements, Joseph founded the Westgate Migrant Resource Centre and Maltese Association of Hobsons Bay. Having dedicated his life to these causes, Joseph Attard also received the highest medal from the Maltese government last year, a national order of merit.

Life-sustaining medical treatment

Mr CLARK (Box Hill) — The *Journal of Law and Medicine* has recently reported a tragic Victorian case where a patient had food and fluid withdrawn by doctors, leading to the person's death, in violation of her Aboriginal cultural beliefs. This follows two previous appalling court decisions that feeding a person by stomach tube is medical treatment rather than the provision of food and water and thus can be terminated despite Parliament's intention to the contrary, and that medical treatment can be withheld from a disabled person in order to bring about that person's death without need for evidence the person would have wanted treatment withheld.

Over the course of the past 20 years we first said people should have the right to refuse life-sustaining treatment for themselves. Then we said others could refuse such treatment to give effect to their wishes. Then it was said such treatment could be terminated without evidence of their wishes. Now some courts and doctors are saying that not only medical treatment but also the fundamentals of food and water should be withheld from patients, against the wishes of patients and their families, so as to bring about their death.

As ethicist Dr Leslie Cannold pointed out in the *Age* of 31 December, claims of so-called futility are being used by some doctors to trump the wishes of patients and families and to impose the doctors' own views about the value of the patient's life. For these patients and families so-called voluntary death with dignity has become compulsory death without dignity.

Elderly and frail Victorians are entitled to enter our hospitals with confidence that they will receive the treatment and care they need and want so far as medicine is able, rather than having to fight to obtain treatment from doctors who think they would be better off dead.

Australia Day: Melton

Mr SEITZ (Keilor) — This year I was invited by the newly elected mayor of Melton, Bruce Rowan — I congratulate him on his election to this high position — to the Australia Day celebrations conducted by the Shire of Melton in the presence of the Deputy Prime Minister, Julia Gillard, and my parliamentary colleague and friend the honourable member for Melton.

The shire conducted the Australia Day celebrations in an exemplary manner. The celebrations involved the whole community and included a multicultural aspect. They also involved presentations to the various volunteer community groups on the day, which is a significant part of the Australia Day celebrations. The Shire of Melton has a large number of volunteer groups that have been recognised for the services they provide in our community to improve the living standards, the environment and the like.

I commend the Melton Shire Council on the way it is operating and also the staff. I congratulate them. When I attend functions and activities in the shire I am always impressed with the level of cooperation and the way the community embraces the work that is carried out by its municipal council, particularly in maintaining its environment in that part of my electorate.

Rail: freight network

Dr SYKES (Benalla) — Last week I attended a Rural Press Club luncheon to listen to Tim Fischer, former leader of the federal National Party and former Deputy Prime Minister, speak about the recent Victorian rail freight network review. Also present was The Nationals member for Mildura and Ms Jillian McGillivray, electorate officer for The Nationals member for Murray Valley.

Mr Fischer is an amazingly talented, energetic and competent person with a passion for railways and a fierce desire to see them prosper and contribute to the economic wellbeing of Victoria and Australia.
Mr Fischer raised two major concerns. The first is the north-east corridor, where for 200 kilometres between Seymour and Wodonga a broad-gauge rail track runs parallel to a standard-gauge track. The failure to duplicate the standard-gauge track is creating bottlenecks and resulting in major disruptions to the national rail freight distribution network.

What is most disturbing is Mr Fischer's statement that it is V/Line which is being extremely obstructive in negotiations that are attempting to address this critical concern. A second serious issue is the failure to connect all bar the Mildura rail line directly to the docks. This means the vast majority of rail freight is offloaded onto trucks for a journey of a few hundred metres to the docks to then be shipped. It amazes me that this gross inefficiency still occurs. I call on the Minister for Public Transport and the Minister for Roads and Ports to immediately address these issues.

Chinese Community Council of Australia

Mr LIM (Clayton) — The Victorian chapter of the Chinese Community Council of Australia was officially launched on Thursday, 17 January, at the Chinese Museum with the participation of many leaders of Chinese community organisations and media representatives. The establishment of the Victorian chapter of the CCCA is to take on the advocacy of issues concerning the Chinese community in Australia in the true sense of that word by connecting their actions at a national level. The Sydney-based national president of the Chinese Community Council of Australia, Dr Anthony Pun, OAM, who came down to attend the launch, congratulated Victoria on taking this important initiative for the Chinese community. He hopes that all other states around Australia will follow suit.

I wish to congratulate Dr Stanley Chiang, Wesa Chau, Iris Wang, Jieh-Yung Lo, Douglas Soi and Li Gen, who were elected to the executive of CCCA Victoria, and wish them all the very best for the future. The task of the Chinese Community Council of Australia will be tremendous in terms of the growing number of Chinese settlers coming to this country. There will be challenges and rewards in the task ahead. I wish them all the very best in their undertaking.

Planning: Mornington Peninsula

Mr DIXON (Nepean) — Melbourne's planning laws are not suitable for the Mornington Peninsula. That is the simple message the community I represent wants to get across to this government. Over the past 12 months a veritable queue of developers have been lining up to exploit these laws on the Mornington Peninsula. The peninsula has a unique environment and ambience. It is not a pile of suburbs lumped together like Melbourne. It is made up of a series of coastal towns and inland villages, each with its own character. Melbourne 2030 does not deal with this; therefore developers can come up with developments that are totally out of character with the peninsula but allowed under 2030.

Shoreham residents have recently raised over $70 000 to try to stop their one-room post office — one of only two shops in the town — from being turned into a massive three-storey retail and apartment block with no setback. The same developer is now seeking to do the same to the other shop in the town, the general store. Hundreds of people attended a community meeting at Red Hill on Australia Day to protest against the proposed development of 25 apartments, a tavern and epicure centre in Red Hill South.

In Rosebud a developer wants to build a 350-seat restaurant complex and apartments on the Rosebud foreshore while only allowing for approximately 30 car parks. The tallest building in Dromana is two stories, yet a developer wants to build an eight-storey building. There is an application for another huge retail and apartment complex in the tiny McCrae Village, not to mention constant assaults on the charm of Flinders Village. The Liberal Party has consistently stood for a separate planning scheme for the Mornington Peninsula. Labor has pinched 40 of our policies recently. How about it pinching this one?

St Mary's House of Welcome

Mr LANGUILLER (Derrimut) — I wish to express my appreciation of St Mary's House of Welcome, which is a drop-in centre opened by the Daughters of Charity in 1960. The centre provides meals, activities, psychiatric and disability support,

social work services and a sense of community for homeless people and people with mental health issues. I extend my appreciation to the chief executive officer, Tony McCosker, and the staff for the great work they do and for inviting me each year to do some voluntary work, giving me the opportunity to work with and meet people who unfortunately have to face homelessness.

The majority of the people who use St Mary's House of Welcome are suffering from a personal crisis generally caused by poverty, mental illness and/or relationship breakdown. Between 250 and 350 people access St Mary's House of Welcome every day. It provides of the order of 85 000 individual food services each year, including over 40 000 served meals. It also provides some 260 social worker contacts and more than 5000 episodes of care. It assists people suffering with mental illness through a psychiatric disability rehabilitation program that can cater for 120 individuals at any one time.

Homelessness does not discriminate. It can happen to anyone at any time. Family breakdown, domestic violence, disability, ill-health and a sudden loss of income are just some of the reasons.

Aldercourt Primary School: community development

Mr PERERA (Cranbourne) — I congratulate the principal, Susan Schneider, staff members and the school council of Aldercourt Primary School, who are taking — —

The ACTING SPEAKER (Ms Beattie) — Order! The time for members statements has now ended.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

> That grievances be noted.

Major projects: freedom of information

Ms ASHER (Brighton) — I grieve for the loss of transparency and the government's desire to cover up its incompetence in managing major projects. I wish to run through the details of an FOI application just to acquaint the house in the first instance with the history of this particular case.

On 22 July 2005 I lodged an FOI application for the quarterly performance reports on major projects, my previous portfolio, for 2004 and 2005. On 14 September 2005 my request was denied. Four reports, I was advised, had been identified. The request was denied in the following terms:

> The reports have been prepared with the specific purpose of informing the whole-of-government report furnished to the expenditure review committee of cabinet … by the Department of Treasury and Finance. The reports contain information that has been considered by cabinet.

That was my advice. Obviously I then applied for an internal review, and on 6 October 2005 the request was again denied. However, most interestingly, another two reports were found, and the letter advising me of this said the following:

> In addition to the reports identified by Ms Grech, two additional reports have been identified as falling within the scope of your request. These are quarterly performance reports for the March 2004 and June 2004 quarters.

That raises the question of how, when an FOI request is for quarterly reports and the period of the FOI request clearly covers six quarterly reports, a department could in the first instance identify only four quarterly reports. The department, in its wisdom, has discovered another two reports, but I have to say that that in itself sheds even further doubt on the way FOI requests are being handled by this government. However, there is more. On 11 April 2006 I had a threat of costs in relation to the VCAT (Victorian Civil and Administrative Tribunal) case. Again I quote directly from the government's document:

> The application should be dismissed with costs.

It is a tradition that members of Parliament are not threatened with costs over the function of their normal parliamentary duties, which in opposition include, of course, to hold a government to account. Notwithstanding that threat, I was told that was all a terrible mistake and I was not going to be threatened with costs. On 19 and 23 June the matter went to VCAT. On 17 July 2006 Judge Davis ruled in my favour and said that the document should be released. I quote from her rulings as follows:

> Furthermore, the document will be exempt if one of the substantial purposes for which it was prepared was for the purpose of submission for consideration by cabinet.

But Judge Davis went on to find that:

> … it is clear on the evidence before me that the disputed documents themselves were not submitted by DTF to the relevant quarterly ERC meetings, but that on each occasion DTF supplied a new and different document …

She also went on to say as part of her ruling:

> I am not satisfied that at the time of preparation a substantial intention was that the disputed documents would be submitted to ERC. Even if I accept that this was a substantial intention of DOI, I am not satisfied in the circumstances of this case that such submission was submission for consideration by the ERC. Rather, I consider that the disputed documents were prepared substantially for the purpose of enabling DTF to prepare another document, the whole-of-government submission, which was to be considered by ERC.

The ruling was very clear, and obviously I expected documents to be forthcoming as a result of that. But no, that was not the case. The government decided — this so-called honest, transparent and open government — that it would challenge VCAT's decision, and I was informed that the government wanted to go to the Court of Appeal on 8 August 2007.

On 14 August I was again absolutely flabbergasted to receive the following documentation from the government, that being that I was also going to be hit with costs on a Court of Appeal case. Again I quote from the document:

> The respondent pay the appellant's costs.

I have to say I am not Evan Thornley — I do not have a spare $280 000. This is the Court of Appeal. I won the case at VCAT; the government decided to challenge and then threatened me with costs on a Court of Appeal case. Obviously it is not within the financial capacity of members of Parliament — and VCAT cases would be expensive enough — to fund government costs for a Court of Appeal case.

When I raised an objection, obviously, I then again — this is the form of this government — received a notice that, notwithstanding that, it was not after costs at all. The fact that the media was aware of this threat perhaps had nothing at all to do with the government withdrawing the threat of costs.

Anyway, the Court of Appeal case was heard and a judgement was given on 4 December 2007, and again the government was ordered to release documents on the basis that the documents were not cabinet documents. I just want to briefly refer to those decisions. Justice Buchanan said that:

> … the reports were not prepared for the purpose of submission for consideration by the … ERC … but for the purpose of providing raw material which might be used in the preparation of another document that was to be submitted for consideration by the ERC.

He also found:

> In my opinion the construction advanced by the appellant is strained. It takes the word beyond deliberations of cabinet to the topic which produces cabinet deliberations.

He went on to say:

> The reports revealed information about the performance and requirements of government departments, but said nothing about the deliberations of cabinet.

Justice Vincent found in a unanimous decision:

> The documents under consideration were not and did not purport to be other than what they were — quarterly asset performance reports. They were not drafts of anything and did not become so because information or passages in them were used in the creation of another document.

Justice Redlich found that:

> Each of the reports consisted primarily of information. There was nothing in those documents that gave rise to the inference that the information contained within them had been placed before cabinet or that any of it had been the subject of cabinet consideration … The deliberative process involves the weighing up or evaluating of the competing arguments or considerations that may have a bearing upon cabinet's course of action — its thinking processes — with a view to the making of a decision. It encompasses more than the mere receipt of information in the cabinet room for digestion by cabinet ministers then or later.

That was the decision. It will come as no surprise to members of this chamber that the government was ordered to release the documents and of course waited until the last day to do so, which was 2 January 2008. This whole process took two and a half years.

The documents have of course revealed some quite substantial information, not only about the government's management of major projects but also about the government's transparency. The first of the four reports released to me — and these are reports dated March 2004, June 2004, September 2004 and December 2004 — do not even have any charade or pretence about being cabinet documents. There is no marking and no stamp on them — nothing at all — about cabinet in confidence. The last two reports miraculously do. The reports dated March 2005 and June 2005 have the title 'Cabinet in confidence'.

A quarterly report is either a cabinet document or it is not, so what is revealed by these documents is that for the first four of them the department — the government — was prepared to have them treated just as so-called usual documents, but then this charade was introduced where they were stamped 'Cabinet'. Of course that is the opposition's point, and again this has been found by VCAT and by the Court of Appeal. The government is simply calling documents cabinet documents when they are not cabinet documents — which was something that the previous Premier and the Attorney-General said was going to be put to an end in

1999, but it has not been. The practice by this government is still continuing in a very blatant way.

On the more substantive issue, these documents are a damning indictment of this government's failure to manage major projects, at significant cost to Victorian taxpayers. It appears to me that this committee looking at these quarterly reports is almost a committee set up to manage the mismanagement associated with major projects. To make it look as if the government has been performing better in major projects, a whole raft of minor projects have been dragged into the definition of major projects. For example, to give the impression that the government is actually performing better than it is, motorcycle safety has been listed as a major project, and of course that one is on track.

I advise the house that in the March quarter of 2003–04, 32 projects were listed; 16 were late, over budget or both, and an additional 6 were at risk of being in that category. In the June quarter 2003–04, what we see is 34 projects listed; 16 were late, over budget or both, and another 6 were at risk of being late, over budget or both. Gee, that sounds like opposition terminology! One wonders whether, if this material ever went to cabinet, cabinet members would be duped by the inclusion of a range of minor projects to try to dilute the abysmal performance of the government.

For the 2004–05 September quarter there are 39 projects listed, 18 of which were late, over budget or both and 6 of which were at risk of being late, over budget or both. For the December quarter 35 projects are listed — the number was increasing, more minor projects were getting in — with 20 being late, over budget or both and 3 at risk. For the March quarter 41 projects are listed, 22 of which were late, over budget or both, with 6 at risk. For the June quarter 38 projects are listed, with 24 projects late, over budget or both and 5 at risk. The most significant delays and budget overruns were for fast rail, the Craigieburn rail electrification, the reintroduction of country rail passenger services and the Lascelles Wharf project.

It is in relation to channel deepening that I will make a couple of concluding comments. This was first listed in the September 2004–05 quarter as a low-risk project. The completion date was initially set for May 2007. In the December quarter of 2004–05 more information was given. The original cost of this project was $448 million, which shows how much this project has blown out. I refer to a press release from the then Minister for Transport, which said that the total project value of channel deepening is estimated at between $350 million and $450 million. The project had not even started, so you can see the progression of the blow-out. We were then told that the completion date would be December 2006. I draw the house's attention to a press release from then Minister for Ports in the other place, Candy Broad, who said:

> … I would expect channel deepening to be completed during 2005–06.

The ministerial press releases are completely aligned with the information in these reports. At one stage the start date for channel deepening was to be March 2005. The completion date is now 2009–10, according to the minister in a press release of 21 December 2007.

In conclusion, I say again that the government can put out all the press releases it wishes to claiming it is honest, open and transparent; its conduct is vastly different. There are umpteen cases — and this one is a classic case of this lie — of the government claiming that documents are cabinet in confidence when they are not. In this instance the Victorian Civil and Administrative Tribunal found that the government was not being transparent, as the documents were not cabinet documents. That has been substantiated by the Court of Appeal.

I again make the comment I made in the debate on the Freedom of Information Amendment Bill yesterday: this government has adopted a number of practices in its handling of FOI which are unsavoury and which fly in the face of democracy. Threatening opposition members of Parliament with costs is outrageous. Simply calling documents cabinet documents when they are not is outrageous. The government is corrupt in its handling of FOI.

Liberal Party: factionalism

Mr NARDELLA (Melton) — Today I again grieve at the factionalism in the Liberal Party. This is the third instalment of this sorry saga. I quote:

> We've got a plan and we're going to stick to that plan …

Who said this? It was the Leader of the Opposition, as quoted in an article by Rick Wallace in the *Australian* of 28 December last year. The article is entitled 'Libs eye new boss after bad ratings'. But this is not what Philip Davis, a member for Eastern Victoria Region in the other place, has said. He said:

> I think we would all be aware of a perception that the electorate has not understood what the Victorian Liberal Party stands for.

He went on to say:

> From 1999, since we have been in opposition … we have not articulated a clear and consistent message that establishes the basis for our policy direction.

Those quotes are from the *Australian* and also from an article by Paul Austin in the *Age* of 17 December 2007. So there is no plan, no direction, no policies — there are flip-flops — no leadership and absolutely no team.

Philip Davis in his secret paper to colleagues called for debate about the party's core values. After eight years in opposition members of the Liberal Party need to work out their core values. What type of outfit are they? Let me give them some values they could use: compassion, economic competency and literacy, democracy, understanding, decisiveness, inclusiveness, listening, accountability, honesty and last, but not least, teamwork. They need to have a debate about all this to work that out.

Paul Austin said in his article, headed 'Victorian Libs "stand for nothing": secret report says party is confused':

> Mr Davis's provocative 10-page report … amounts to a challenge to the party's parliamentary and organisational leadership to lift its game before the next state election or risk sinking into irrelevancy …

This in a state dubbed the jewel in the Liberal crown! In Paul Austin's article Mr Davis is described as saying that the Victorian Liberals have drifted in a vacuum since Kennett lost and that they need to establish dialogue across the party to establish what they stand for. He said that the Liberals' performance on the environment was woeful, that they put themselves offside on all debates and issues, that they are unprepared for parliamentary debates and that the Liberals avoided responsibility — that is, they made no decisions. This is Philip Davis! Finally:

> We have ended up with an incoherent policy mix that sends no clear message.

In the same article Mr Davis goes on to propose the option of abolishing the states. No wonder no-one takes the Liberals seriously — but it gets worse.

The open warfare has been further exposed by the brave and I think courageous Senator Judith Troeth. Why is she brave? Because like Philip Davis she is prepared to speak out to fight the majority-dominant Costello-Kroger faction, exposing how they have corrupted the party and its processes. Senator Troeth went on ABC TV's *Lateline* program to attack the far-right faction of Costello and Kroger. She criticised its direction, its stifling of debate and its challenging of moderate voices within the Liberal Party both in policy and in preselection, and she detailed the thuggery directed against her in the preselections of 1998 and 2003–4.

She also detailed how the administrative committee has in effect been shut down; how difficult policy debates are no longer allowed in this forum; how the Costello-Kroger faction, along with David Kemp, humiliated the state opposition leader by not running a candidate in the Albert Park by-election; how party members are shut out of Liberal Party policy committees if they are not the majority-dominant faction; and how the dominant right faction had just one aim: to make Peter Costello Prime Minister at any cost.

When the Liberal Party really needed him — when the chips were really down and when he had to show his mettle and demonstrate his ticker — Peter Costello was shown not to have a ticker. He wimped it. How ironic that was after all the jibes he made against Kim Beazley! When it came to it, Costello never had the ticker, and now the Liberal Party in Victoria is in an absolute mess. These deep divisions have flowed through to the Liberal Party leadership team in this Parliament. The resignations of Philip Davis and Andrea Coote demonstrate these deep divisions. Liberals are not allowed to debate issues or values or call for a change in direction without their positions being affected.

Honourable members interjecting.

Mr NARDELLA — Philip Davis was not pushed, he jumped, but the result was further destabilisation. Why? Because the Baillieu-David Davis leadership team does not have any support. It is an interim measure until either the member for Polwarth steps up to the plate and gets a ticker — —

Mr Kotsiras interjected.

The DEPUTY SPEAKER — Order! The member for Bulleen! I am actually having trouble hearing the member for Melton.

Mr NARDELLA — Let me give the house some hard facts and statistics. David Davis is supported by the Leader of the Opposition in this house. Mr Davis is his candidate, along with the deputy leader in the upper house, Wendy Lovell — the dream team. However, David Davis has only 8 of the 38 votes in the party room, and with his upper house colleagues he has only 3 of the 15 votes in the other place.

Mr K. Smith — Who are they?

Mr NARDELLA — I will tell you who they are: Mr Davis, Ms Lovell and Mr Dalla-Riva. No-one else.

He has no other support. All the others wanted the young Turk — the performer and the visionary — Matthew Guy, but he said no. For reasons of unity? No. Because he wanted to support his Legislative Assembly leader? The answer is that he is waiting. They are all waiting for the dream team to fall over. They are waiting to take over at their leisure, and this time is fast approaching.

The catalyst for this leadership change is already apparent. In the *Australian* of 24 December 2007 Newspoll detailed the appalling state of the Victorian Liberals. Their Christmas dinner was spoiled even before it was cooked! This Newspoll showed the ALP two-party preferred vote at 60 per cent and the ALP primary vote at 51 per cent — and Mr Brumby as the better Premier, at 51 per cent. Where were the Liberals? Their two-party preferred vote was 40 per cent, down from 45.8 per cent at the last election; their primary vote was 34 per cent, down from 39.6 per cent at the last election; and only 22 per cent thought the opposition leader would be the better Premier, down from 30 per cent at the last election.

Have a look at who would lose if an election were to occur — all the young Turks! Have a look at the pendulum. Have a look at Ferntree Gully, Kilsyth, Hastings, Morwell, Narracan, Evelyn, Bayswater, South-West Coast, Box Hill and Bass. They would be under threat in this circumstance. This is an unsustainable and uncompetitive situation. There is a dark horse for the leadership, the member for Polwarth, but he needs to also get a ticker.

The other interesting matter is that Philip Davis should never be underestimated as a numbers man. Philip Davis has form. In the Parliament of 1999–2002, when the member for South-West Coast was the Legislative Assembly leader, Carlo Furletti was made deputy leader in the Council at his insistence, despite Philip Davis wanting it. Philip Davis then resigned and went to the back bench to do the numbers to install Robert Doyle, the former member for Malvern, as leader in this place, and once that happened he became the Leader of the Opposition in the Legislative Council. Now he has gone back to the back bench. Just watch this space!

The other interesting development is the current talk about the Liberals and The Nationals amalgamating. The Honourable Bill Baxter, whom I served with in the upper house, was on the radio last week saying that it was a good idea — but maybe not in Victoria. My sources have told me that the Leader of the Opposition and the Leader of The Nationals have sat down and talked about merging. It would be interesting to know who the real Leader of the Opposition would be. If they did merge, we would get a real Collins Street farmer as a leader!

The Nationals should also have an internal party debate to work out their values, because they are confused and have lost their way. There are two examples of this. In the *Stock and Land* of 22 November 2007 there is a photo of the member for Benalla — I have a copy here — at a Greens rally. There he is, on the left-hand side. He has his fist in the air, manning the barricade, and he is underneath one of the Greens triangles. The Nationals are a bit confused — but it gets even worse.

To see that all you have to do is look at page 4 of today's *Herald Sun*, and I have a copy of that. The Leader of The Nationals is addressing a rally against genetically modified (GM) foods. He is pictured with signs saying, and I will read it: 'GM-free zone. Genetically manipulated crops and foods are not welcome here'. The Leader of The Nationals is supposed to be representing country Victoria, yet he was out there protesting against GM crops. He is out there rallying the troops and manning the barricades against GM crops.

It demonstrates not only that The Nationals are a bit confused but that they have abandoned country Victoria. That is what they have done. They are anti-agriculture, anti-farmers and anti-small communities, because they just take their lead from the Liberal Party, which has more members in this place. That is what they have been doing in this house. It clearly demonstrates how far they are working hand in glove with the minority groups and the Liberal Party. It also highlights that the Leader of The Nationals has continued his record of voting against country Victoria. When he was a member of the Kennett government he voted 1150 times against country Victoria. He stands condemned within this house for that position. This division, both within The Nationals and the Liberal Party, is unsustainable. Within the Liberal Party the destructive factionalism means it has a lack of policy, a lack of vision, a lack of values and, most importantly, a lack of leadership.

The knives are out; they are being sharpened as I speak. The numbers have already been counted. I went through those numbers. Within the Liberal Party room, 8 out of 38 support David Davis, the Leader of the Opposition in the other place, and that includes 3 of his 15 colleagues in the upper house. When we transpose that to the dream team at the moment — and it is just a matter of time before they have a new dream team — we see the Liberals hurtling to oblivion.

The matter I put to the house today is serious, because for a strong democracy to continue in Victoria we actually need a strong opposition. The Nationals and the Liberal Party are not a strong opposition. They do not know who or what they stand for. They only take the view of the last minority radical extremist group that has come to see them about some issue. They are only able to think that far ahead.

The Nationals and the opposition not only stand condemned for not bringing this government to account but, worse than that, they stand condemned for not representing their constituency, for not being there to make sure that their voices are heard and for being out there underneath the Greens placards supporting the anti-GM movement. That is what this opposition stands for. The polling just demonstrates how bereft of values and ideas they are. At the moment the only thing that is saving them is that we are allowing them to continue down this path. We are just waiting for the new dream team to be elected by them.

Rail: freight network

Mr CRISP (Mildura) — I bring something of substance to the grievance debate. I am going to address a real problem — that is, a problem about country rail. We are here today to grieve for the residents of country Victoria, particularly those who rely on rail for transport of their grain and other produce. Country Victorians need access to an economic and competitive rail freight network. Our future prosperity is being hindered by these unresolved problems. In 2001 the Bracks government announced it was allocating $96 million to upgrade and standardise the Mildura line. That was to be completed by 2002 and then by 2005. The process is now five years behind, but mercifully it has started and is under way.

However, other problems exist in country Victoria. The Seymour to Albury rail corridor contains both standard and broad-gauge tracks. There is a proposal to alter the broad-gauge track to be either standard or dual gauge in order to transfer it to the Australian Rail Track Corporation. It is a major congestion point in the national standard gauge rail network and is therefore having an impact on country Victoria. Nowhere else in the world is there a 200-kilometre rail corridor operating two gauges in parallel. The rail-port interface at Melbourne is grossly inhibiting and is a bottleneck for Victoria. The Fischer report highlighted the need for enhanced rail access to the port of Melbourne by completing projects like the Dynon Port Rail Link and upgrades at east and west Swanson Dock. Unless the rail system is overhauled in conjunction with the channel deepening project, congestion on the road and double handling will be a significant cost to industry and ultimately to the consumer.

The Brumby government must upgrade the rail infrastructure as a part of the channel deepening process. The state government has set a target of 30 per cent of Victoria's freight task being delivered by rail. At the moment just 16 per cent of the freight task to the port of Melbourne is moved by rail. The Fischer report has identified the need for a major funding boost. Elsewhere in the world rail is playing a significant part in national freight tasks. As an example, the United States has 40 per cent of its task shifted by rail, but in Australia it is now reported that the Adelaide–Darwin corridor is carrying around 80 per cent of the task, whilst in Victoria we hear talk of truck curfews from some communities near the ports. Rail is the answer. Again I ask: what is being done about the Dynon Port Rail Link and providing additional access for the provision of additional track sections known as W-track and the missing link and the continuing upgrade of the rail-port interface within east and west Swanson Dock?

Now let us turn to the state of the infrastructure. Country Victoria grieves for more funding for urgent rail maintenance. The government needs to account for $25 million of funding. This figure was made available in the budget as an urgent measure following the re-purchase of the rail track assets. Victorians need to know where that money is being spent, that it is being spent to benefit the rail track and that there will be more money in the next budget.

In my electorate the Murrayville and Robinvale lines are prime examples. Even in a drought several hundred thousands tonnes of grain await transport next to a dilapidated railway line. Mineral sands offer a once-in-a-lifetime opportunity to revitalise the rail infrastructure of north-western Victoria. It would be a huge disaster to miss this opportunity for Victoria and country Victorians. Mineral sands are an important new growth industry. They are heavy, and the state of the rail infrastructure can be modernised so that we can now align the tracks with new mines to move this task forward.

I refer to page 55 of the Fischer report, which says:

> The committee considers that the Victorian rail freight network should remain in its current two gauge configuration on the basis that immediate gauge standardisation will not bring sufficient benefits to offset the cost of standardisation.

However, the committee then goes on to state:

> … the standardisation of the freight … lines would facilitate the movement of grain wagons between states …

and thus help manage —

> the volatility of the grain task.
>
> However, the committee recommends the continued upgrading of the Mildura and north-west branch line compatible with future standardisation … to potentially capture mineral sands and other traffics.
>
> Over time Iluka's mines —

which are going to be developed east of Ouyen and north of Robinvale —

> … are likely to become the source of raw materials for its mineral separation plant … in Hamilton, initially from mines in the Ouyen area and subsequently from north-east of Mildura around Benanee —

which is just north of Ouyen. The report continues:

> This freight task is contestable by rail given the distances involved and the estimated consistent, non-seasonal demand of 400 000 to 500 000 tonnes per annum … There is also potential to backhaul … the tailings —

from the mine of —

> around 250 000 tonnes per annum.

Clearly this task must go with rail. If it does not, the congestion on our roads will be immense. I would say that you would not want to overtake a truck on any of the roads that are being used to shift these mineral sands, because if you did you would not find a gap to get back in. So it must be done by rail. We must talk to the mining companies, and we must take advantage of this once-in-a-lifetime opportunity.

Thus standardisation remains a major grief issue in northern Victoria. Over 100 years ago Mark Twain, in his book *More Tramps Abroad*, wrote about the different gauges in the Australian rail system:

> Now comes a singular thing, the oddest thing, the strangest thing, the unaccountable marvel that Australia can show, namely, the break of gauge at Albury-Wodonga. Think of the paralysis of intellect that gave that idea birth.

Over 100 years later much of country Victoria is still suffering from paralysis of intellect over standardisation. In his report Fischer supports some standardisation, particularly with the opportunity provided by mineral sands. Perhaps we can end the paralysis gradually. What country Victoria needs is rail competition in the same way we have competition between multiple operators on the road. Standardisation is a vital component of a competitive rail freight network for the future.

In Mildura Ken Wakefield operates a daily freight train. He is now faced with limited options for the future of that service, particularly when the only option this country operator has is a user-pay's option. Rail enables heavier containers to be transported, thus allowing for the full loading of larger container ships that may wish to visit the Port of Melbourne. You can only stack containers so high on a ship, and to fully utilise the dredging that the government is undertaking we must make sure the container ships are at maximum capacity. It is a pointless exercise to dredge the bay if we cannot fully load the ships to take advantage of that.

Country Victorians grieve for the lack of greenhouse gas best practices that are offered by rail. There are some things that can be easily undertaken to reduce greenhouse gas emissions while others are more difficult. Greenhouse gas limits in a carbon-constrained economy will pose huge challenges for country Victoria, but the rail option is an easy, affordable fix to some of our greenhouse gas issues. Steel wheels have a quarter of the friction of rubber tyres, so in a carbon-constrained economy and a country which is post peak oil production, the limitation on the future growth of country roads is of great concern to country Victorians and their businesses, and thus their future.

We grieve that much of Victoria has an antiquated rail system when the rest of Australia has access to standard gauge and to the benefits of accessing the Australia-wide operation of rolling stock. There are incomplete standardised corridors as well as a reluctance to standardise and join the rest of Australia. This causes pain to country Victoria. It will disadvantage and discriminate against country people and will hold Victoria back as the nation moves forward. Victorians need their rail freight tasks carried on adequately maintained railway lines in order to secure their future.

Women: sports reporting

Mrs MADDIGAN (Essendon) — I grieve today about the discrimination shown against women in sport. In particular I wish to highlight the discrimination in relation to the media's reporting of women's sport. Unfortunately this is not a new topic, as we have been talking about discrimination in a whole range of areas of women's sport for many years. It is disappointing that there is still a significant problem in this area and that elite and other sportswomen are generally treated far worse than men in the same sporting areas. This year we are celebrating 100 years of women having the vote, and while women may be equal in terms of voting rights there certainly are many areas of discrimination which are still alive and to which we really need to turn our attention in the future.

The Australian Sports Commission used to do a survey of the media coverage of women in sport. Oddly enough, this finished in 1996, and I do not know if that had anything to do with the change of federal government. As part of that survey the commission looked at the amount of media reporting of both women and men. The last survey — as I said, in 1996 — took a snapshot of the media coverage of women's sport by the newspapers, magazines and radio and television stations during a two-week period, establishing a measurement of not only the coverage but also additional information about the portrayal of women's sport in media.

The results show that the media coverage of women in sport is very different from the coverage of men in a number of ways. One highlight of the research, which I guess would be humorous if it were not so sad, was that on a commercial current affairs style sports show 6 minutes of airtime was given to guinea pig racing while women's sport got 15 seconds. Unfortunately that is not an isolated occurrence. It would be nice to think that 12 years after that last survey the ratio of the reporting of men's sports to women's sports reporting would have changed. It would be interesting to do a survey now to see if the trend was different, but it is fairly easy to see there has not been a significant change.

That 1996 survey found that on radio 1.4 per cent of the sports reporting was on women's sports and 95.1 per cent of it was on men's sports; on television 2 per cent was on women's sports and 56.2 per cent was on men's; and in the newspapers — I must say they did a bit better than radio and television stations — 10.7 per cent of the reporting was on women's sports and 79.1 per cent of it was on men's. The newspaper result was a slight increase from 1980, when it was 2 per cent, so I suppose we can say there is a trend upwards, which we are pleased about.

However, it is not only the amount of time given to women's sports coverage, it is also the way in which it is put into the media, particularly newspapers. Men's sport normally goes first and usually takes the main pages; women's sports tend to be at the end. The way that journalists look at sportsmen and sportswomen is also really very different. If we turn our minds back to the Australian tennis open, which we saw a short time ago, and if we think about the way people were reported in relation to the tennis, we remember that we heard a great deal about women's physical sizes and dresses but very little about the clothes the men were wearing or their physical form.

Even when women's sport gets reported it is reported in a very different way. The terminology used for women and men in sport is interesting. We often hear adult women being referred to as 'girls' or 'ladies', but we very rarely hear men sportspeople being described as 'boys' or 'gentlemen'. There is a whole language of difference which has become part of our sporting culture and part of our media culture, which tends to put down women sportspeople without the people who are reporting even being aware of what they are doing.

In fact the survey entitled *An Illusory Image — A Report on the Media Coverage and Portrayal of Women's Sport in Australia 1996*, says in part:

> Women were often described in ways that stressed weakness, passivity and insignificance, in ways that deflected attention from their athleticism. They were frequently portrayed as girls, no matter what their age. Readers were informed of their physical traits such as the 'perky blonde' or 'powder puff', or their emotional state was the focus. We frequently saw phrases such as 'dissolving into tears', but when men confronted stressful situations, they were applauded for their 'toughness'.

If you think about it, when women have an emotional event and dissolve into tears it is referred to in a negative way, but when men burst into tears it is seen as them showing a positive side of their nature and being inclusive and having a nice gentle part of their personality. Even the same event occurring is portrayed in very different ways. The report indicates strength or weakness according to those sort of descriptions. I think this is a real telling point that needs to be taken into account when looking at the reporting of women's sport.

The Australian Bureau of Statistics figures showed that in 1995–96, 44.6 per cent of players in organised sport were women. So in 1996, and I suspect it may be even higher now but I really do not know, almost half the sportspeople were women. They are a significant part of the sports community, yet in the media we see most of women's sporting activity being absolutely ignored.

In relation to the quality of newspaper coverage, particularly — and I will come back to our newspapers in Victoria later — what the survey found was that the majority of women's sport coverage appeared on days when there was little male sport. During the week women's sport was reported on Wednesdays and Thursdays while at the weekend and on Mondays you got information about men's sports. Newspaper articles on women's sport were often at the bottom of the page or buried in the inside pages of the sports section. Only 5.6 per cent of women's sport stories actually appeared on the back page, which is where most people

immediately turn to if they want to look at the sporting news.

As I said previously, the language used to describe women in sport often emphasised their weakness, passivity and, insignificance, which does detract from the athletic abilities they have shown. Newspaper articles about women's sport included head shots and posed images rather than action shots more often than articles about men's sport, suggesting that women's sports are less attractive, which as we know is totally incorrect.

In the United Kingdom — I think this is a great initiative of women — a foundation was set up called the Women's Sports Foundation which is run by sportswomen. They run a program where sporting people or anyone in the community who is interested in it can assess their local media in relation to women's sporting results. You can do an online survey and report on either your daily paper or the local paper, and the report is then fed into a national focus to see what the situation is in the United Kingdom.

We have some slightly more up-to-date figures from the United Kingdom, but I am sure it is a similar pattern to that in Victoria. We have figures from 2006 of a fairly major survey that found a similar thing. It found;

> On satellite television the top sport shown by Sky and Eurosport is men's football while on terrestrial television men's football and men's cricket dominate. An evaluation of seven newspapers (national and regional) measuring the number of articles, headlines, female journalists and use of imagery, demonstrated that in 2006 the average space dedicated to women and girls' sport was 4.8 per cent, and 5.2 per cent of all articles were devoted to female sports.

The sponsorship of women in sports is also lower. It is a bit like which was first, the chicken or the egg, in relation to women's sport. People who want to sponsor women's sport want media attention, and if you do not get media attention it makes it much harder for women's sport to get sponsorship. You only have to look at the Australian netball team, most of whom are not paid for playing netball — many of them cannot hold down full-time jobs because they cannot get the same sort of leave from their employer to attend practice and sporting events as men do — to see that it is a significant detraction for women being involved in women's sport, where many of them have to rely on family and friends to provide financial resources to exist while they engage in sport.

One of the reasons identified by the Women's Sports Foundation why women receive less media coverage lies in the attitude of media and sports organisations. It pointed out that most sports reporting is carried out by men, under male editors. In 2007 it was estimated that of 610 members of the Sports Journalist Association of Great Britain around 10 per cent are women — a very small percentage. An increased representation of sportswomen by the media requires increased involvement of women in the production of the media, for example producers, photographers and presenters.

I thought I would follow this up with a quick survey of our newspapers on Monday morning. Monday was a time when women's sport should have had good coverage, because we had the Australian women's open golf championship and we also had the Australian women's cricket team playing a one-day international against England. I must say I was sadly disappointed with the results. When we go to the *Herald Sun* sports section — I did this very quickly so if there is a slight variation with what I say it is only minor and still shows the point — we see that the front page had a photo of a footballer, even though we are not in the football season. It then had two pages of men's cricket and two pages of men's soccer. One page had articles on women's golf and male runners on it, and on the next page there was an article by a male journalist about male sportspeople. On the next page there was a story about footy, including Wayne Carey. It is a bit sad that a disgraced footballer gets more coverage than elite sportswomen in our newspapers in Victoria.

The next 2 pages were about AFL football. We then had 4 pages about racing, 1 page about basketball — women got half a page there — 1 page about rugby league, 1 page about motor racing and 1 page about horseracing. I am glad to say that Natalie Rasmussen, who was the winning driver in the Hunter Cup, actually got her photo on the next page with the cup. We then had 4 pages of general sports results, of which 1 column out of 48 dealt with women's sport. Four centimetres were dedicated to the Australia versus England international women's cricket match, which was snuck in just after the result of the Essendon versus North Melbourne district cricket match. Of all the photos of sportspeople in the *Herald Sun*, 27 were of men and 5 were of women.

Then we go to the *Age*. The *Age* is a bit better: it actually has a photo of Karrie Webb on the front page. Let me say congratulations to Karrie Webb for winning the women's golf. Women's golf gets a bit of a mention on pages 2 and 3. Then we see pages 4 and 5 about men's cricket, page 6 about men's football, page 7 about men's soccer, pages 8 and 9 about the Manchester United Football Club, page 10 about rugby, page 11 about American football, and page 12 about racing and boxing. We then see two pages of sports results. This time the report of the Australia versus

England cricket match has done a bit better — it is just above the Essendon and North Melbourne cricket match and just after the Sale races. I cannot see anything about the winning driver of the Hunter Cup race. Certainly there are significantly more photos of male sport stars than female sport stars.

It is not hard to see that that discrimination still exists. As I said, it makes it very hard for women's sports to get the sponsorship that elite women athletes deserve and also to get the media coverage that our community deserves because of the large number of women who are actively engaged in women's sport.

This year marks the centenary of women's suffrage, and we celebrate women getting the vote, but we should be aware that there are still many areas of our lives where women are very strongly discriminated against. Obviously the funding given to women's sport in some areas and certainly the media coverage of women are still issues that need a great deal of attention.

I congratulate our state government and our Minister for Sport, Recreation and Youth Affairs for sponsoring a women's netball team, but it would be great to see other sections of the community being supported by the media and really getting behind women's sports in Victoria, across the whole range of sports that women participate in, and giving them the same opportunity as men who play sport in our state receive.

Education: government performance

Mr DIXON (Nepean) — I grieve this morning for the state of education in Victoria. To back up my argument I would like to refer to and talk about three major reports that have been handed down recently, one late last year and two this year, and then to raise a number of other issues, if there is time.

The three reports I wish to comment on are the report on the 2008 Productivity Commission figures, which was released last week; the Australian Bureau of Statistics *Schools, Australia, Preliminary* report, which was released early this week; and the report released late last year showing the comparative figures for the Organisation for Economic Cooperation and Development PISA program, which is the program for international students' assessment.

I will start with the 2008 Productivity Commission figures, which relate to 2005–06 expenditure but are the latest figures. In table 4A.8 headed 'Real Australian, state and territory government recurrent expenditure per student, government schools' you can see the average totals spent on students across all states and territories and also the national figure. Victoria spends on average $10 352 per student. That is the lowest amount. When you look at other states you see that New South Wales spends on average $11 279; Queensland, $11 043; Tasmania, $11 361; Northern Territory, $16 647; and the Australian average is $11 243. Victoria is the lowest funder of education when you look across all the states and territories.

These figures are further broken down into primary and secondary figures as well. I was hoping there might be a glimmer of hope and that perhaps the government might see that primary education is important and provide a bit more funding there, but once again at the bottom of the pile is Victoria, behind Tasmania, Western Australia and New South Wales. It is behind all the states and territories, at $8767. The Australian average is $9699. Victoria's is well below that average. Of course, statistically that is also reflected in the secondary school funding. Once again Victoria is at the bottom of the pile with $11 329. The Australian average is $12 148. It is below all the states and territories.

When this government says that education is its no. 1 priority and you see those sorts of figures — this is not the first year; these are the figures being brought out consistently — they say a lot. These are not my figures, these are the Productivity Commission figures that show the real comparison between what this government says and what it does. When you look at the amount and you see how it stacks up against those in the other states and territories, you might ask how it manifests in our schools. It manifests in two main ways. One is through the capital expenditure and the recurrent expenditure on the school buildings themselves. You can see the state of many of our school buildings — you drive past them or go into them — and the level of basic maintenance. According to the government's own figures, more than $200 million of maintenance is outstanding in our schools. They are run down.

Schools are just not receiving the basic level of maintenance that you would expect to make them safe workplaces for teachers and interesting and safe places of learning for children. The spouting, the floors, the carpets, the windows are often run down, or if they are being maintained, the schools are doing it out of their own pockets. That is the manifestation of this level of funding. Probably the most blatant manifestation of this lack of funding is our teacher salaries. When you look across all the states and territories in Australia you see that the wages of Victorian teachers are the lowest in Australia, and they are slipping further behind. I will

talk a bit about that later when I talk about the upcoming teachers strike next week.

When these figures came out — it is always the minister's spokesman who comes out when it is bad news; it was not the minister — the minister's spokesman said, 'Oh no, it is all about results. It is not about how much you spend'. That is a very convenient argument at times, and these words will come back to bite the minister a bit later in my argument, too. The minister said you should look at the national benchmark results that were released at the same time. Those results are a sham because they are not comparing apples with apples, unlike the Productivity Commission figures on expenditure. When you look at the national benchmarks and education across Australia you see that the testing is different in every state.

The states have different benchmarks. The year levels are different across the states and territories. The time of the year at which the tests are given to the children varies across the states and territories. There is a huge difference between a child taking the test at the start of year 3 and a child taking the test at the end of year 3. You cannot compare them. The conditions under which the test is given, the test itself and not just the benchmarks being tested — all those variables make any sort of comparison across states and territories a sham. For the minister to say we are doing well in these tests compared to other countries just does not hold water and does not stack up as an argument.

I turn to the ABS figures in the *Schools, Australia, Preliminary* report, which was released on Monday, 4 February. As we all know, because we are told often, the population of Melbourne and the rest of Victoria is increasing at a very rapid rate. Given that, you would think the number of children in government schools would be increasing. But over the last two years, not just in percentage terms but also in numerical terms, the number of children in our government schools has fallen. In fact there are 752 fewer students in our schools this year than there were two years ago. If you look at the number of students in non-government schools during the same period, you see it has risen by 8658. That is a massive difference between the government and non-government system, and you have to ask why. As I said, it is not a percentage, it is the actual figure which shows that the number is dropping.

Parents are choosing non-government schools and are paying fees at all of those schools, without exception. Yet the majority of non-government schools they are sending their children to are not the high fee paying schools, with the ovals, observatories, small classes and a huge range of subjects. The vast majority of non-government schools parents are choosing to send their children to usually have larger classes and fewer programs than an equivalent government school down the road. So why is it? What is the message? What is the perception out there about government schools that parents have that is reflected in these figures? Unfortunately it is a poor perception of government schools.

If parents are moving into a different suburb or their first child is starting school, when they drive around looking at schools they will not even bother to walk into a school that has an overgrown garden, peeling paint and leaky guttering. They will not even go in and see that there might be great programs there, so that lack of maintenance and just the look of the school could be one of the reasons.

When they read and hear about teachers going on strike and when they see the comparative figures for teachers' salaries in Victoria compared with those in other states and territories in Australia, they wonder whether the system really values our teachers. If teachers are so easily poached and if they are leaving the system early, that says a lots about the system. I think that perception, which the government is totally responsible for, does not help. It is no wonder parents are not choosing to send their children to government schools.

I will move on soon to the Organisation for Economic Cooperation and Development's PISA (Program for International Student Assessment) results. When parents look at those they will say that it looks as though Victorian children in our government schools are not doing so well compared to the other states and territories in Australia either. So there is a real responsibility on this government, and the fact that we have this massive drift away from government schools to non-government schools is something it has to take responsibility for. It cannot blame anyone else: it is its responsibility. The government has been running the system for nine years. It has no-one else to blame, and it has to take responsibility for these figures.

I now move on to the OECD PISA 2006 literacy report. As I said, the figures were released late last year. This comparison is done every three years, and it is a real comparison: exactly the same testing is carried out in each state and territory of Australia and in 23 other countries around the world, so it is a very powerful comparative tool. Again we find that Victorian schools are at the bottom of the pile when compared to the other states. I said earlier that the minister came out and said it is all about results, not about how much money we spend. I think that argument is actually turned on its head here, because according to the OECD the results

are not good and Victoria is at the bottom of the pile; it is the worst mainland state. The minister's argument put by the spokesperson this week that it is all about results just does not hold water.

Some of the lowlights that came out last year in these PISA results include the following: in the figures relating to students using scientific evidence, Victorian schools were the worst of all mainland states. In explaining scientific phenomena Victorian students were the worst of the mainland states. In identifying scientific issues Victorian students got the worst mean score of any state. On scientific literacy the mean school score in Victoria was 513, which has dropped. It is 2.2 points worse than it was in 2000. We are not even seeing improvements there, and again Victoria is the worst mainland state in Australia. On reading literacy we had a mean score of 504. That score is 10 points down on 2003 and 11 points down on 2000. Again Victoria is showing no improvement and once again it is the worst mainland state.

As for mathematical literacy, Victoria once again is the worst mainland state for the number of students in the bottom half; and it has the least amount of students in the top part of proficiency levels as well. The mean score of 513 in mathematical literacy is down 15.9 points since 2000, so according to these tests we are not even seeing improvement. Not only is Victoria at the bottom of the mainland states, but it is slipping. Again that is an indictment of this state government. It is its responsibility; it cannot blame anybody else.

In the last few minutes of my contribution I will move briefly to a number of other issues. Government teachers are due to strike next week, on 14 February. There was a strike on 21 November last year. There was a huge march out there, with huge disruption to schools. I want to know what the minister has been doing between 21 November and next week. That strike will go ahead. What have the minister and the government been doing about it? They obviously have not been talking to the teachers, because that strike is going ahead.

Dr Napthine interjected.

Mr DIXON — They have been on holiday, as the member for South-West Coast says. They should have been there working and negotiating and talking with our teachers, recognising that they are the worst paid teachers in Australia and discussing what it will do about that. But no, the government has not been doing anything about it.

In its typical confrontational style, this Brumby government will just let this strike happen; it will let the disruption occur. It is saying, 'We do not value you teachers. You cop the pay we are going to give you. We do not care what other people think. We do not care what other teachers are paid. We do not care that teachers are deserting the system or going interstate'. Look at the schools along the New South Wales-Victorian border. There was a 10 per cent differential in the pay. The New South Wales teachers have now received another pay rise in January, so the differential is even bigger — it is about 15 per cent in some categories. If you lived in Wodonga, of course you would go over the border to teach there: you do not have to move home and you will get paid far more and you will be valued far more. We have a real issue.

There has been a drop of over 6 per cent in the number of students applying to train to be teachers. Why? Because they know teachers are not valued. And if they do enter the system they will go interstate. They will be attracted by offers of higher pay and better conditions in other states. I implore the minister, before 14 February, to realistically negotiate with the teacher union and with the teachers so that the strike does not happen next week. That is not the end of it: if nothing happens by 14 February, there will be rolling stoppages throughout the rest of this term and next term as well. That means more disruption to our schools, further underlining the point that this government does not value its teachers.

There are two other very brief issues that I think further indicate the problems: the state of the system and what is going on in our schools. As I mentioned in giving my notice of motion this morning, 4000 teachers started school this year without updated police checks. I warned the government that a lot of teachers' police checks were due for renewal by the end of last year to be ready for the 2008 school year, yet 4000 teachers have started the school year without their updated police checks. That is not good enough. Again it says something about how teachers are valued.

We have had constant complaints at the start of the year about the voluntary levies that are paid by parents. The government has always denied that there is a problem. 'Not a problem', it says. But now it seems to be saying it is a problem, and 100 schools are to be audited. If it is not a problem, why is it doing that?

Liberal Party: factionalism

Ms GREEN (Yan Yean) — Today I grieve for the state of the conservative parties in Victoria, particularly the Liberal Party. They stand for nothing, they have no work ethic and they have done no work on policy

development or on presenting a plan that Victorians and Australians can believe in. They are pompous and lazy, they oppose everything and they have no plans, policies or ideas. It is not just the Victorian community that believes that and will not trust them enough to give them the keys to office, it is the people in their own party.

Like the member for Melton before me, I have watched with great interest the change in the Liberal Party leadership in the other place. I have observed Mr Philip Davis and his demeanour around the Parliament. He looks like a man feeling a sense of great relief in not trying to lead this divided mob, and obviously his former deputy, Andrea Coote, has felt the same way. I have noted with interest reports about the dream team that has been installed and heard the Liberal Party quiet spokespeople saying that that dream team, backed by the Leader of the Opposition in this place, has three votes in the upper house — so watch this space for more change.

This Liberal Party in Victoria is an example. It is not a lot different to its counterparts in other states. For a number of years now no-one, no state or territory community at any election has trusted the Liberal Party to hold office. We have seen what the Liberal Party does when it is in office. We saw the previous Prime Minister, Mr Howard, finally prised off his perch at Kirribilli House, that beautiful harbour-side residence. The Bennelong voters saw fit to turf him from office.

What did we see over that decade of government? While it raked in record taxes, did we see any benefits from that for the community? Did we see any long-term thinking, aside from the short three-year cycle to the next election? Did we see an investment in national skills building? Did we see a national infrastructure program? No, we did not. All we saw was that taxation revenue posited away in an election war chest, which every three years came out to be thrown at the community as a bribe.

We know about those bribes because luckily in our system we have agencies like the auditors-general. We know that when those opposite were in charge they necked the Auditor-General. We know why they did that. Sometimes auditors-general come out with inconvenient reports at inconvenient times. I refer to the Regional Partnerships scheme and media reports of the absolute orgy of spending before the then federal government went into caretaker mode in 2004. There was no forethought displayed about where the funding would go. The only criteria for funding was if the project was in a coalition seat that the government needed to hang on to. I will quote from an article in the *Age* of 11 June 2005 headed 'McEwen flush with another $2m in regional grants':

> Forty per cent of the Regional Partnerships funds pledged in last year's election campaign —

that would be the 2004 election campaign —

> … went to a single electorate — the marginal Liberal seat of McEwen held by Victorian MP Fran Bailey.
>
> Ms Bailey managed to secure a $2 million slice of $4.8 million pledged from the regional grants program, which has become a source of controversy.
>
> The grants are on top of extraordinary success in snaring special sports grants. McEwen won 16 of 27 grants from this year's budget, while tens of thousands of sports clubs in other seats around the nation were not invited to apply for funds.

I would like to report to the house that none of those grants in the 2004 election campaign were spent in the Yan Yean part of the electorate. No contact was made with the Nillumbik council to identify the most-needed projects in the area, and there were some sports projects badly in need of funding.

Inconveniently for the Liberal Party and The Nationals, the Auditor-General and the Australian National Audit Office issued a critical report during last year's election campaign. It came out on 17 September and was extraordinarily critical of the lack of financial controls and the absolute partisan nature of the allocation of these funds. I believe that led to a sense of panic. The federal member for McEwen, Fran Bailey, probably thought she should be a bit careful about this. But did that stop her from making outrageous claims in relation to Regional Partnerships projects?

I have spoken in this house before about a much-needed multipurpose sports stadium in Diamond Creek. When the council identified the project we all knew it was going to cost $10 million and would require unprecedented cooperation from all levels of government. Given that I had got the funding for the initial study that identified the need and I had lobbied for the Diamond Valley College land owned by the education department to be set aside by the state government for this project, when I heard the day before the election that federal member Fran Bailey had announced $3.5 million for the project, I welcomed it. I was quite cynical. Like most people I thought, 'Okay, it is election time. We will see Fran Bailey actually promising to do something for the electorate'. If she actually got the cheque signed, that suited me fine.

About 100 members of the community were very pleased. Curiously, the Nillumbik council was not invited to attend the announcement. We could speculate

on why it was not invited: I do not think Ms Bailey wanted to share the limelight, despite the council putting forward a lot of funds for that project and setting that aside.

Surprise, surprise! Ten days after that election commitment made by Fran Bailey, when she said it was cold, hard cash and not a cobbled-together election commitment, a letter arrived from the federal Department of Infrastructure, Transport and Regional Services which said that no such commitment had been made and no such cheque had been written nor would be written because the government was in caretaker period. Was Fran Bailey embarrassed about this? Yes, she was, and yes she should have been, but she persisted with the lie. Now that project is in severe jeopardy. I am critical of some in the community, particularly those identified with the Nillumbik Ratepayers Association, who have persisted with assisting Fran Bailey with that lie and leading the community to believe that the $3.5 million has been set aside.

The state government has set aside $500 000 for this project — that is the maximum amount that has been allowed for it. But now the project is in jeopardy because this $3.5 million was not forthcoming. I have written to the Parliamentary Secretary for Regional Government and Northern Australia, Gary Grey, to express my concern and to urge the incoming federal government to look on this project and fund it. I hope that it does. I know that it will do it in a proper, well-thought-out way, that there will be value for money and no issue with the Auditor-General looking back and saying that this was purely an election bribe and a project that was not needed.

I referred to the Nillumbik Ratepayers Association and those who have worked hand in glove with Fran Bailey on this project, and other members today have spoken about how Liberal Party members will just say and do anything. Rather than having a cogent plan, they will say anything to either keep themselves in office or get themselves into office. One of the things that surprised me recently was an article I read in the *Herald Sun* of 24 January headed 'Prime land locked up — rezoning denies hundreds affordable housing'. According to that article, the opposition planning spokesperson, Mr Guy — the great white hope; the alternative leader in the upper house, if one reads the reports that say he actually does have the numbers — said, when speaking about Andrew Hay, a disgruntled landowner in Wattle Glen who believes his property was discriminated against outside the urban growth boundary, that the Liberal Party would ignore the urban growth boundary and that it is not committed to green wedges into the future.

On the one hand you have the Liberal Party just not knowing what it stands for, cosying up to the Greens in the upper house and saying that it is opposed to channel deepening — you just cannot trust its members — but at the same time aligning itself with Andrew Hay and saying that he is the pin-up boy and the face of the failed policies of Melbourne 2030.

We support the green wedge policy, and we are committed to it. The Wattle Glen Residents Association has since written to me and written to planning minister Justin Madden saying that it is extremely concerned that Mr Hay might get his way in having a rezoning of this land. He has stood over many people in the community for a long time and threatened them with this. The land is unsuitable for development — it is extremely steep and certainly not suitable — but he is one of the Nillumbik Ratepayers Association bankrollers.

We know they will be standing for election and trying to wrest control of the Nillumbik council in the November council elections and that again their agenda will be to destroy the green wedge. They are about sectional interests and not about the whole community, and I am extremely surprised that the great white hope of the Liberal Party, Mr Guy, would align himself with these interests. Those who are voting in the Nillumbik council elections should look very closely at these clowns. They might say that they are independent; they are not. They are working hand in glove with the Liberal Party.

I think the people of Australia and Victoria deserve better than they get from these conservative parties. We should have a system where there is proper, informed debate and where clear and cogent policies are put forward to the people, but this lot has just never bothered to do the work. Their election review document of the 2002 campaign — I actually had a copy of that dropped into my pigeonhole some time in 2003, and I know the member for Polwarth was involved in that review — concluded that the Liberal Party stood for nothing, did not know what it was doing, did not service its constituents and did not act in their interests. We know from the recent resignation of Mr Philip Davis as leader in the upper house that nothing has changed. Members of the Liberal Party still stand for nothing, they are still divided and they do not have a cogent plan.

We do have a plan. We are continuing to govern for all of the state. We work with communities, and we work

with all levels of government, whether we agree with them or not. I look forward to working with the Rudd government to deliver projects like the Diamond Creek stadium. I feel sorry for Cr Bo Bendtsen, who I feel has attempted to work on delivering this project, but he has been used by the federal member for McEwen for her own political purposes to imply that the $3.5 million will be delivered for that project. We know that it is not true.

Despite not having a member of the Rudd government as a representative at this point in time in the federal seat of McEwen, I pledge that I will work with all levels of government to deliver this project to ensure that the kids in Diamond Creek can play sport at good-quality facilities. We will not just be about throwing money around and telling pork pies at election time; the Victorian community deserves better.

Port Phillip Bay: channel deepening

Dr NAPTHINE (South-West Coast) — I grieve for the lack of an honest, open and transparent approach in protecting the wonderful environment of Port Phillip Bay during the channel deepening project. I also grieve for the many businesses and families, particularly those in the dive and charter boat industries, who have been treated shabbily by this government and who still have not been provided with proper compensation, despite the fact that both the state government and the Port of Melbourne Corporation agree that their livelihoods will be decimated by this project. I grieve for the lack of proper independent environmental monitoring and the lack of state government commitment to daily reporting of the project and the outcomes of the project to interested — and indeed all — Victorians.

I wish to raise some very serious concerns about several aspects of the channel deepening project which have not been adequately addressed by the state government, the federal minister for the environment, Mr Peter Garrett, or the Port of Melbourne Corporation. This is an important project, but it is a project that should be done properly. I would like to quote from the *Age* editorial of today, 6 February 2008, which says:

> Public confidence in the project has been undermined by a lack of transparency, and state government and port of Melbourne assurances about the future environmental health of the bay have been matched by dire predictions of environmental calamity.

There are very real concerns about the management of this project, particularly in relation to environment protection. The first question that has got to be asked is: why was there so much secrecy about the environmental management plan? This plan was described yesterday in this house by the Minister for Roads and Ports as 'a half-concluded document', and when it was finally released yesterday afternoon after prolonged pressure from the community, the media and the Liberal opposition, it was released with a plan to commence dredging at 7.00 a.m. on Thursday. There is inadequate time for people to consider and study that plan. In the brief time we have had to look at the 127 pages plus many attachments, it has become clear that the monitoring put in place is still far from adequate.

The Minister for Roads and Ports said yesterday, as reported in *Daily Hansard*, that:

> … the Port of Melbourne Corporation website will provide daily updates on vessel activity and the location of those vessels …

The Minister for Roads and Ports says the Port of Melbourne Corporation can provide daily updates on where the dredger is and what the dredger is supposedly doing, but he will not — nor will the minister for the environment in the state government or the federal government — provide daily updates on the outcomes of the dredging and on the monitoring of the environment. Those daily updates, those real-time reports, are not available to the people of Victoria. We have the capacity to provide daily updates on where the dredge is and how much material it is going to dig up, but we cannot provide daily updates on the environmental monitoring. We will be getting only quarterly reporting on the monitoring of these results after the results have been filtered and sanitised. They will have a massive overlay of government spin before they are released.

Let me just give one example — and there are many of them. Page 36 of the environmental management plan talks about tests to detect the water quality outside expected variability, and this is important in terms of heavy metals and other toxins that will be dumped in the middle of Port Phillip Bay. It says 'a summary/status report is prepared six monthly'. All we will get is a 'summary/status report' every six months rather than real-time monitoring of those events so that people can see whether the bay is being polluted and contaminated with heavy metals and other toxins.

What we need is real-time monitoring of these issues, and that was the subject of the legislation proposed by the Leader of the Opposition this morning, when the government — which did not even have a speaker to argue against the introduction of that legislation — used its numbers to prevent the legislation from being brought forward. That is an absolute disgrace. It is an

attack on democracy and on the right of the people of Victoria to know.

Let me deal with some of the issues regarding the disposal of contaminated toxic material. An integral part of the channel deepening project is the removal of 3.87 million cubic metres, which is 7 million tonnes, of contaminated and toxic spoil and the dumping of it in the middle of Port Phillip Bay. This material contains significant levels of heavy metals such as cadmium, arsenic, lead, mercury and zinc, and also of toxins such as dichlorodiphenyltrichloroethane (DDT), dieldrin and many others. Under the current plans the Brumby Labor government proposes to put this toxic, contaminated material in a bund with a covering of sand.

Dr Jeff Bazelmans, the environmental manager of the channel deepening project, told a public forum in Williamstown in April 2007, which I attended, that the bund system had never been used anywhere else in the world to store toxic material. The Brumby government proposes to store 7 million tonnes of toxic waste in close proximity to large urban populations in the middle of Port Phillip Bay, a pristine bay that is widely used by millions of swimmers, divers, fishers and boating enthusiasts — and it is using untried technology.

It is interesting to note that yesterday in the Legislative Council the Minister for Environment and Climate Change, Mr Jennings, was asked:

> … will the minister advise the house of other locations where large volumes of contaminated toxic sediment have been successfully dumped close to a large urban population using the capping and bunding system proposed under the project?

In his answer the minister said:

> … I am somewhat embarrassed to say that I do not know off the top of my head of other situations where this has occurred throughout the world.

The Minister for Environment and Climate Change knows of nowhere where this procedure has been successfully used to contain contaminated toxic material. This is proposed for Port Phillip Bay in the middle of our urban environment and Melbourne playground. Further, people will be shocked to read on page 7-65 of the supplementary environmental effects statement provided by the Port of Melbourne Corporation that:

> The bund has a design life of 30 years.

You can read through the rest of the document, and you will see no provision for what happens after 30 years. One can only presume that after 30 years the toxic materials — the heavy metals, dieldrin and DDT, which do not degrade — will spread throughout the bay and wash up on our beaches — Sandringham, Mordialloc, Sorrento, Portsea or perhaps even Williamstown and Altona. They will be washed up out of the bund, which only has a 30-year lifespan.

Yet when the Minister for Roads and Ports was asked yesterday about what will happen at the end of the 30 years he was absolutely flummoxed and bereft of information. It seemed to me that the 30-year lifespan was a surprise to him. Therefore the minister — and indeed all Victorians — would be shocked to read in appendix 25 of the supplementary environmental effects statement that tests and trials to check whether the bund system would work were subject to shortcuts and budget constraints. I refer to page 4 of appendix 25, which said of tests on a trial bund that eight scheduled core penetration tests were cancelled ‘taking into account weather and budget constraints’.

The appendix also says one of the reasons for the proposed tests was to:

> Assess the permeability of the bund using pore-water dissipation tests.

These are the only tests that assess whether the contaminated material will leach out of the bund. They are important tests of the permeability of the bund. However, the document also says on page 4:

> The possibility of pore-water dissipation tests was also discussed prior to the fieldwork, but no tests were performed due to the time constraints …

So the only substantial tests of the permeability of the bund were constrained or not done due to time constraints. There has been a reduction in the number of tests done because of budget constraints, and other important tests were not done due to time constraints.

I quote from one of the important conclusions of the Sinclair Knight Mertz report:

> However, due to a number of unknowns, we recommend using tracer elements … to monitor the rate of movement of contaminated material.

That is what the report recommended after testing a trial bund, but in the new environmental management plan there is no mention of the use of tracer elements in the bund. There are real concerns about this capping and bunding of toxic material.

I refer to the area of the Heads. One of the most sensitive areas involved in the dredging project is the Rip or Heads area. All Victorians are concerned that the government proposes to attack this area with a new

technology called a hydro-hammer. It is informative to learn that this hydro-hammer, which will be used to smash the rocks and blast through the Heads in a fairly brutal way, was not even used in the trial dredging project. At the supplementary environment effects statement hearing on 18 June 2007, Mr Hawke, the chairman of the inquiry, asked Mr Frans Uelman from Boskalis Australia:

> Why was the hydro-hammer not used during the trial dredge?

Mr Uelman replied that the reason was that the project did not have it in time. The government has taken shortcuts and put the environment of the Heads area and the environment of Port Phillip Bay at risk. That is the real concern that people have.

In addition, evidence was given at the inquiry by Jeremy Gobbo, the Port of Melbourne Corporation barrister, confirming that there has been ongoing erosion of the Rip area from the tidal dredging project — and the hydro-hammer had not even been used! I quote Mr Gobbo:

> Recent inspections of the entrance confirm observations that erosion is continuing to occur in the area of Rip Bank affected by the TDP —

that is, the trial dredging project. Damage was still occurring months after the trial dredging process, and the hydro-hammer — the most significant piece of equipment that will be used to bash through the rocks at the Heads — was not even used. It shows that this project has been pushed along, there have been shortcuts taken, there have been budget constraints on the testing process, and the government has not been honest, open and accountable with the people of Victoria.

The government has also failed to deliver proper compensation to those affected by the dredging project. There is no doubt the dive industry will be devastated. The charter boat industry also will be massively affected. Indeed, 73 per cent of the prime dive sites will be out of bounds because of the trial dredging project. It will have a significant effect on these businesses, and many of them may not survive. Yet there has been no compensation agreement. The Premier said on radio the other day that there should be a process for compensation, but he said that those affected should talk to the Port of Melbourne Corporation. Who owns the Port of Melbourne Corporation? The government of Victoria. It has a responsibility to those industries, and it should live up to those responsibilities.

There are concerns about increased algal blooms in the Yarra River; there are concerns about the impact on dolphins, penguins, fish, seagrass and sponges; and there are real concerns that the benefits of channel deepening will be lost through the lack of investment in on-land infrastructure — road and rail — to provide efficient transport of goods to and from the port of Melbourne.

Finally, I wish to raise the issue of the cost of the project. When it was first proposed, the cost was to be $100 million. In July 2004 the government said it would cost $400 million. In March 2007 the Port of Melbourne Corporation said it would cost $763 million, and now it is over $1 billion. It is interesting to note who has been accurate on this issue. An article in the *Age* of 15 February 2007 reports:

> Liberal ports spokesman Denis Napthine … believed the project would cost more than $1 billion.

The article goes on:

> … Port of Melbourne chief executive … denied a blow-out to $1 billion …

Lo and behold in December 2007 there is an article in the *Age* in which the government and the port of Melbourne admit the project has now blown out to over $1 billion — surprise, surprise!

It is about time the government listened to the opposition, listened to the people of Victoria and introduced a much better real-time monitoring system to protect Port Phillip Bay, because we certainly do not want to bugger the bay when we do the channel deepening project.

Manufacturing: future

Mr HAERMEYER (Kororoit) — What a dreary dirge of whingeing, whining negativity we have just had from the member for South-West Coast.

Mrs Maddigan interjected.

Mr HAERMEYER — 'The tirade', the member for Essendon says. If the opposition in this state wants to be taken seriously, it has to start coming up with some ideas, things that challenge this government, that capture the imagination of the state rather than just opposing everything that happens and trying to be mischievous about it. I can think of no more important infrastructure project in this state than the channel deepening project in the bay. It is very important at the moment, and it is linked to the issue I want to talk about today — the future of our manufacturing sector, particularly the future of our automotive industry. The channel deepening project is critical for the future of the manufacturing sector. From what we have heard today

the Liberal Party is opposed to the channel deepening project, so therefore it is trying to drive a nail in the coffin of our manufacturing sector and drive a nail in the coffin of our exporters.

In relation to the Mitsubishi closure in South Australia some may say, 'What does that have to do with Victoria apart from having some impact on about 1000 jobs there?'. Mitsubishi derives a lot of its products from component manufacturers, a small number based here in Victoria, but then you have your tier 2 and tier 3 manufacturers who are based here and supply some of the major manufacturers that supply Mitsubishi in South Australia. Importantly, we need to look at the flow on to other automotive manufacturers, particularly General Motors, which relies on the same component manufacturers in South Australia that Mitsubishi relies on. Admittedly Mitsubishi is a relatively low-volume manufacturer, but at the same time that volume may be critical to the future survival of those manufacturers. It may be the very bit that provides the critical mass that those component manufacturers rely on.

I do not want to join the chorus of negativity that has gone on about the automotive industry because I think the auto industry in this country has a bright future, but it requires some proper policy settings, particularly from the federal government. I worked closely with former federal Minister for Industry, Tourism and Resources, Ian Macfarlane, and I have a great deal of respect for him and his views on industry policy, particularly in the vehicle sector. Unfortunately he had little support around his cabinet table. It certainly was not forthcoming from Mr Costello, Mr Howard, Mr Nelson or Mr Turnbull, so I think he was a bit of a lone voice around the cabinet table.

It is not just the vital importance that the automotive industry has in this country in terms of bringing wealth and employment; it is also the cornerstone of a large part of our manufacturing sector. It is a key enabler with respect to the skills that we rely on in a lot of our other manufacturing sectors, such as defence, shipbuilding and aerospace, just to name a few. The automotive industry in this country has become more competitive. It was thrown a challenge by the Hawke and Keating governments under the Button plan. It became leaner, more efficient, more productive and more innovative. We have seen tariffs drop from 30 per cent to 10 per cent, and yet we have companies like Toyota, Holden and Ford increasingly exporting their product to international markets. They have improved their quality dramatically to the point where the Toyota plant in Altona produces — and this is an assessment made by Toyota in Japan — the best quality Camry in the world.

Is that not a real change from the way our automotive industry was viewed back in the 1970s? General Motors has invested $1 billion in its new model Commodore, and it is a sensational car that has style, quality and brilliant imaginative engineering. Ford is now investing in its new generation Falcon, and particularly in a model called the T6, which is a light model truck to be engineered and developed here in Melbourne. I think that speaks heaps for the capability of our people in the automotive industry. Our engineers, designers, innovators and car industry executives are amongst the best in the world. They are very highly sought after, so if we are not manufacturing cars here in Australia they will not stay here and people will cease to move into those sorts of occupations in the future. If our car industry is going to survive, we need to focus on exports and we need to develop export markets. If you have a look at Mitsubishi, you find that it is producing 10 000 cars a year, almost none of which are exported. If you have a look at our most successful automotive producer — Toyota — you find that over half of its product goes to export markets in the Middle East.

As I say, the challenge that confronts our industry is not about quality, productivity or efficiency, it is about the high value of the Australian dollar. It is being pushed up, and that is pushing up the relative cost of Australian cars. Where is that coming from? It is coming from the dual-track economy that the Howard government allowed to develop. Members of that government took the view that we could ride on the back of the resource sector and let all our other industries wither. What happens when the resource sector starts moving backwards because the boom in the resource sector slows down or even stops? What have we got left? Sure, some of the other sectors, like the services sectors, are a bit more nimble and easier to gear up, but manufacturing requires skills that are built up over generations. It requires investment in infrastructure and capital that runs into the hundreds of millions — sometimes even the billions — of dollars, and once you have lost it you cannot just re-gear it at the drop of a hat. My guess is that once you have lost it, you have lost it pretty much permanently.

What we need to do to help our manufacturing sector get through the challenges that derive from the resources boom is to encourage some significant investment in infrastructure, tooling and skills. We need to build an industry that is capable of withstanding cyclical fluctuations, not an industry that is based on trying to compete on the lowest common denominator

on cost with China or Korea. It is about building an industry in much the same way as the Germans have built theirs. Their industry has a reputation for quality, imagination, innovation, clever branding, marketing and value adding to produce products that people are prepared to pay more for and products that are aimed at the high end of the market.

In this country I think that requires a new auto plan — or a new Button plan, if you like. It requires a plan for our manufacturing sector. It means that we need to do more than was done under the Howard government, where 1.5 per cent of our GDP (gross domestic product) was invested in research and development (R and D). When you look at countries like Germany, Japan and Finland you see that they are investing 4 per cent and 5 per cent — in some cases as much as 10 per cent — in R and D. That is where product differentiation comes from. We need to help our innovators commercialise that product. Too often we have seen some brilliant Australian ideas and innovations move offshore because no-one over here has been prepared to put the money into them, and those ideas are now producing wealth and jobs in other countries.

We have got some great designers in this country, and we need to build synergies with our design sector to enable us to build cars that have style and prestige. In particular we need to foster the great skills that we have in this country in engineering, design and production management. We need to bring together people who have money and people who have ideas. We need to invest in infrastructure, and in particular — this is where the comments made by the member for South-West Coast earlier on were particularly unwelcome — we need to invest heavily in transport distribution and logistics infrastructure. That includes making our ports more efficient, doing things like the east–west tunnel link and in particular bringing the channel deepening project to fruition. When it comes to things like this the Liberal Party is not offering any ideas or anything positive. It is just engaging in a lot of whingeing and mischief making — and that is all we are getting from them.

We need to build up our capability in telematics. We need to sell our reputation for quality and innovation overseas to really push our export capability, and we need to establish ourselves as the global centre for excellence for the design, engineering and manufacture of rear-wheel-drive six-cylinder cars. We also need to start looking at developing or building alternative fuel technology cars in this country. Work is being done by this government to encourage Toyota, Holden and Ford to build hybrid engine cars in this country, for they are the future of the auto industry. That is where we really need to be going, but as I said earlier, we really need to focus on encouraging exports.

I think our auto industry does have a big future. Companies like Siemens, Hella and VDO have invested significant amounts here because they know that we have a reputation for protecting their intellectual property and that we have people who have great skills in design and engineering. Robert Bosch is another company. Scores of them have invested here, but we have to keep the critical mass of car manufacturing over here. We have to help it ride through the challenges that are posed by the high Australian dollar, which comes out of the dual-speed economy. One of the ways that has to be done, and this is an absolute must — I encourage the federal Rudd government to do it; I know the Howard government was not this way disposed — is to move on the 2010 tariff. There is a proposal to cut tariffs from 10 per cent to 5 per cent on Australian-made vehicles. That has to be suspended. I am not a protectionist, but we have got to help the industry — —

Mr Morris — Sounds like it!

Mr HAERMEYER — What we have there is the Liberal Party saying, ‘Let us just cut the industry loose’. We have to assist the industry to make the transition it needs to make. This industry has already shown its capacity to make the transition from 30 per cent to 10 per cent tariffs, but it has a particular challenge at the moment with the high value of the Australian dollar. We need to help it ride that through. We need to help it make the adjustments that are required to ensure that we have a strong industry in the future.

When it comes to trade policy and tariff policy Australia is one of the of the few countries in the world that plays by the Marquis of Queensberry rules. But when you have an industry that has done a hell of a lot and has really shown it can take the challenges thrown at it, sometimes it also needs to be cut a little bit of slack, and that is where I think that suspending the proposed 2010 tariff cuts in the automotive industry needs to happen — and happen as a matter of urgency.

I would like to hear from the Liberal Party some ideas that actually challenge Labor as a government, both here in Victoria and in Canberra, but we do not get that. Instead we get whingeing, whining and criticism. The Liberal Party is negative, moribund, bereft of ideas and divided. Quite frankly I would welcome that party being rejuvenated and coming up with some fresh ideas that help us as a nation and a state forge forward in a new direction that can help our manufacturing sector

see its way through. That is particularly so here in this state. We are not rich in mineral resources like Western Australia or Queensland, so we have to do it on the back of our manufacturing sector. Unfortunately Liberal Party members seem to have absolutely no plan for that, and all we get from them — as we got from the member for South-West Coast earlier — is a bit of cheap, trashy politicking that stands in the way of infrastructure projects that are absolutely critical to the future of our manufacturing sector.

Question agreed to.

STATEMENTS ON REPORTS

Drugs and Crime Prevention Committee: misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria

Mrs MADDIGAN (Essendon) — I have pleasure today in speaking on the Drugs and Crime Prevention Committee's report, tabled in December, on its inquiry into the misuse/abuse of benzodiazepines and other pharmaceutical drugs. I am glad to say that two members of the committee, of which I am the chair, will also be talking on that report during this debate. I would initially like to thank the staff of the Drugs and Crime Prevention Committee for all their hard work under the leadership of Sandy Cook. They did a terrific job of assisting us with this report and particularly in getting it ready very quickly at the end. I would also like to thank the members of the committee. This committee works in the way that committees are supposed to work. The committee members, whatever their political background, work extremely well together, seriously turning their attention to what is a serious community issue without wasting time on silly political points. The members of the committee have all made excellent contributions to this, and we have worked very well.

What perhaps surprised us to a certain extent is firstly the abuse of prescription drugs and secondly that so many people in the community believe prescription drugs are safe. If prescription drugs, like any other drugs, are misused, they are in fact very dangerous. We looked at only two main classes of drugs — otherwise we would probably have been going for the next five parliaments! We looked at benzodiazepines, which are well-known drugs prescribed in the community and include drugs such as Xanax, Valium — or diazepam — and Serepax, which are prescribed for stress, anxiety and sleeplessness; and the opioid class, such as morphine, OxyContin, MS Contin, methadone and pethidine, which are pain-relieving drugs.

We found a number of problems in this area, one being the very little research that has been undertaken in relation to these drugs. One of our recommendations is that there be more research. Whilst we heard a lot of anecdotal evidence from people, there has been little research to indicate how widespread the use or abuse of these drugs is. It is not for me to speak on behalf of all members of the committee, but I think there was general concern that the misuse of these drugs is perhaps more widespread than people realise.

We were given evidence, particularly from people working in the areas of alcohol and drug dependency, about the many instances of over-prescription of these drugs, the way people get them, their side-effects and the unsuspected effects on people of some of these drugs. As an example I will use OxyContin, which is often prescribed for people in aged care institutions. Many of these drugs, when they first came on the market, were specifically for short-term use. Some of the evidence we were given, particularly in relation to benzodiazepines, indicated that people could become drug dependent in as short a time as two weeks.

If you think about it, you see that that is not a very long time to be taking a drug before you become dependent on it. One of the more distressing results of drug dependency in this area is that, while the associated behaviour may not be as extreme as it is with some illegal drugs, often the effects of withdrawal from them last much longer. Whilst the evidence we were given was that you can withdraw from drugs like heroin within a week, for some people who have become dependent on a benzodiazepine it might take a year or more of a program to enable them to be free of that drug.

This really is quite a serious social problem for our community, one which I think we have been fairly careless about in the past. The evidence we had from overseas showed that in some areas there were better prescription services. There were prescription services that all doctors could have access to. In those countries some of the problems we have in this state and this country, such as doctor shopping, were significantly smaller. There are some areas we really need to look at in the future.

We spoke to some people who had become dependent on these drugs, and their stories were very harrowing. They certainly made all the members of the committee much more aware that this is a serious problem and that there are people out there who are strongly drug dependent but who for a lot of the time manage to hide it from their families and from the community. Often it is difficult for them to seek treatment appropriate to

their drug dependency, because in many cases medical professionals do not understand the drug dependency or the appropriate prescriptions.

In the end we came to the conclusion, I think, that it was not just a problem for the government; it was a community problem that a whole range of people involved in the health industry had to take seriously. That went to better education at universities for health professionals and better practices for health professionals as well as more support from the government.

Drugs and Crime Prevention Committee: misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria

Mr MORRIS (Mornington) — It is my pleasure to also contribute to the discussion on the Drugs and Crime Prevention Committee report on the misuse and abuse of benzodiazepines and other pharmaceutical drugs. That title is quite a mouthful! I concur with the comments made by the member for Essendon about the way in which members of the committee work together; it is a pleasure to put the time in and get the result out.

This report is the culmination of the work of two committees, one of the 55th Parliament and one of the 56th. The process included exhaustive research and many face-to-face interviews with stakeholders, including experts in this field, the representatives of various state and federal agencies, those struggling with this terrible scourge and family members of the afflicted. I would particularly like to thank Sandy Cook and her team for their commitment to the task and for a fine piece of work well done. I will spare the house the statistics — all the details are in the report — but I commend it to members. At 500 pages it is a substantial document — and it is so not only in its physical dimensions but also in terms of its content, and most particularly in terms of its recommendations.

I say quite freely to the house that I had absolutely no idea of the depth of this problem and of the intractable nature of addiction to these drugs. Of course I was aware of the issue — I think most people are — but not the extent of it. That seems to be a pretty common experience. When you talk to anyone in the drug and alcohol treatment field, whether it is the local people working at the coalface or those working on policy at the top of the heap, they all say the same thing: we have a huge problem in this area, and no-one outside the field really knows. Nor did I know anything about the insidious nature of these drugs. I guess most drugs are insidious, but these drugs are particularly so.

There is no doubt that there is a substantial economic cost to the community from addiction in terms of drugs diverted from the pharmaceutical benefits scheme, opportunity cost and lost production. However, that cost pales into insignificance when you consider the human dimension of this tragedy. The knee-jerk reaction that we too often have in the 21st century is to say: who is to blame? Depending on who we were talking to at the time, it was either the doctor's fault, the pharmacist's fault, the patient's fault or someone else's fault. It is always someone else's fault!

One not-so-sympathetic witness even suggested that doctor shoppers were breaking the law and we should simply lock them up. The truth is it is no-one's fault. We all have a role to play in finding a solution. It is a health issue. The answer is not punishment, it is support. It is not as simple as cutting off the supply because we are talking about medicines that in the eyes of many professionals have substantial therapeutic benefits, and you cannot just ban them.

The report contains some 30 recommendations ranging across areas such as education, further research, a proposed prescription recording service, prescribing and packaging practices, and treatment management approaches. As an example of the research required, an analysis of compulsory samples taken at a major trauma centre following motor vehicle collisions showed a significant number of drivers had benzodiazepines in their system. Is there a safe level or does any level of benzodiazepines impair driving? We simply do not know, but we need answers to those things.

One thing we can say with certainty is that we will never shut down the black market or even control it without real-time monitoring of medicines prescribed and dispensed to individuals. Both doctors and pharmacists exercise tremendous judgement, but the hardened addicts and traffickers use many doctors and many pharmacies, and no individual or clinic can possibly keep track of all the items that are prescribed. The system does not allow it. Such a system must be intended to stop abuse before it occurs and to get treatment started. It should never be considered to be an enforcement tool. This is a health issue and our response must be calibrated accordingly.

It is now beyond doubt that the misuse and abuse of pharmaceutical drugs has emerged as one of the major social challenges facing both the government and the community of Victoria. This report shows clearly that we can and we must take action to meet the challenge. I look forward to the government's response and to the ensuing debate.

Public Accounts and Estimates Committee: report 2006–07

Ms GRALEY (Narre Warren South) — I rise to speak on the Public Accounts and Estimates Committee 2006–07 annual report. I have said before to the house how important and what a privilege it is to serve the people of Victoria as a member of the pre-eminent Public Accounts and Estimates Committee (PAEC) of the Victorian Parliament.

I was reminded of that only this Monday when we received a visit by a delegation of overseas members of Parliament sponsored by the World Bank, the Commonwealth Parliamentary Association and La Trobe University. The members of Parliament were from countries like Timor-Leste, Ghana, Indonesia and the Pacific Islands. They were visiting our Parliament and commenting very favourably on the role of the PAEC. Of special interest to them on this trip was the very important relationship that the PAEC has with the Auditor-General. I note that the member for Benalla was at the meeting, but I cannot remember seeing any Liberal members. It would have been a worthwhile instruction if they had turned up. They would have heard in the presentation by the committee chairperson that the PAEC does some formidable and constructive work that ensures the accountability and transparency of the finances of the Victorian government.

I note that our overseas visitors were very impressed with the fact that we have an annual report. We are not required to issue one, but we do that because of the considerable public interest and the fact that we take our responsibilities as members of this important committee very seriously.

I would like to draw members' attention to pages 27 and 31 to 32 of the annual report because they set out the relationship between the committee and the Auditor-General. I especially highlight page 32 where it talks about the role of auditing of the Auditor-General. This is a very important role, especially because we actually undertake audits of the Auditor-General's office. We are doing that on a rolling basis.

It has been my impression that this committee generally works well, so I was very disappointed to see some disparaging remarks about the PAEC. I am especially disappointed to see the disparaging remarks that have been put out about the Auditor-General. The Auditor-General is an important institution. I remember the rallies that took place outside Parliament when this fine institution was being undermined by the then Kennett government.

Mr Wells interjected.

Ms GRALEY — Let us not beat around the bush: the Auditor-General should be accredited all the respect that this Parliament can give. He deserves it because the Victorian public expects it of all members.

The ACTING SPEAKER (Ms Munt) — Order! The member for Scoresby should let the member continue her speech without interjections.

Ms GRALEY — The Auditor-General is an officer of the Parliament and is appointed by the Parliament. I do not think members opposite understand the role of the Auditor-General. I am very disappointed to see reported on page 9 of the *Herald Sun* of 5 February the leaking of the PAEC report. It is very disappointing. I also refer members to a letter in the *Herald Sun* of that date which states:

> Transparency is paramount in good government, and I am glad we have a press that is interested in reporting on issues such as the myki smartcard contract, and my audit of that tender.
>
> My audits are lengthy processes, and sometimes along the way a lot of allegations are made that often prove incorrect.
>
> In writing an audit report, I make sure that it includes all issues of significance and public interest, but equally I need to be sure there is evidence to support any statement I make.
>
> My report on the smartcard tender reported all significant issues where there was a sound basis for doing so.
>
> I would caution people against jumping to conclusions without knowing the full evidence. This is why last December I wrote to the chair of the Public Accounts and Estimates Committee requesting an urgent public hearing into this matter.
>
> I urge people to wait until that process is complete before making judgements.

The letter is signed 'Des Pearson'. Show some respect.

Drugs and Crime Prevention Committee: misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria

Mr DELAHUNTY (Lowan) — I rise to speak on the Drugs and Crime Prevention Committee report on the misuse and abuse of benzodiazepines and other forms of pharmaceutical drugs. Firstly, I want to follow the members for Essendon and Mornington in thanking the staff, led by Sandy Cook, who did a marvellous job in putting together two reports. This is the final report on a very difficult inquiry. They did a great job, and we thank them sincerely.

I also thank my parliamentary colleagues. It was a great committee to be a member of. I particularly thank the organisations, groups and many individuals who provided valuable and informative information. Some of it involved personal recounts of family experiences of the terrible effects caused by the misuse of these drugs.

I have been in Parliament for eight and a half years, and I have been on three parliamentary committees. This has been one of the most difficult but also one of the most informative reports that I have been involved in. As the member for Mornington said, the report highlights the problem. I do not think a lot of people — in fact I put myself in that category — know the depth and breadth of this problem.

There are clear benefits associated with the safe and effective prescription and use of these drugs, but as the report shows, evidence was presented to the committee that there can be substantial harm to individuals and their families and the broader community if these drugs are not used safely and effectively, or if they are intentionally misused.

That sums up the report we put together. The misuse of these pharmaceutical drugs should cause concern among the wider community for several reasons, one being that many of these drugs are subsidised through the federal government's pharmaceutical benefits scheme. The committee received a lot of evidence. We travelled across Victoria; we heard much evidence here in Melbourne, but we also travelled interstate and overseas. In Canada and the United States of America it was brought to our attention that the misuse and abuse of these drugs has been recognised as a serious problem for some time.

I will quote from the report to highlight the problem:

> In the United States the abuse of prescription drugs including painkillers, stimulants, sedatives and tranquillisers has gone beyond the abuse levels of practically all illicit drugs, with the exception of cannabis … The number of Americans who abuse controlled prescription drugs has nearly doubled from 7.8 million to 15.1 million from 1992 to 2003 …

It is an enormous problem in America, and it is heading our way.

From the information we collected it is evident that our community has little understanding of how dangerous these drugs can be if they are not used properly. People believe that these drugs are safe because they are prescribed by doctors and administered by chemists, and there are therapeutic benefits if they are used properly. The report contains 30 recommendations in the areas of education and training, research and treatment. One of those recommendations is that the state — and we believe it should be extended Australia wide — should develop a real-time prescription monitoring service. We heard evidence from overseas and also locally that this would be a significant step towards combating illegal access to drugs and addressing the issue of doctor shopping, which is a major concern that we heard about. I am a strong supporter of the need to go that extra step if we are really going to do something to address this problem.

I want to finish by referring to the personal experience of a family in August 1994, which is included in the report:

> … in August 1994 family life as we knew it disappeared forever when our 18-year-old son Tony was involved in a single-car accident on a local country road.
>
> …
>
> Little did we know that the pain relief being administered to Tony in those early days would lead to a life of unmanageable addictive behaviour that would spiral in and out of control for the next 13 years …

It goes on to say:

> In summarising, we must all be aware that pharmaceuticals are more dangerous and insidious than street drugs. This disease is not selective as it occurs in rich and poor families, the educated and the uneducated.

We also received comments from the NarAnon group in country Victoria. One of the group's representatives phoned the secretary to commend the work of the committee and the final report of the benzodiazepines inquiry. The representative said that the whole group embraced the report and commended the committee on both the content and the breadth of the research undertaken.

As the member for Mornington said, it is a report that will get wide distribution, and I encourage other members to read it.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to speak to the house on committee reports, and the one I would like to highlight is the Public Accounts and Estimates Committee (PAEC) report on the 2007–08 budget estimates, particularly in relation to part 3 of chapter 3.

It is important for this house to note that it was Premier Bracks and then Premier Brumby who highlighted to Australia, not just to Victoria, the importance of a national reform agenda (NRA). That agenda is essential

for this nation's future in terms of skills in particular and also, of course, infrastructure, because without the skills base and the infrastructure, service delivery, which is so important to the citizens of this country and this state, has to take second place.

The strategic necessity for Victoria to take the lead has been highlighted by our government over a number of years. It was with pride that many people in this house heard the national reform agenda being outlined and about how the Victorian government took it to the Council of Australian Governments. The Public Accounts and Estimates Committee has dissected the importance of it for our community.

If we look at the PAEC report we see it notes that the Productivity Commission has also stated the importance of the human capital stream to the national reform agenda. If we refer to page 43 of chapter 3 we can note that the Productivity Commission's work highlights the importance of human capital and better regulation in terms of raising living standards and, of course, infrastructure.

When you go further into chapter 3 of the committee's report you are again reminded of the importance of an ageing population and the slowing of productivity that could arise from that if we do not address our skills shortage. I had the benefit recently of receiving an email that pointed out in very useful detail that Victoria is far outstripping the other jurisdictions throughout Australia in terms of skills development. It is a matter that we are collectively proud of. Our children and friends will have the benefit of the investments made by the state government. They are well equipped to assist with greater productivity here in Victoria, or, if they wish, they can take the skills they have learnt and command very high incomes throughout Australia. Australia is suffering a skills shortage, and Victoria is playing a disproportionate part in positively addressing those shortages.

If members look at the recommendations on page 48, it will also be of interest to them to examine the Victorian government's response to these recommendations. I would like to think that we might now have the full support of each and every member here in this house to address recommendation 1. When the coalition was in government nationally there was absolute silence from the Victorian opposition in terms of arguing for Victoria getting a fair share of commonwealth funding. Recommendation 1 of the report is that:

> The Victorian government continue to focus on securing the fullest fiscal commitment from the commonwealth to the NRA reforms in order to maximise economic, social and environmental outcomes for Victoria.

The other recommendation that I think is particularly important is that the PAEC outlined how it believes the reporting of progress on the national reform agenda can best be achieved. Its recommendation is that the Department of Premier and Cabinet, as part of its coordinating role, ensure that time lines and key milestones are established for the various national reform agenda programs and projects and how they are being implemented by government departments. It is with pride that I thank the committee for this report.

Drugs and Crime Prevention Committee: misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria

Mr McINTOSH (Kew) — I rise today to talk about the recently tabled report of the inquiry into the misuse and abuse of benzodiazepines and other forms of pharmaceutical drugs by the Drugs and Crime Prevention Committee of this Parliament. The committee tabled this report at the end of last year. It is a matter of real pride that on this first opportunity to speak on the report following its tabling I am the fourth of the committee members from all the parties represented in this chamber to rise in this house and talk about the report. We often get criticised for the conflict that develops between different parties and the theatre that is played out in this place and elsewhere. That is picked up by the broader community and the media, because of course conflict sells newspapers. But rarely are we congratulated for working together to achieve a particular outcome. The tabling of a report is only the initial step in a process that may provide some practical outcome for the community, but at the end of the day the government is formed by representatives of the major party in this place and an alternative government stands ready and willing at the appropriate time, following an election, to take the reins of power in this state.

It is important that leaders of our community are apprised of critical and growing issues in our community such as those that go to the question of use or abuse of prescription drugs. As the shadow Minister for Police and Emergency Services I find a great deal of my time is spent dealing with law and order issues and talking about anything from police numbers and the location of police stations to rising crime levels. That can be attributed to a number of things. We are all very aware of the enormous rise in violent crime in and around Victoria and particularly in the Melbourne central business district, which is a particular problem that is being mirrored in major provincial centres and other locations around the state. When trying to divine the reasons for that rise in violent crime people often

attribute it to the use and abuse of alcohol and, to a lesser extent, drugs. One of the things we do not necessarily concentrate on but which this committee's inquiry over the last 12 months has sharpened in my mind is the danger posed by lawful prescription drugs. When I say 'lawful' I mean drugs that, if used in accordance with the prescription and intention of them, can largely be of enormous benefit to the community. It is the abuse that causes a great deal of harm.

I was struck by remarks I will attribute to Mark Souder, the ranking Republican on the United States congressional drugs and crime prevention committee and a former chairman of that committee. He said that this year, if you exclude tobacco and alcohol, more Americans will die from the abuse of prescription drugs than all other illegal drugs put together. We spend an enormous amount of time talking about illegal drugs. This has been a significant eye-opener. I have no doubt that I will be making a more concrete contribution on this report in this chamber and elsewhere at a later time.

I pay tribute to my colleagues on this committee. We went about this inquiry in a very collegiate way, which is a demonstration that this place actually does things well. It has certainly sharpened in my mind that there is a much larger issue facing us in terms of the drug problem in this country. We are replicating what is happening in America. It is not just about illegal drugs, it is also about the abuse of prescription drugs. There are many bases and manifestations and facets of that problem which we are going to have to face as a community. I am proud of the work of my fellow members of the committee. I am also very proud and very pleased with the work of the staff of the committee and the way they have gone about their business.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Port Phillip Bay: channel deepening

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Port Services Amendment (Public Disclosure) Bill 2008, which would provide greater public scrutiny of the channel deepening project, and to the fact that in this house this morning government members voted down the bill without a single government minister or member having the courage to join the debate and argue the case. I further refer to the Premier's subsequent statement that the bill is 'unnecessary', and I ask: why does the government continue to refuse to provide Victorians and bay users with what they want — unedited, real-time, online data on the environmental impact on the bay — and why does the Premier believe it is 'unnecessary'?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I indicated yesterday, the requirements which the government and the port authority have put in place in relation to the proposed channel deepening are the most stringent which have ever been put in place. Not only is there an independent environmental monitor, there is also a $100 million environmental bond. The environmental management plan, which of course is publicly available, has been strengthened by the federal Minister for the Environment, Heritage and the Arts, Peter Garrett. And in terms of environmental monitoring, the environmental monitor, Mick Bourke, made a statement on Sunday that he will provide a level of information to the Victorian public which is unprecedented in terms of the testing and the quality of water available in the bay.

In terms of the specific matter which the Leader of the Opposition has raised, the bill to which he refers is being debated, as I understand it, in the upper house, and it would be unusual, I think, to say the least, to have a piece of legislation, especially a private member's bill, debated in both houses. I certainly cannot remember an occasion when that has been the case.

Mr Batchelor — On a point of order, Speaker, I draw your attention to standing order 107, just to assist with the future operation of today's question time. It is on page 53 of the Legislative Assembly standing orders, and it says:

> A member must not refer to any debate or matter pending in the Council.

Clearly this matter raised by the Leader of the Opposition is in fact on the notice paper and is scheduled for a future day of sitting. Whilst the first question and answer have been satisfactorily dealt with, I just draw that matter to your attention in case it is raised in subsequent questions.

The SPEAKER — Order! I believe the Leader of the House is accurate: a member must not refer to any debate or matter pending in the Council. The question from the Leader of the Opposition, however, referred to the motion earlier this morning to introduce that bill into this chamber, and I do not believe he referred to the Council at all in his question.

Road safety: Arrive Alive 2

Ms MARSHALL (Forest Hill) — My question is to the Premier. Can the Premier outline any recent government announcements which improve road safety?

Mr BRUMBY (Premier) — I thank the honourable member for her question. Earlier today, with the Minister for Roads and Ports and the Minister for Police and Emergency Services, and accompanied by the Assistant Commissioner of Police, Ken Lay, representatives of the RACV (Royal Automobile Club of Victoria), the TAC (Transport Accident Commission) and VicRoads, the government released the Arrive Alive 2 road safety strategy. This obviously builds on the great success we have had in working with Victoria Police and the Victorian community on Arrive Alive 1. Members may recall that when Arrive Alive 1 was released we set a target of a 20 per cent reduction in road fatalities over the next five years. I think there were many people who at the time thought that that may not be achieved.

By working together with Victoria Police and the community with those strategies, we have actually seen a 25 per cent reduction in road fatalities. That translates to more than 500 lives and thousands of serious injuries. It is an achievement of which all members of this Parliament, and certainly all members of the government, can be very proud indeed. The level of fatalities over the last five years has been the lowest on record. We are down to about 330 deaths per year, but that is obviously still 330 deaths too many. Today we announced Arrive Alive 2, which takes us through to 2017 and sets a target of a further 30 per cent reduction in road fatalities.

The strategy is based around three elements: it is based around safer cars, it is based around safer roads and it is based around safer drivers. In relation to safer cars, the government has formed the view that the next big wave in lifesaving in terms of road policy will come through new technology. Today we announced that from 1 January 2011 all cars manufactured and sold in Victoria, as a condition of registration, will need to be fitted with electronic stability control (ESC). From 1 January 2012 all cars manufactured and sold in Victoria, as a condition of registration, will need to have side curtain airbags fitted as standard. We were shown a demonstration of this today out at Autoliv in Campbellfield. These two things alone will do more to save lives in our state than any other single measure.

Today I have written to the premiers and chief ministers and to the Prime Minister advising them of our decision and urging the other states and the commonwealth to set this in place around Australia so that we have a uniform introduction date for this technology which would save hundreds if not thousands of lives right across Australia.

As part of the strategy today as well, we increased funding for the safer roads improvement program. We are spending $600 million over the next 10 years on that. Today we added a further $50 million in the first three years. I am pleased to say that over the next two years $16 million will be allocated to the grey spots program, which has been successful in country Victoria. Those measures are strongly endorsed by motoring organisations and the Transport Accident Commission.

I should say in relation to safer drivers that we have announced today a range of measures which will drive the fatality rate down. From this year any driver who is detected with a blood-alcohol content of more than .10 will be suspended from driving immediately. At the moment the driver has the option of waiting until the court case, and they can continue to drive. It is our view that someone who is at .10 is a long way over the legal limit, and they should be prohibited from driving immediately. We have also announced more routine alcohol and drug testing of all drivers who are now involved in serious crashes.

From 1 July P-platers in their first year of driving will be restricted to one peer-aged passenger. I know this has been the subject of quite a lot of debate over recent months. I know it is a thing which has been debated by many members of this chamber. The position we have adopted is one that was proposed by the Royal Automobile Club of Victoria (RACV). It is not to ban all passengers, and it is not to ban them for the whole of the P-plate period, but it is for that first year, and it will restrict them to one peer-aged passenger.

Many of the horrible fatalities that we have seen in recent years — and there is often one a month involving young people: we saw one on the West Gate Freeway and we saw another one in Gippsland — typically involve a group of young people in the back seat. All of the evidence suggests that there is a bit of egging on of the driver and that, if you want to change that behaviour, the best way to do that is to restrict the number of peer-aged passengers in the car. We have adopted that recommendation. It was proposed by the RACV. It is a sensible and balanced approach.

Finally, in relation to drivers who have broken the law and collected demerit points, they will have the option in the future of being able to reduce some of those

points if they do driver education and driver safety training. Again, I think that strikes the right balance.

This is a good package; it is a balanced package. It will save hundreds of lives going forward. It will put Victoria, which has a great record in this area — with compulsory seat belts, random breath testing and then random drug testing, and now the introduction of new technology — at the forefront. It will drive the fatality rate down to the low 200s by the next decade, and in that sense it will bring enormous relief to families and communities across the state.

In relation to the technology, the government will take a leadership position. In the future, where it is technically possible, with all fleet purchases the government will be ordering those vehicles with ESC and with side curtain airbags. That leadership by the government not only will make the government fleet safer but will drive down the cost of providing those safety mechanisms for manufacturers. Of course after 60 000 kilometres, when those cars are onsold again, it will increase the size of the fleet in Victoria that has those safety features fitted.

I think it is a good package. It has been well received, and it will save lives. It is a great example of the partnership that we have achieved and formed across the Victorian community.

Smoking: bans

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given that the government, as the Premier has just confirmed, has today endorsed The Nationals policy on passenger restrictions for P-platers and, as the Premier confirmed yesterday in the annual statement of government intentions, is in the process of implementing The Nationals policy on body piercing, will the Premier accept yet another good idea from The Nationals and act in the interests of the health and safety of Victorian children to ban cigarette smoking in motor vehicles while a child is present?

Mr BRUMBY (Premier) — The question which has been raised by the Leader of The Nationals is an important question. I made it very clear when I became Premier that one of the focuses of the government going forward would be a stronger focus on preventive health care and a stronger focus on tackling cancer.

I have made a number of announcements with the Minister for Health since then. Consistent with that, there has been $5 million for the assessment of a business case for a comprehensive cancer centre, additional funding for VicHealth to increase its advertising campaign to bring down smoking rates, and of course additional funding for the Victorian Cancer Agency, which I announced the other day with the minister and which is doing some great research into a whole range of cancers.

I think it is fair to make two points. Victoria historically has led the way in tackling smoking. Victoria has led the way through the establishment of VicHealth, which was a bipartisan initiative — a tripartisan initiative, actually — and I think it is fair to say, too, that under our government over the last eight years we have led Australia in terms of antismoking measures, particularly with the introduction of smoking bans in gaming venues. All of these things, I think, have been very effective.

We have our tobacco control strategy. That strategy will be put in place next year, or perhaps later this year. It will set a 20 per cent reduction target for adults, going from a 17.4 per cent smoking rate to 14 per cent by 2013, and it will also look at improved outcomes for at-risk groups such as pregnant women and youth. As part of developing that strategy the government will consider all of the relevant views from stakeholders and interested parties, and the views which the Leader of The Nationals has offered up today will be considered as part of that discussion.

Road safety: Arrive Alive 2

Ms RICHARDSON (Northcote) — My question is for the Minister for Roads and Ports. Can the minister outline to the house how the Brumby Labor government will build on its successful Arrive Alive strategy to improve road safety for Victorian families?

Mr PALLAS (Minister for Roads and Ports) — I would like to thank the member for Northcote for her question and for her continuing concern about the welfare of Victorians on our roads. Since the introduction of the Arrive Alive strategy in 2002, what we have seen is our road toll drop from 444 to 332. That is in effect 112 reasons why Victorians can actually take comfort in the knowledge that this government has a strategy and that that strategy is delivering safer roads — but there are 332 reasons why we need to do more.

Over the lifetime of our road strategy we have saved in effect 580 lives as a consequence of the implementation of that strategy. To give an illustration of how far we have come as a community, as well as having a population in this city that is planned to grow by over 1 million people over the next 30 years, what we have also seen is 1 million extra vehicles on our roads in the last decade. That means that per head of population we

currently have 6.38 fatalities per 100 000 people compared to 9.2 fatalities in 2001. That is a 30 per cent reduction in a per capita sense, and indeed it is Victoria's lowest rate of fatalities as a consequence of vehicle death since 1925. We have made amazing inroads. These are significant results which will enhance Victoria's position as a world leader in terms of road safety and our commitment to driving the road toll down further.

Today we have unveiled the government's strategy, Arrive Alive 2008–2017, which aims to further reduce the road toll by 30 per cent by 2017 as well as reduce the frequency of injuries and indeed the severity of those injuries. As the Premier has indicated, $650 million has been allocated to building safer roads, including, in a substantial sense, $230 million over the next three years of our strategy. Importantly the grey spots program, which I think has been well received in country Victoria and outer metropolitan Victoria, will be continued and increased to the tune of $16 million over the next two years. In metropolitan areas we will be considering sites for inclusion in an extended rollout of the 40 kilometre-per-hour speed limit in shopping strips where there is substantially high pedestrian activity. The initiative follows a trial of some 18 sites which has resulted in a decrease of casualty crashes involving pedestrians of between 12 and 15 per cent.

We will target funding to reduce the most common types of crashes in regional communities, and those in particular are side-impact, run-off-road and head-on crashes. We will provide VicRoads with powers to remove roadside hazards such as native vegetation to ensure that our roads remain safe. This strategy will prevent deaths on our roads, with new initiatives aimed at having safer roads and roadsides, safer vehicles and safer road users.

Victorians have every right to be proud of the collaborative approach that we have adopted in respect of this state's recording its five lowest road tolls ever in the last five years. But it is a sad reality that Victorians are more likely to die violently from a road crash than from any other cause, and that remains the case today. Any life that we lose on our roads is one too many. The unveiling of this strategy is not the end of our efforts but the beginning of a new approach and new action to ensure that our roads are as safe as they can be.

Public transport: ticketing system

Mr MULDER (Polwarth) — My question is to the Minister for Public Transport. I refer the minister to the overdue and over-budget transport ticketing fiasco, and I ask: is it a fact that the winner of the myki smartcard tender, Keane Incorporated, negotiated an exclusive $75 000 reduction in its request-for-tender fee from $100 000 down to $25 000, and can the minister explain why a similar reduction was not offered to competing tenderers?

Ms KOSKY (Minister for Public Transport) — I thank the member for his question. Yesterday I made it quite clear that the TTA (Transport Ticketing Authority) has responsibility — —

Honourable members interjecting.

Ms KOSKY — I have not even finished the sentence!

Ms Asher interjected.

Ms KOSKY — I have not finished the sentence.

The SPEAKER — Order! The minister and the Deputy Leader of the Opposition know better than to converse across the table, even given the uproar that has been caused. I ask members to show some respect to the minister answering the question, who has been given the call by the Speaker.

Ms KOSKY — I made it clear in the house yesterday that the TTA has had responsibility as the statutory authority for the contract for delivering our ticketing system, and as part of that process of contracting it has probity auditors along the way to actually ensure the probity of its processes. In addition to that the Auditor-General, who is an independent — —

Honourable members interjecting.

The SPEAKER — Order! If the member for Scoresby wants to ask a question, he will be given the call when he stands to ask it; otherwise, I ask him to not interject.

Ms KOSKY — In addition the independent Auditor-General, who reports to this Parliament — a position which this side of the house very much supports and which is now enshrined in the constitution — has the responsibility for auditing the processes. So there are processes in place to ensure proper probity in relation to contracts, and they are the processes that this side of the house will support.

Police: The Way Ahead

Ms CAMPBELL (Pascoe Vale) — My question is to the Minister for Police and Emergency Services. I refer the minister to the launch last week of Victoria Police's strategy for the next five years, The Way Ahead, and I ask the minister to advise the house on

Victoria Police's success in achieving its aims under the previous five-year plan.

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Pascoe Vale for her question. Can I just say at the outset that during the last five-year Way Ahead period it has been fantastic to have Christine Nixon as the Chief Commissioner of Police. She has been a moderniser, and she has led tremendous policemen and policewomen across Victoria, who do a fantastic job every day of the year.

Last week The Way Ahead 2008–2013 was launched by the Chief Commissioner of Police together with the Premier. That builds on the success of the previous five-year plan. Let us test the last five-year plan. The chief commissioner said that crime would be reduced by 5 per cent, and the actual result was a reduction of 16.6 per cent. As honourable members will know, what that means is that Victoria now has the lowest crime rate in Australia and the lowest crime rate since the introduction of computerised records. That is something of which Victorians can be extremely proud, as can the chief commissioner. That reduction in crime has come about because of good police and the unprecedented resources that our force now has — the additional 1400 sworn police we have already put on and a record budget of $1.6 billion, together with a large capital works program. Of course we had to undo the damage of the years of the Liberal-National government, which slashed police numbers by 800 and saw crime soar in this great state.

Policing has been smarter over that five years, with additional resources and technology. Whether it has been through intelligence-led policing or through the use of crime desks, where specialist teams are charged with collecting evidence, or whether it has been by using DNA and science better or by tackling family violence, what we have seen is a force that has been prepared to change and to modernise.

On the road safety front, as the Premier and Minister for Roads and Ports have set out today, we have seen a dramatic decrease in the rate of unfortunate violent deaths on our roads. That has come about in part because of the tremendous work of police, whether it has been the enforcement of speed limits, random alcohol testing or drug testing. Every booze bus is now a drug bus as a result of the work of Victoria Police and the state government. Victoria Police has effectively implemented anti-hoon legislation, which has been so welcomed in so many communities across the state. We totally rejected, and continue to totally reject, the policy of those opposite to give first offenders a slap on the wrist and allow them to go home.

As part of The Way Ahead 2008–2013, the Chief Commissioner of Police sets a target of reducing crime by a further 12 per cent. Members will remember that as part of last year's enterprise bargaining agreement negotiations the deal that the chief commissioner and the police union struck was to reduce crime by 10 per cent over four years. They both signed up to that. That will come about as a result of flexibilities that have been introduced into the police force so that police can be where they are needed. In particular the chief commissioner has said she is concerned about the growing level of antisocial problems on our streets, particularly at night and around entertainment precincts. That is a particular area she will be focusing on during the implementation of The Way Ahead going forward.

Victoria Police will continue to work with the community and with government agencies to bring about the results set out in Arrive Alive 2. We have seen a tremendous plan put out today, and Victoria Police will be right there behind it.

Public transport: ticketing system

Mr MULDER (Polwarth) — My question is to the Minister for Public Transport. I refer the minister to the overdue and over-budget transport ticketing fiasco and to the contract awarded to Keane Incorporated by the Transport Ticketing Authority, and I ask: has the chief executive officer of the TTA, Mr Vivian Miners, supplied an updated itinerary detailing the missing 18 hours he spent during the tender process in Washington, the home of Keane Incorporated, the winning bidder of the smart card tender?

Ms KOSKY (Minister for Public Transport) — As I made clear before, there are proper auditing and probity processes as part of the TTA contract.

Honourable members interjecting.

The SPEAKER — Order! I say to the member for Bass and the member for Scoresby: I will not have the person who has been given the call shouted down.

Ms KOSKY — We have proper probity processes in place with any contract that the government puts out to tender, and we have the Auditor-General, who investigates any contracts that come to his attention. Those are the processes that this government supports — an independent Auditor-General — —

The SPEAKER — Order! The Leader of the Opposition, on a point of order.

Ms Pike interjected.

The SPEAKER — Order! I warn the Minister for Health.

Mr Baillieu — On a point of order, Speaker, the minister is debating the question. The minister is actually the Minister for Public Transport. She has a responsibility — —

The SPEAKER — Order!

Mr Baillieu — She has a responsibility to the house.

The SPEAKER — Order!

Mr Baillieu — She needs to answer the question.

The SPEAKER — Order! The Leader of the Opposition knows full well that that is not the manner in which a point of order should be taken. He also knows that as long as the minister is being relevant to the question there is nothing in the standing orders that requires her to answer the question.

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr Baillieu — On the point of order, Speaker, is it your ruling that the Minister for Public Transport does not need to answer these simple questions?

The SPEAKER — Order! The Leader of the Opposition knows full well what the standing orders of this Parliament are.

Mr Thompson — On the point of order, Speaker, I draw your attention to *Rulings from the Chair 1920–2007* and the ruling by Speaker Maddigan under the heading 'Reply must answer the question':

> When responding to a question a minister must answer the question rather than responding generally.

The SPEAKER — Order! We have had this debate before, and I have ruled on the relevance of questions. I have provided a long list of rulings from the Chair that support the original intent of the standing orders, which require that answers to questions must be pertinent, direct and succinct.

Mr Baillieu — On a further point of order, Speaker, if the Minister for Public Transport is not required to answer the questions which have been raised, what is it that the Minister for Public Transport does?

The SPEAKER — Order! There is no point of order.

Ms KOSKY — As all members in this house know, the TTA contract with Keane was investigated by the Auditor-General. The Auditor-General found that there was no case to answer on this.

Mr Wells interjected.

Ms KOSKY — The Auditor-General — who is an independent Auditor-General, who reports to this Parliament and whom this side of the house has absolute confidence in.

The SPEAKER — Order! The member for Scoresby is warned. I have suggested to the member for Scoresby that if he wishes to ask a question, he can do so by standing in his place and being given the call. To constantly ask questions by way of interjection is unruly.

The minister has concluded her answer.

Children: early childhood initiatives

Mr BROOKS (Bundoora) — My question is to the Minister for Community Services. I refer the minister to the government's commitment to giving Victoria's children the best start in life, and I ask the minister to detail for the house what initiatives the Brumby government is undertaking.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Public Transport and the member for Caulfield! I ask for some cooperation in the smooth running of question time.

Ms NEVILLE (Minister for Community Services) — I thank the member for Bundoora for his question. Keeping our children safe and ensuring that they are protected are a major priority for parents and also for government. The Brumby government believes every Victorian child deserves to feel safe and protected and have the best possible start in life. That starts in the home but is also complemented by a strong universal system of early childhood services to help all families give their children the best start in life.

We know that some families and some children are more vulnerable than others and need additional help. That is the role for government, and that is why the Brumby government is acting. We have invested in more specialised services and we have implemented new legislation to ensure vulnerable families receive additional help. Since coming to office in 1999 we have

increased funding to child protection and family services by a massive 93 per cent — a massive increase compared to the funding cuts under the previous government — and we are doing this in response to the growing body of research that shows that stable, nurturing and responsive relationships build healthy brain structures in children.

The passing of the new Child Wellbeing and Safety Act and the Children, Youth and Families Act is once-in-a-generation reform of the way government responds to children at risk. The new legislation has led to the establishment of the Victorian Children's Council, the Office of the Child Safety Commissioner and a more integrated system of child, youth and family services that better connects vulnerable families to the services they need.

Our new legislation enables vulnerable children and their families to obtain assistance earlier, before a crisis occurs and before children experience significant harm. To drive these reforms the government has invested $219 million since 2002 in family supports and has more than doubled funding for family services over the last four years. This includes the rollout of 39 family support innovation projects right across the state. These projects provide support for up to 1300 families each year, helping to get to them before they reach a crisis. These sites are complemented by the rollout of Child First sites, which will be located in 24 communities across the state by 2009. Ten of these sites are already providing services and supports at the time families most need them in communities such as Geelong, Shepparton, Warrnambool and in the outer east and south-east of Melbourne, and of course in the community represented by the member for Bundoora in Banyule. Last month I was very pleased to visit Footscray to see the progress in the rollout of its Child First service.

On top of this we are, of course, investing in our workforce, having provided for an additional 100 child protection workers since November 2005. The figures show that the Brumby government's focus on early intervention and prevention is having an impact with a reduction in demand for child protection. We now have the lowest notification growth rate in Australia, 2.8 per cent, compared to the national average of 56 per cent. That is a significant achievement in Victoria, but of course there is more to be done. That is why we will continue to invest in early intervention and prevention and in our child protection systems.

We are building a first-class system here in Victoria after inheriting a run-down and neglected system from the Liberals. We are backing that up with funding growth, not funding cuts. We are determined in our commitment to protect the state's most vulnerable children, and we are providing families with the proper supports and services earlier in a child's life to give them the best chance of a good life.

Government: advertising

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to an article in the *Age* of 20 November 2007 where Kevin Rudd gave a 100 per cent guarantee that the Auditor-General would have veto power on government advertising. I also refer to the comment, and I quote from the article, that Mr Rudd:

> … demanded that his Labor Party state colleagues make the same commitment, agreeing that they were also spending public money on advertising to make themselves look good, rather than to convey factual information.

And I ask: will the government legislate to give effect to Mr Rudd's demand?

Mr BRUMBY (Premier) — I think over the years a number of questions have been asked about this issue of government advertising. I know I have been asked about it on at least two occasions since I have been Premier. The answer I have given is the same as the one I will give today — that is, that the bulk of advertising which is undertaken by the government is in relation to campaign advertising by groups like the TAC (Transport Accident Commission) and WorkCover. On the day we are announcing Arrive Alive 2, which is about saving lives on the road, and a big part of that is about driver behaviour and the early adoption by drivers of car safety features like ESC (electronic stability control), I should point out that 52 per cent of cars that are sold today in Victoria have ESC fitted. That is the highest of any state in Australia. This is about advertising by agencies to save lives.

Mr Ryan — On a point of order, Speaker, the Premier is debating the issue. The question is whether the Auditor-General is to be given veto powers over this important issue. That is what I am asking of the Premier.

The SPEAKER — Order! I do not uphold the point of order at this time. The Premier was discussing advertising which would form part of the question from the Leader of The Nationals on government advertising. I believe he has been relevant to the question, and he still has considerable time left to refer to the question in his answer.

Mr BRUMBY — As I said, the bulk of what state governments do is through agencies, which include WorkCover and the Transport Accident Commission, and it is related essentially to saving lives. In addition, of course, if you get on the internet or read the newspapers you see there is a significant amount of advertising undertaken by government for recruitment, particularly through the health department, and I think it is entirely appropriate that the government is responsible for those advertisements.

Industrial relations: WorkChoices

Dr HARKNESS (Frankston) — My question is to the Minister for Industrial Relations. Can the minister update the house about recent developments in workplace relations?

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for his very important question. Last Friday saw a new era in the operations of the Workplace Relations Ministers Council and the first steps to getting rid — finally — of WorkChoices, which we all know was a policy soundly rejected by Australian working families at the last federal election.

It was a fascinating Workplace Relations Ministers Council for a number of reasons, not the least of which was that we actually had a federal minister turn up. This was the first Workplace Relations Ministers Council since September 2006 where a federal minister actually turned up. September 2006 was the last WRMC that Kevin Andrews turned up to. Minister Hockey refused to turn up to any of these meetings. He did indicate that he would consult with the states in relation to WorkChoices. But we told him how rotten WorkChoices was, and he decided not to hold any more council meetings.

Fortunately I can advise the house that all of this is behind us. We now have a government in Canberra that is committed to getting rid of the last vestiges of WorkChoices, and in particular the Liberals' rotten AWAs (Australian workplace agreements). The Workplace Relations Ministers Council was briefed by the new Deputy Prime Minister and workplace relations minister — that is, Julia Gillard. All ministers present at that ministerial council — —

Honourable members interjecting.

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

Mr HULLS — Julia Gillard briefed us all in relation to Forward with Fairness, and all ministers at that conference endorsed Forward with Fairness as the basis for a modern, fair and flexible industrial relations system.

Whilst all ministers at that council meeting — and I am pleased to say it was held here in Melbourne — endorsed this policy, sadly there are still some recalcitrants out there. In fact I notice that in today's *Australian Financial Review* the deputy leader of the Liberal Party in Canberra is reported — —

The SPEAKER — Order! I ask the Attorney-General to confine his remarks to the question and not debate the question.

Mr HULLS — The question was about the latest developments in relation to industrial relations, and I would have thought we would now have bipartisan support right across the country in relation to the Rudd Labor government's policy. However, there are still some who want to go back to AWAs. Indeed Julie Bishop in today's *Australian Financial Review* has said that the federal Liberal Party will move amendments to go back to AWAs.

The SPEAKER — Order! The Deputy Premier well knows that he is debating the question. I ask him to desist and to continue to answer the question.

Mr HULLS — It is important that governments have a clear position in relation to industrial relations, and the Brumby government's position is crystal clear: we, along with all state governments around Australia, are determined to create a national industrial relations system for the private sector. In fact I gave a commitment on behalf of the Brumby government at this Workplace Relations Ministers Council that we will do everything we can to assist the Rudd government to restore decency and fairness to the workplace and at the same time generate the right atmosphere for job creation and for sustainable economic growth. So I conclude on this note: as far as state Labor governments are concerned WorkChoices is dead and buried. And I might say as far as — —

Honourable members interjecting.

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

Mr HULLS — As far as the federal government is concerned, WorkChoices is dead and buried — and indeed as far as Brendan Nelson is concerned, he has made comments that WorkChoices is dead and buried. So there seems to be a growing view that at last we can move forward in relation to a national industrial relations system in this country. All that now has to occur is for those opposite who supported

WorkChoices and AWAs to apologise to the people of Victoria.

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

RULINGS BY THE CHAIR

Members: unparliamentary and offensive remarks

Dr Sykes — On a point of order, Speaker, I refer to a statement made yesterday by the member for Yan Yean which I find offensive, and I ask her to withdraw it. The specific statement was:

> The member for Benalla today has shown by his organised stunt that he and his party have no respect at all for measured, rational debate, but prefer mob rule and the law of the jungle.

I had absolutely nothing to do with the organisation of the protest which disrupted question time in this house yesterday. I and The Nationals strongly support measured, rational debate and the orderly conduct of Parliament. The member for Yan Yean's statement cast an unfounded — —

Honourable members interjecting.

The SPEAKER — Order! The member has asked for comments to be withdrawn. That is entirely appropriate as a point of order. I believe that the member is now making a personal explanation, which is not in order as a point of order. I ask the member for Yan Yean to withdraw the comments that the member for Benalla has found personally offensive.

Mr Nardella — On the point of order, Speaker, the standing orders are quite clear, and the custom and practice is quite clear, that for a member of Parliament to seek a withdrawal of a comment that they find offensive they need to be in the chamber and need to do it immediately. This event occurred yesterday. The point of order is inappropriate: the issue should be dealt with via a personal explanation. That has been the custom and practice of this house for as long as I have been here. I ask you to rule this point of order out of order.

Mr Batchelor — On the point of order, Speaker, I draw your attention to standing order 120, which refers to objections to words. This supports the argument put forward by the member for Melton. The standing order says:

> If the member objects to words used in debate:
>
> (1) The objection must be taken immediately.
>
> (2) If the words relate to a member of the house and that member finds them personally offensive, the Chair will order the words to be withdrawn and may require an apology.

The longstanding practice of the house is that if a member wishes to take offence at words used against him or her, that must be undertaken immediately. The member for Benalla knows that better than most, because he took advantage of it yesterday — and I withdrew the words that he thought offensive. If he thought that the words in the contribution made by the member for Yan Yean during members statements were offensive, that was his opportunity to object.

Further, Speaker, many Speakers have ruled with great wisdom in the past that complaining about words of offence runs the risk of making the robust debate of this chamber ineffective. If we are unable to say that The Nationals are dinosaurs or they are unable to say that they do not like the Labor Party, there is no room for debate in this chamber. The system of Westminster democracy rests upon the ability of individual members to speak their minds.

Further, Speaker, I draw your attention to notice of motion 707, which was given yesterday, whereby the member for Benalla is seeking to move that this house congratulate the people who were protesting on 5 February. I put it to you, Speaker, firstly, that if he has taken offence at being called a dinosaur, the member for Benalla has missed his opportunity. He should have acted on that yesterday. Secondly, in the traditions of the chamber there must be an element of discretion in order to allow us to have a robust debate and criticise our opponents. If that is not possible, then the rules of this house will have been used to undermine a fundamental democratic principle.

Mr Thompson — On the point of order, Speaker, I draw your attention to the section 'Timing of request' under the heading 'Requests to withdraw remarks' in *Rulings from the Chair 1920–2007*. At page 66 it is noted that 'Generally matter must be raised immediately'. However, I draw to the attention of members of the government and of the Leader of the House the latter part of that paragraph:

> However, the Chair can exercise discretion to enable the matter to be raised at a later stage of the proceedings.

Mr Hulls — On the point of order, Speaker, firstly, we have new standing orders; secondly, the argument has been put very succinctly that even if there were a discretion, its use would be totally inappropriate on this particular occasion, because 24 hours have passed since

this innocuous statement was made. For the member for Benalla to be crying 24 hours later shows that this is nothing more than a political stunt.

The SPEAKER — Order! I do not uphold the point of order taken by the member for Melton. I believe that the member for Benalla has every right to raise this point of order at this time if he has been personally offended by the remarks. I am aware that I have the discretion to waive the immediacy requirement of his request. I ask the member for Yan Yean to withdraw the particular reference to the member for Benalla contained in her statement yesterday.

Ms Green — Can I seek clarification, Speaker?

Honourable members interjecting.

Ms Green — I withdraw in deference to the member for Benalla, but I seek clarification in terms of how many days this could occur — —

The SPEAKER — Order! I will clarify that. That is something that will stay at the discretion of the Speaker.

CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL

Statement of compatibility

Mr BATCHELOR (Minister for Community Development) 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 Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008.

In my opinion, the Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008, 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 enables the Governor in Council to put in place, by declaration, temporary special event management arrangements for the Carlton Gardens if the minister responsible for the Crown Land (Reserves) Act 1978 considers that an event is of state significance and should be held there. This will ensure the successful staging of significant events at Carlton Gardens, in particular the Melbourne International Flower and Garden Show (MIFGS).

Human rights issues

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

The right to freedom of movement is relevant to the bill. This right is protected by section 12 of the charter. Section 12 provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

This right is relevant to the bill because, if a special event declaration is made, public access to the Carlton Gardens is likely to be restricted during the event and set-up period.

The current committee of management, Melbourne City Council, may already permit the staging of events in Carlton Gardens that would temporarily limit public access, and MIFGS has been held there for the last 12 years. This bill might, however, be perceived to limit the right to freedom of movement because its purpose is to ensure that declared special events, in particular MIFGS, can continue to be held at the Carlton Gardens.

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

I consider that the limitation on the right to freedom of movement is reasonable, in accordance with section 7(2) of the charter. The reasons for this view are set out below.

(a) the nature of the right being limited

The right to freedom of movement is a fundamental human right which protects against restrictions on people's ability to move freely within the state. The right is not an absolute right at international law, and under the charter may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society.

In this instance, the limitation relates to public access to Carlton Gardens, a public park, while a special event is being held, or prepared for, there.

(b) the importance of the purpose of the limitation

Special event declarations will only be made if the minister responsible for the Crown Land (Reserves) Act 1978 is satisfied that the event is of significance to the state of Victoria and is suitable to be held at the Carlton Gardens.

Restricting public access to Carlton Gardens is necessary in order to hold an event such as MIFGS there. In particular, entry fees will need to be charged to contribute to the costs of staging the event. Large events such as MIFGS also involve the construction and assembly of temporary stalls and other facilities at the venue prior to the event. To facilitate this, and for safety reasons, public access to certain areas may need to be restricted.

(c) the nature and extent of the limitation

The holding of a special event is likely to involve closing off certain areas of the Carlton Gardens during the event and set-up period (approximately one month each year), and charging an entry fee to the event. The bill specifies that the declaration may include a power to fix opening and closing times for public access to the declared special event management area.

Any limitation on a person's right to freedom of movement as a result of the staging of a declared special event will be minor, as the access restrictions will be temporary and restricted to the Carlton Gardens.

(d) the relationship between the limitation and its purpose

The limitation on the public's ability to enter and move freely around the Carlton Gardens during a special event and set-up period is a direct consequence of a decision to hold the event there.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means in which to ensure the staging of a special event such as MIFGS at Carlton Gardens.

(f) any other relevant factors

The Melbourne International Flower and Garden Show has been held in the Carlton Gardens for the last 12 years. It is not anticipated that the timing or duration of the event will change as a result of a special event declaration.

A special event declaration would be made by the Governor in Council on the recommendation of the minister responsible for the Crown Land (Reserves) Act 1978. This will ensure that the right to freedom of movement will only be limited in relation to events of state significance.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although a special event declaration will limit the right to freedom of movement, the limitation is reasonable.

PETER BATCHELOR, MP
Minister for Energy and Resources

Second reading

Mr BATCHELOR (Minister for Community Development) — I move:

That this bill be now read a second time.

The purpose of this bill is to secure the future of the Melbourne International Flower and Garden Show, which is held annually in the world heritage listed Royal Exhibition Building and Carlton Gardens in Melbourne.

The show has been successfully held at this venue for 12 years. Since the first show in 1996, it has become the largest flower and garden show in the Southern Hemisphere. The show attracts more than 100 000 visitors every year from Victoria, other Australian states, and overseas. It contributes around $8 million to the Victorian economy. It goes without saying that the show is a significant event for the state of Victoria, and for Melbourne.

Melbourne City Council has decided it will no longer allow the show to be held at the gardens because of concerns about its environmental impact.

However, the show has been held there for the past 12 years without any apparent long-term detriment to the gardens or its significant trees. Reports commissioned by the council support this view.

The government considers that decisions on the future of such an important event for Victoria should be made by government in the interests of the overall benefit to the state, and not by a council, Crown land manager or trustee.

In the drought conditions we are currently faced with, it is even more important that we showcase the valuable contributions of our horticultural, floristry and landscape industries. Losing this event would have a serious impact on these vital industries which are already suffering from the ongoing dry conditions.

The bill amends the Crown Land (Reserves) Act 1978. It enables the Governor in Council to make a special event declaration if the minister responsible for that act considers that an event such as the Flower and Garden Show is of state significance and should be held at the Carlton Gardens. A declaration will ensure that the event can go ahead.

The government is committed to securing a long and successful future for this important event. The bill will ensure this happens.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Wednesday, 20 February.

INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL

Second reading

Debate resumed from 6 December 2007; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The principal purpose of the Infringements and Other Acts Amendment Bill is to extend on a trial basis the application of the infringements regime to an additional number of offences. In particular the bill will apply the infringements regime to offences specified in the Liquor Control Reform Act 1998 — firstly, the offence

of supplying or consuming liquor on unlicensed premises of various types that are specified in the legislation. The offence that is currently in section 113(1) of the Liquor Control Reform Act will be replaced by offences to be set out in sections 113(1) to 113(1C). The other offence in the Liquor Control Reform Act to which the infringement regime will apply is the failure by a person who is drunk, violent or quarrelsome to leave licensed premises when requested to do so, which is currently contained in section 114(d) of the act and which will be replaced with new section 114(2).

Additional offences to be covered by the trial infringements are set out in the Summary Offences Act 1996 — namely, wilful damage, which is contained in section 9(1)(c); indecent or obscene language, which is contained in section 17(1)(c); and offensive behaviour, which is contained in section 17(1)(d). In addition the new regime will apply to a new offence of shop theft, to be inserted as section 74A of the Crimes Act 1958. It will be constituted by theft from retail premises or property of goods valued at or displayed for sale at a price less than $600.

The bill provides that the trial will sunset no later than 30 June 2011. It also provides that persons aged under 18 years will be excluded from being served with infringement notices under the regime. In addition to these provisions relating to the trial extension of the infringements regime there is a range of other enforcement-related measures, both in relation to the infringement regime and otherwise. Those consist of extending the time available for an enforcement agency to proceed against a person who defaults on a payment plan; authorising the sheriff and the sheriff's officers to restrain a person who hinders the execution of a civil warrant; authorising the court to make an order for imprisonment in default of payment when ordering the partial discharge of a fine; allowing an agency to grant more time to provide supporting material to an applicant for internal review; and allowing an infringements registrar to reduce the costs and fees payable where there are not what constitute special circumstances but nonetheless a reduction is considered appropriate.

The infringement extension provisions of the bill arise following a consultation paper issued by the government in May last year. That paper proposed, in addition to those offences being covered by the bill, the extension of the infringements regime to the offence of careless driving under section 65 of the Road Safety Act. According to the Attorney-General's announcement, the government intends to do that, but it will be done by way of regulation rather than being effected by the bill.

The consultation paper also proposed the infringement regime be extended to the placing of an obstruction on a road in breach of section 7(a) of the Summary Offences Act; the discharge of a missile in breach of section 7(g) of the Summary Offences Act; and wilful trespass in breach of section 9(1)(d) of the Summary Offences Act. It would appear that the government, for reasons of which I am not aware, has decided not to proceed in this bill with those additional offences that were proposed in the consultation paper.

From the opposition's point of view, we strongly support a sensible, measured and fair application of an infringement system where that system is genuinely and effectively directed towards cracking down on crime and is not motivated by revenue raising. In particular we support measures that will reduce the level of lawlessness on our streets. As we heard in question time today, the government and Victoria Police have at last admitted that this is a serious problem, as indeed it is. It is a problem that the Leader of the Opposition and many others on this side of the house have been highlighting for a long time, and it is pleasing that the government has at last recognised the problem. Whether the measures that have been announced to date will be adequate to effectively address it is a different matter.

It is important that this Parliament and the government strongly send a signal that drunken, loutish, threatening and violent behaviour on our streets will not be tolerated and that people who engage in such behaviour can expect to be dealt with by the law. This is going to require more than just changing the law; it will require sufficient police on patrol and a willingness to apply the law firmly to send a message not just to a particular offender but to all others who might be minded to commit similar offences.

In relation to the proliferation of violence, particularly the street violence and family violence which our community is experiencing, we also need to ask ourselves more broadly why such a proliferation of the culture of violence and aggression is occurring within our community. Why do an increasing number of people think it is acceptable or even enjoyable to engage in increasingly aggressive and dangerous acts of violence against others and in seeking and provoking violent confrontation? Is it linked to family breakdown and dysfunctional families? Is it linked to the violent nature of much contemporary entertainment? Is it linked to aggression-provoking drugs, such as ice? Is it due to the proliferation of copycat behaviour based on

norms that are being set and expectations that others feel they need to follow in relation to their public or family behaviour?

We need solid demographic and socioeconomic data to get better insights into these issues and into what broader social policy measures could and should be introduced by governments or others. However, regardless of the answers to these very pressing broader questions, what is clear is that an important element of the solution is to give clear messages that this sort of violent and aggressive behaviour is unacceptable to the community and can be expected to have significant consequences. All the psychology in this area tells us that a key aspect of behavioural management is the need to set clear rules and limits and to give a message to those minded to infringe those rules and limits that their conduct has consequences. It is against that test that this bill needs to be assessed. As to whether the bill passes that test, whether it will be a successful additional tool in the repertoire available and appropriately deployed by police, is something on which the jury is still out.

Certainly there is the potential for these measures to help in law enforcement by saving police time in prosecuting offences by means of offering a lower penalty and the non-recording of a conviction for offenders who do not dispute the case. This has the potential to both free up the time of police for other law-enforcement activities and also to put them in a position where they are more easily and more readily able to issue penalties against those offenders who deserve them. This is a potential positive of the legislation. However, there are many unanswered questions, and some of those issues reinforce the opposition's concern that while the state's Attorney-General is big on the grand statements, he is very much lacking when it comes to attention to detail and the nuts and bolts of the actual implementation of measures that will have a real and practical effect in the community.

In relation to this bill we need to ask whether it will, in the way it is going to be applied, help with the crackdown on street offences, or will it end up being used in a manner that proves to be soft on those offences? Will it have the unfortunate effect of some police using the convenience of simply handing out infringements and being tempted not to proceed with prosecutions in court when such prosecutions are deserved, so that those offenders will end up receiving penalties which are only around one-tenth of the maximum penalty available and well below the median of penalties that have been handed out in the past when these matters have gone to court? We need a reassurance that there will be measures to make sure that the system does not end up being used in this way and that the police will not be handing out inadequate fines simply because they are channelled down that route so they are able to get on with attending to other duties required of them.

We also have concerns that some of the guidelines that are to be issued will send the wrong messages. The draft guidelines are set out in the May consultation paper. As far as I am aware, there are no later guidelines in the public arena. I refer to two particular concerns with the draft guidelines. One of those concerns relates to the draft guideline for indecent/obscene language or offensive behaviour. I should make it clear that these guidelines are intended to be issued for use by police as to how they should exercise the powers which are to be conferred on them in relation to these offences. The aspect that caused me concern in relation to this set of the guidelines is the following bullet point:

> The primary objective when dealing with behavioural offences is to modify behaviour in line with community expectation and this is often best achieved by informal means.

My concern is that this is a very open-ended statement that could easily send the wrong messages to police. In some respects it may be said to be a sensible point, but it is open to the misinterpretation that the police are being encouraged to be soft on these sorts of behavioural offences and that it will be enough for them if they can get the particular offender to desist from the behaviour concerned by informal means. That would be sending the wrong message, because we cannot have the message being out there in the community that if you engage in offensive public behaviour you will get a ticking off by the police if they happen to be around when you perpetrate that behaviour, but you will get off totally scot free if there are no police around.

The police need to be sending the signal that if people are clearly stepping over the line and engaging in offensive behaviour, then if they are detected in that behaviour they are likely to cop an infringement notice at the least. The deterrent effect of these notices will be lost if offenders expect that in a first encounter with the police they can get away with being ticked off and escape any punishment, but if the police do not happen to come across them, they can carry on at will.

The second guideline that causes me even greater concern is a draft guideline in relation to failure by a person who is drunk, violent or quarrelsome to leave licensed premises when requested. Indeed this draft guideline is so strange that it is hard to believe it has actually been set out. That guideline says:

> An infringement notice must not be issued to a person whilst they are drunk or in a state of intoxication.

Here we have an offence, one of the key elements of which is 'drunk, violent or quarrelsome', yet the guideline is saying to police not to exercise their capacity to issue an infringement notice if the person is drunk. Why on earth is the offence being constituted in that way in the first place, if police are being told never to exercise it? If you are going to tell the police not to issue an infringement notice if the person is drunk, why not simply split the offence and apply the infringement notice only to the offence of being violent or quarrelsome? This of course flows on to broader concerns about what the Attorney-General has in mind in relation to drunkenness.

I refer to a report in the *Herald Sun* of 29 November last year, which says in part:

> Public drunkenness would be decriminalised and trouble-spot venues charged more to operate in a $20 million anti-booze offensive to be considered by the state government.
>
> …
>
> Details of the proposal are contained in a high-level departmental submission seen by the *Herald Sun*.
>
> The submission reveals Attorney-General Rob Hulls wants to decriminalise public drunkenness …

On the one hand we have the Attorney-General saying that the government is going to be tough on street misbehaviour and tough on drunken and obnoxious conduct — and we heard the Minister for Police and Emergency Services echoing those sentiments in question time today — yet on the other hand we have the Attorney-General being revealed as wanting to abolish this offence altogether. That would deprive the police of what is believed by all the police from whom the opposition has had feedback, both here and in other states, to be a very important offence in their repertoire. They can use it to charge people not only to protect other members of the public but also in circumstances where a person's drunken behaviour puts them at risk as well.

The feedback the opposition is getting from the experience in New South Wales, where there is no public drunkenness offence, is that it is far harder for police to carry out the very difficult role of dealing with people who are drunk and behaving inappropriately in public when this offence has been abolished. I would have thought that in the current context, where obnoxious, violent, aggressive and disruptive behaviour out on the street, fuelled by alcohol, is an increasingly serious problem in this state, the last thing the government should be doing is sending the wrong message by abolishing the offence of public drunkenness. This is a matter that causes us considerable concern, and we very much look forward to the Attorney-General's response on this issue.

There are other issues on which we also seek the Attorney-General's response. One of those is what effect this new regime will have on the statistics for reported crime. The consultation paper indicates that 20 per cent of all reported crime is theft. My understanding is that the introduction of this infringement regime will not result in offences not being recognised — in other words, an offence which gives rise to an infringement notice should still be recorded in the crime statistics as a recorded criminal offence and that should not affect or distort the figures that are made public each year, but I certainly request the Attorney-General's confirmation of this point. In particular I seek the Attorney-General's assurance that the creation of the new crime of shop theft under this legislation will not be used in order to diminish the reported levels of the crime of theft in crime statistics. It would be a travesty if shop theft which gave rise to the service of infringement notices were taken out of the recorded figures for that crime and were recorded under some other heading which gave the distorted impression that levels of theft had fallen when in fact they had not.

I also ask the Attorney-General to place on the record what the position will be in relation to recording of infringement allegations on a person's police record and how this will be dealt with in relation to the reported results of police checks. I understand offences still will be recorded by the police, for the very sensible reason that officers need to know when an infringement notice has previously been served on an offender so they can make the decision whether or not to take a subsequent offence to court, but we also ask that the Attorney-General place on the public record how the issue of infringement notices will be dealt with when a person who has been subject to one of these infringement notices requests a police check for various purposes.

I also raise the issue of whether the infringement enforcement system will be able to cope with the additional number of potential infringement notices being issued under this extended regime. As I referred to earlier, the consultation paper says theft amounts to almost 20 per cent of all reported crime. The paper also says the most predominant class of theft is shop-steal offences, which represent the highest number of offences recorded since the implementation of LEAP (law enforcement assistance program). It is believed the figure of $600 would capture approximately 90 per cent

of shop steal offences. The paper also points out that in 2003–04 there were 13 546 shop-steal offences detected. That implies there will potentially be a very large volume of infringement notices being issued in relation to the new offence of shop theft.

We know considerable strains are already placed on the infringement notice system and we seek the Attorney-General's report to the house as to his assessment of whether or not the infringement system will be able to cope with the additional number of notices and how he intends to achieve that outcome. I and other members of Parliament have already had experience of constituents contacting us about infringement notices that have been sent to the wrong address, triggering cases of demand down the track on totally innocent citizens, often causing great shock and distress. We certainly would not want the number of those cases to be multiplied as a result of this regime.

Last, but certainly not least, I wish to raise what I believe is probably the single biggest problem confronting the new regime that the government is introducing, and it is a problem that has not been addressed in the government's outline of the regime. The problem is the issue of identity — in particular the potential use by offenders of false or stolen identification. All that the guidelines and discussion papers say in this respect is that it is up to the police to ensure that the offender concerned has been properly identified and that there is no issue with identification prior to an infringement notice being issued, but they say nothing about how that is going to happen in practice.

There are two primary risks. The first is that the police will be taken in by false identification. Certainly most members hear reports that false IDs are quite common in many contexts, particularly in the context of under-age people who are seeking to get into licensed premises and nightclubs and the like. There is the related issue of the availability of stolen IDs. That has the potential consequence, first, that the offender will get away scot free because, while they have given identity on the spot, they are unable to be found or identified in the follow-up. Even worse, of course, is that when stolen identification is used by an offender, down the track a totally innocent citizen finds out from the Sheriff's Office or receives other demands through the post stating that they have been identified as being the party to an offence.

The other aspect of the problem is this: if the police are diligent in only issuing infringement notices when they have absolutely, positively identified the person concerned, how narrowly is this going to shrink the operation of the regime? This regime is supposed to be applying in a street context, in the context of licensed venues and groups of people out in public places. If the police are being rigorous enough to verify the ID in those contexts, how often will it be that they are in fact unable to issue an infringement notice and are forced to resort to the processes of issuing summonses or arresting the person concerned — in other words, making this new regime completely ineffectual in those cases?

When New South Wales conducted a similar trial, it was the subject of a detailed report in April 2005 by the NSW Ombudsman. The New South Wales trial was also considered in the Victorian discussion paper. What the Ombudsman's report and the Victorian consultation paper made clear was that in New South Wales the government avoided that problem through empowering police to require the fingerprinting of offenders. To quote the consultation paper:

> Under the CIN pilot scheme police members may request the name and address of offenders, and may request proof of those particulars. In addition police may request the suspect to consent to having finger and palm prints taken with special portable equipment. The prints are to be destroyed on payment of the CIN. This aspect is not proposed for Victoria. If there were uncertainty about identification of the person, the issuing officer would not issue a notice. Instead, the person may be arrested and charged.

It is clear that the bill is not proposing the New South Wales method of verification of ID. That gives rise to the concerns which I have elaborated on. It is not good enough just to say that the police will not use it if the person cannot be identified. The potential for misuse of identification through forged or stolen IDs is a real one, as is the other risk that the scheme will be rendered ineffectual through lack of attention to this question of proper identification.

In conclusion, if this bill represents a regime that implements a sensible and measured and fair extension of the infringement system and if it empowers our police to more effectively crack down on transgressors, and in particular to tackle more effectively the proliferation of street violence and family violence that our society is experiencing, then we wish it well and we hope it is successful. But we are very concerned that it has the various flaws that I have referred to. Those flaws have not been properly addressed by the Attorney-General and as result Victoria is not going to get the effective support for our police and the enhancement of our law enforcement regime that all Victorians are looking for.

Mr RYAN (Leader of The Nationals) — The use of penalty infringement notices is as close to a form of

contemporary summary justice as you can probably get. They operate on a basis that, in the case of specified offences under different forms of legislation, an enforcement officer — and for these purposes let us talk of this as being a police officer — is able to, on the spot, hand a notice to an individual who is said to be guilty of a particular offence, and the matter is there and then dealt with.

If the person who is the recipient of such a notice wishes to challenge its content, there is an ability in the system to enable that person to do so by lodging an appropriate notice, going to court and having a case heard and dealt with in what one might term the 'historical' form. In the first instance, though, what the PIN notice — as it is colloquially referred to — does is empower a police officer, in a particular circumstance where in that officer's mind an offence has occurred, to there and then hand out a notice, and the matter, in the sense of judge and jury, is then dealt with instantaneously, as it were. The officer makes an assessment, comes to a conclusion, writes up the notice and hands it out, and it is all done and dusted.

There are many layers to the use of PIN notices. As a general principle we think they are a very good idea, but as ever with these issues it is always a question of balance across a plethora of relevant benchmarks. Without there necessarily being any priority about it, you have to be careful about a number of the contributing factors. You must always be very careful about the issue of a person's basic rights. So often there is a temptation for the person who is the recipient of a notice of this nature to simply say, 'Blow it, I'll pay, because going along to court and defending myself is going to cost me a lot more money than it is otherwise worth. I'll pay up and I'll shut up, and that'll be the end of it'.

You have the issue that has been raised by the member for Box Hill about the way in which a police officer actually approaches the use of a PIN notice. At one end of the scale the legislation itself — including the principal act that is being amended here — makes provision for official warnings to be given. At the other end of the scale, of course, a person can be charged on summons or otherwise and taken to court. In the middle you have the capacity for a PIN notice to be issued if the offence in question comes within the relevant regime whereby those notices can be applied. We are investing in police officers — and I think quite properly — an even greater responsibility to exercise the judgement and the discretion which quite properly go with the position they occupy. I have no problem about that, but of course the more you extend the operation of the PIN notice system the greater the breadth of the application of that principle so far as police officers are concerned.

Ironically enough, while on one hand I think it is a good thing that police officers are able to exercise their judgement when they are the ones in the heat of battle, as it were — they are on the spot, and they are more usually than not the ones who are best placed to make that judgement — on the other hand it is sometimes said, and I have had it said to me by police officers, that having that additional discretion causes them to feel an even greater onus of responsibility so far as the powers they discharge as police officers go. Nevertheless, given all those things, the intrinsic fact is that issuing PIN notices is a very important element of what police officers do.

The court system, of course, is relieved of the enormous burden that used to go with having every charge dealt with by way of summons, with people having to come along to court and evidence having to be heard. I can recall to this day going over to the Magistrates Court many years ago with a stack of a dozen files with catch phrases on the front covers such as 'Motorcyclist, no light' — just key words to enable you to stand up in front of a magistrate and make a very learned and important contribution on all the facts and circumstances which would ultimately result in a magistrate making a determination as to what would happen.

Of course with the introduction of alternative procedures, including the expansion of the PIN notice regime, an enormous amount of court time has been saved through having approaches which provide a form of summary justice that in the end hopefully gets everybody to where they would otherwise have gone under the old system. I think in that sense the PIN notices are very important. From the perspective of members of the general public, on the positive side, whether they like it or not, they have through the use of PIN notices an option available to them that disposes of the charges in question so that the matters are done and dusted and they can move on. These are all, I think, relevant contributing factors. Taken as the sum of the parts, they emphasise the importance of making sure that, when we extend the system in the way this bill contemplates, it is done in a way that meets all the relevant criteria the nature of which I have just been referring to.

These amendments are going to make changes to three principal acts, the Liquor Control Reform Act, the Summary Offences Act and the Crimes Act. In each instance there is going to be, on a trial basis, an extension of the use of PIN notices into an area where I

think it can be fairly said they were never intended to be used. It will mean, therefore, that the trial that is reflected in the terms of this legislation is subject to review in a manner whereby all the contributing factors I have referred to are properly assessed to ensure the effectiveness of this form of approach.

I feel in particular for the police officers who are faced with having to deal with the absolute scourge that we see in our streets these days arising from gangs of youths that have taken to launching unprovoked attacks upon people who are complete innocents. This is an emerging issue of troubling proportions from a societal point of view. The fact that late at night or in the early hours of the morning a group of young men, fuelled by alcohol, can take it upon themselves, for the most insignificant of reasons, or sometimes for no reason at all, to hand out bashings to persons who are completely innocent is a phenomenon, given the extent to which we are seeing it — and it has occurred increasingly over the last five years — that is extremely troubling.

I feel intensely for the police officers who are faced with having to handle these extraordinarily difficult situations. Therefore the introduction of PIN notices into this area is something that we will need to assess carefully as this legislation progresses to see whether the application of this new law best deals with all those contributing factors to which, as I say, I have made reference.

One of the points made by the member for Box Hill is very relevant to this. For the purposes of doing the best we can to rid the community of the dreadful scourge of these bashings, which we have seen occur with far too much regularity over these last few years, it is important that the people who are guilty of these offences are, as a matter of first principles, dragged before the courts and dealt with in a manner appropriate to what they have done. Having a system whereby PIN notices can apply across these areas is going to bring another level to all this, and I think it will be very appropriate to examine how it all plays out in the way the legislation is applied.

The extension of the legislation to the area of shoplifting offences of $600 or less involving persons aged 18 years or over is a very good initiative. Many times I was involved in cases of this nature where people, who more often than not had problems completely unrelated to the way they had played out in the form of shoplifting, were put through the tortuous process of a court hearing, when really what they were wanting was assistance in different forms, usually of a medical nature, to be provided by those with the appropriate expertise.

Often it was that the actual offence of shoplifting was simply the public trigger as a call for help for these people. With the operation of the PIN notice system in these areas, we have a capacity to assist those individuals with the help they want while also ensuring that our retailers and business interests continue to receive the protection they deserve and need in the operation of their businesses.

Another feature I want to mention is that the Premier's Annual Statement of Government Intentions yesterday flagged the intention to decriminalise public drunkenness. The Nationals have concerns about that intention. Our concerns were expressed at the time the investigations of the issue were undertaken by the parliamentary committee responsible for that matter, and they were ultimately tabled as part of the committee's report. We understand and respect the fact that the recommendation was made by the committee. Nevertheless we have concerns about it. We have spoken with the police about the government's intentions in this regard. I think it fair to say the police generally are concerned about those intentions. It is a matter about which the government should hasten slowly.

Much of my commentary on those charged with shop theft is applicable to those who are notionally guilty of public drunkenness. Of course, some of these poor devils have a habitual problem which for many of them is a health matter. In the first place what they need is treatment from a health perspective. On the other hand, it is a case of police officers having to deal with these difficult situations.

There is a case to be made for PIN notices to be used in a more generalised fashion when dealing with difficult situations which are completely outside the sorts of precincts where this bill is intended to go. That would give police officers an additional tool to assist in accommodating those who are guilty of that offence, particularly where under the principal act there is the capacity to offer warnings and where the all-important discretionary approach by police is preserved. It would give them another element to deal with people who are guilty of that offence as we now know it.

Questions also arise about the extent to which the system as such is going to be overloaded through the application of the legislation now before the house and the manner in which all the enforcement procedures are going to be given effect. It is important for the Attorney-General and the Minister for Police and Emergency Services to be able to reach appropriate accommodation to ensure that the resourcing is there to deal with the pressures that will arise in that regard.

In total, though, The Nationals do not oppose what is intended by this legislation. We welcome the extension of the principle of the PIN notices. We also caution the government to be certain in the ongoing review of this trial that a proper balance is struck between all the contributing factors to which I have referred.

Ms BEATTIE (Yuroke) — The Infringements and Other Acts Amendment Bill 2007 is one of a suite of measures that proves the Brumby government is tough on crime. Over a number of years, actually since 1999, we have seen the Bracks and Brumby governments put resources into reducing crime. We have increased our police resources; we have increased the number of police on the streets. We have also given resources to police officers in the equipment they use. This is a legislative tool which will give them even more tools to deal with crime — and I want to talk about some of those crime statistics. In the five years since the Chief Commissioner of Police released her 2003–08 strategy, crime has gone down 16.1 per cent. In the time since 2000 we have seen a 24 per cent drop, and that makes Victoria the safest state in Australia, which is a point I will get back to later.

Of course the purposes of this bill are to expand the offences for which infringement notices can be issued. One of those is careless driving and another is shop theft. I will follow up on a point made by the Leader of The Nationals regarding shop theft of amounts under $600. I agree that sometimes shop theft, shoplifting or pilfering, as it used to be known, is a cry for help where a person has other social problems. They go in and see something nice in the shop and pick it up, and it makes them feel good. It is often a cry for help in other ways.

In the outer suburbs we see a great deal of binge drinking, particularly on festive nights such as New Year's Eve, around Christmas time, perhaps even around Australia Day when people get together, particularly young men, and have too many drinks under their belt, and there is a bit of bravado shown. We need to deal with that. This gives the police another tool to deal with that problem through the provision regarding the consumption and supply of liquor on unlicensed premises. We see that as an important strategy in that act.

One of the most effective deterrents to crime is the feeling that, if you commit the crime, you will not get away with it but will be dealt with quite speedily. Having these infringement notices makes it clear that if you are playing up — in whatever manner under those offences — you will be dealt with very quickly. Some civil libertarians have the concern — and it is a legitimate one — that people might choose to pay the fine rather than take the matter further. Of course that is a decision for the individual to weigh up and make. These sorts of infringement notices have worked very well in other jurisdictions. I know they have been very successful in reducing crime in the United Kingdom.

I want to say that we should be supporting the Chief Commissioner of Police in her efforts to drive down crime rather than making outrageous remarks. It distresses me when people try to undermine the chief commissioner and the valuable work she, and indeed her whole team, does. Just today I came across a local newspaper article in which one of the members for the Western Metropolitan Region in the other place — I will not name the member, but he is the Liberal Party member — 'cans the cop plan'.

In that outrageous newspaper article he attacks the chief commissioner, as I understand he did in his inaugural speech, and calls for her resignation — the resignation of a chief commissioner who has driven down crime by 16.1 per cent in five years and by 24 per cent overall, making Victoria's the lowest crime rate in Australia. He gives political correctness as the reason for his call for the chief commissioner's resignation. In the article he urges her to call a spade a spade and says we will not get anywhere on crime until she does so. I find that a very obtuse remark. I would have thought that the way to drive down crime would be, as I said in my opening remarks, to put 1400 more police on the street and give them the physical and legislative resources they need to deal with crime, rather than talking about spades.

That member for Western Metropolitan Region not only talks down the police force but also talks down his own constituents when he says that he does not blame the police but that there are places in his electorate where he would never walk after dark. He is quoted as saying:

> I'm sure that most people in the area would share my view.

He goes on to say 'people are being bashed' and 'it's not safe to walk down the street'. My electorate is in the Western Metropolitan Region and I very proudly walk in the streets at night. I walk my dogs at night; I walk through the park at night. I am not afraid, and unless there is some preselection tussle going on in the Liberal Party, I am not sure that he should be afraid either! I invite him to come out for a walk in my electorate at any time he wishes, and I will accompany him.

In the meantime I call on individuals in the Liberal Party to support the work of the chief commissioner in her drive to reduce crime, in which she has been successful. She has done a great job. With the help of this government she has put 1400 extra police back on

the street and put more resources in. Now the government has given Victoria Police the legislative tools it needs to keep this drive going.

The police commissioner has a strategy for the next five years to drive down crime even further. I know I will be in this chamber in five years time and I will be talking about the success of this strategy mark 2. In the meantime I call on everybody to support the trial. It has a great deal of support amongst the general public. People have come into my electorate office and spoken to me about this. They think it is a good step that the infringement notice system has been expanded to cover these crimes. This side of the house maintains that this trial will work. We support the chief commissioner in her work to make Victoria the safest state in Australia — which she has achieved — and we will further that work to make Victoria the greatest place to live, work and raise a family.

Mr WAKELING (Ferntree Gully) — It is very pleasing to follow the member for Yuroke, and I am sure that tradition will continue. I am pleased to make a contribution to the debate on the Infringements and Other Acts Amendment Bill. The purpose of the bill is to amend the principal act, the Infringements Act, and a number of other acts to allow notices to be issued for certain offences on a trial basis. This was born out of a discussion paper that was delivered in May 2007.

The bill allows for the issuing of infringement notices for a number of specified offences under the Liquor Control Reform Act, including the supply or consumption of liquor on certain types of unlicensed premises; being drunk, violent or quarrelsome; and failing or refusing to leave licensed premises. With respect to the Summary Offences Act 1996, it will deal with wilful damage of property of less than $500, indecent or obscene language, and offensive behaviour, and with respect to the Crimes Act 1958, it will deal with shop theft of less than $600.

This trial is set to sunset no later than 30 June 2011, and it will exclude persons under the age of 18 from being served with infringement notices. It will also extend the time available for an enforcement agency to proceed against a person who defaults on a payment plan. It will authorise the sheriff and the sheriff's office to restrain a person who hinders the execution of a civil warrant, authorise the court to make an order for imprisonment in default of payment when ordering partial discharge of a fine, allow an agency to grant more time to provide supporting material to an applicant for internal review, and allow an infringements registrar to reduce the costs and fees payable where there are not special circumstances but a reduction is considered appropriate. This side of the house believes that this government has been soft on crime.

Ms Beattie interjected.

Mr WAKELING — Despite the comments of those opposite, including my good friend the member for Yuroke — and while I do not have the figures in front of me at the moment — I know that crime in our community has increased. I would be happy to organise for the member for Yuroke to come out and visit the Ferntree Gully electorate, because I am sure she too would be pleased to talk to residents in my area who are greatly concerned about the level of crime that affects our community. Many people in my area are concerned about accessing public places. The Boronia and Ferntree Gully railway stations are two locations in my electorate where the community has real concerns about public safety. The *Knox Journal* only recently ran a feature story on crime at the Boronia station, and I am sure the Minister for Sport, Recreation and Youth Affairs would be aware of the issue and that he would share my concerns about the importance of ensuring we have a safe community not only in Boronia but in the broader Knox area.

I listened with interest to the talk about allocation of staffing. I am sure the member for Scoresby, who is at the table, would also be aware that in 1999 this government promised my community — promised the member for Scoresby's community in Rowville — a 24-hour police station.

Mr Wells interjected.

Mr WAKELING — Twenty-four hours; that is what we were told. That is the lie that was told to the people of Rowville. While the building was delivered with much fanfare and both the member for Scoresby and I were attendees at the opening, it closes at 10.00 p.m. and then reopens in the morning. The community was promised a 24-hour police station, yet the building closes at 10.00 p.m. Crime in the Rowville community does not cease at 10.00 p.m., nor should its police station. I call upon those opposite. If they were serious about crime and if they were serious about police numbers, they would ensure that the Minister for Police and Emergency Services directed the chief commissioner to ensure that the Rowville police station was staffed 24 hours a day, not because of what the Liberal Party is saying and not because of what the Rowville community is saying but because Labor's policy called for the establishment of a 24-hour police station.

As I have indicated, we are concerned about crime. While we understand there are aspects of this bill which are about providing ease in terms of issuing of notices as opposed to potentially having to go to court, we are concerned about whether or not this will result in a softening approach on crime in this state. It is imperative that we still have strong laws in operation in regard to drunk and violent behaviour. We are concerned that as a consequence of this legislation there could in fact be a softening, not a strengthening, on the approach to crime. I can only hope that as a consequence of this bill, if it is passed by this Parliament, we do not revisit the bill in 12 months time and discuss its ramifications in a negative light.

I also raise concern about the potential abolition of the offence of public drunkenness. There have been many throughout this state who have raised concerns about this issue. As members of this house would be aware, the offence of public drunkenness has been abolished in New South Wales. One only has to hear comments and opinions of members of the New South Wales police force to know they are deeply concerned about the impact of the abolition of public drunkenness as an offence. I hope the minister will listen to the concerns of the Victorian community and of the New South Wales community and will take a deep breath on this important issue and not take Victoria down the wrong path.

We are also concerned about the use of potential false IDs with respect to the issuing of infringement notices. As the member for Box Hill pointed out, this concern is in two areas: firstly, the use of false IDs, but also with respect to stolen IDs. The prevalence of false IDs, particularly among younger members of our community, is rife and there is great concern that people may utilise false IDs while receiving an infringement notice. The other concern we have is with respect to stolen IDs when an unsuspecting Victorian may be issued with a fine for an offence based on ID that was stolen from him or her and they have no recourse as a consequence of this piece of legislation.

A fundamental issue with this bill is whether or not it will help to crack down on street offences or whether or not it will be seen by the community as being soft on street offences. As I have indicated, the level of crime in my community has increased, not decreased. The community is deeply concerned about the message that governments send about crime. The community expects the government to be strong on crime and to send a clear message to those people who choose to be antisocial that they can expect to receive just punishment for their actions. If as a consequence of this bill some people will say, 'At best I am going to end up with a notice or a fine and I am not going to go to court', I am concerned about whether it will send the wrong message to those in our community who potentially are going to be perpetrating these types of crimes.

Also, given the fact that offering lower penalties will potentially reduce the time police spend on potential prosecutions, will this impact on the way in which police conduct themselves? Also a concern has been raised by the member for Box Hill. If no conviction is to be recorded as a consequence of an individual receiving such a notice, will it still appear on the accused's police record? There are a lot of unanswered questions around this bill. As honourable members would be aware, there are many people in this community who are concerned about the potential impact of this bill. We will have to wait and see what impact it has. I hope we will not be back here in the future having to debate a bill to remedy this bill.

Ms GREEN (Yan Yean) — I am pleased to join the debate on the Infringements and Other Acts Amendment Bill. I am pleased to be part of the Brumby government, which is committed to the continued modernisation of law enforcement in Victoria, and I am also pleased to see that both The Nationals and the Liberal Party are supporting this piece of legislation. That is in stark contrast to the Liberal Party's approach to the Liquor Control Reform Amendment Bill, which was brought before the house in December and which has now passed, I am pleased to say. That bill also proposed to deal with particular issues in relation to street crime around licensed premises by giving police additional powers. I was pleased to see that the member for Box Hill made a reasoned contribution, as he invariably does, in support of this piece of legislation. I am pleased that the grown-ups in the Liberal Party are in charge on this piece of legislation, unlike the junior woodchuck member for Malvern, who was the lead speaker in opposing the Liquor Control Reform Amendment Bill in the last sitting week.

Within the bill there is a trial expansion of the infringement system. I will list the offences which are contained in the trial: careless driving, shop theft, wilful damage, using indecent or obscene language, offensive behaviour, the consumption or supply of liquor on unlicensed premises, and the failure to leave licensed premises when requested.

This government is tough on crime and the causes of crime. We are proud of the record we have in having more police on the beat and giving police the tools to do their job and good facilities to work from. More than two-thirds of the police stations in this state have been

completely rebuilt or significantly upgraded. To see that we only have to look at the police stations that serve communities in my electorate. There are new stations in Eltham, Kinglake, Hurstbridge and Warrandyte, the emergency services complex in Diamond Creek for police, fire and ambulance, and extensions to the police station at Epping. We have nailed our colours to the mast. We have more police in that area, and the community has reaped the benefits of that, in that crime in both the City of Whittlesea and the Shire of Nillumbik is significantly down.

But we do not rest on our laurels. Victoria is the safest state in the country. Other states look to see what we are doing in law enforcement, and we want Victoria to continue to be the safest state in the country. You need only to have read the newspapers in recent days to know that the community is concerned about cultural problems. Despite Victoria being the safest state, there is a certain cultural problem with the abuse of alcohol. I see this as a health problem and as a law enforcement problem. This trial in particular will give police additional tools to deal with that aspect of the social problems we have in Victoria. With those few remarks I commend the bill to the house and look forward to hearing contributions from other members.

Mr WELLS (Scoresby) — I rise to join the debate on the Infringements and Other Acts Amendment Bill, which the Liberal Party is not opposing. The purpose of the bill is to amend the Infringements Act and other acts to extend the infringement regime to cover additional offences on a trial basis and to make various administrative changes to the infringement and enforcement regimes. The main provision I want to speak about involves infringement notices being issued for offensive behaviour such as being drunk, violent or quarrelsome, and failing or refusing to leave licensed premises. There are some other issues which I will leave for other people to address.

I want to make some points about the comments made by Labor members. It is interesting to note that every single Labor member who has spoken — every single one of them — has said that there has been a reduction in crime and that the Labor government is to be congratulated for achieving that. They have been able to caucus to make sure they are all on song, but it is interesting to note what the Chief Commissioner of Police has said. An article in the *Herald Sun* of 29 January states:

> Victoria's top cop has vowed to reclaim the streets from violent crime and solve thousands more burglaries.

Christine Nixon is wanting to make the streets safer and to reclaim them from violent crime, so she is acknowledging that there is a problem.

I will also go a step further and look at the trends for violent crime and what this government is portraying to the general public. There is no question that Victoria has become a more violent community since Labor came to power in 1999. In 1999 crimes against the person, including homicide, rape, sex (non-rape), robbery, assaults, abduction and kidnap — the violence in our community — have increased from 31 372 in 1999 to 42 138 in 2006–07. There has been a 34 per cent increase in violent crime in our community. These are not Liberal Party figures; these are from Victoria Police itself. These are the statistics that Victoria Police puts out on a yearly basis, which obviously are available to the community and open for review and comment. The Liberal Party has highlighted this over and over again.

Yes, we understand that bicycles are safer today and that there is probably less chance that your letterbox is going to be kicked down. What is more likely is that people are sick and tired of not being able to get a response from the local police — but it is not the fault of local police. Police officers are stressed and stretched to the limit, so some people are not inclined to report violent crime because they say it is not of any value. Our point is that the level of violence under Labor has increased. It would be good to see someone on the Labor side get up and acknowledge that violence has increased significantly.

The Attorney-General has brought in this legislation. I guess it is a sign that he is going to try to show that the government is tough on law and order and will take a number of initiatives to try to make communities safer — and the Premier was with the chief commissioner, saying how they were going to reclaim the streets from violence. However, there is a contradiction in terms here. For me the issue is that time and again reports in the *Age* and the *Herald Sun* have said that the government and police are going to crack down on public drunkenness. The story in the *Age* says very clearly:

> Take a tougher stance on crimes that begin the cycle of lawlessness such as graffiti, vandalism, public drunkenness, noisy cars and dangerous driving.

I say that is fantastic. That is great; that is what should be done. The *Herald Sun* says the same thing — get into it! We would support the issue about boozing. But what I do not understand is the Attorney-General wanting to bring in a bill to decriminalise public drunkenness. Something does not make sense. The

chief commissioner and the Premier are saying that we are going to make the streets safe and clean up in relation to public drunkenness, yet on 29 November the *Herald Sun* reported that public drunkenness would be decriminalised and that troublespot venues would be charged more to operate a $20 million anti-booze offensive to be considered by the state government.

Tell me who is right! Is it the Attorney-General wanting to decriminalise public drunkenness or is it the chief commissioner and the Premier saying they are going to crack down on it? This is typical of the Brumby Labor state government; it is all over the place. What its members do is see which way the wind is blowing for the *Herald Sun* and the *Age*, and they say, 'Let's go and do something like that and make sure that we're going to be flavour of the day rather than have any long-term and worthwhile strategies to be able to crack down on this with'.

Public drunkenness is a very important issue, and I will be voting — boots and all — to ensure that it remains an offence in this state. Let me just explain why I take that approach. I was with the member for Benambra when he was standing as a candidate, and I remember speaking to New South Wales police. They have decriminalised public drunkenness in New South Wales. Let me tell you what a shambles it is and how hard it is to get rid of public drunkenness as a crime. In his contribution to the debate the member for Benambra will point out that the New South Wales and South Australian police — no matter who you speak to — are saying very clearly: do not decriminalise public drunkenness.

The point is that police should have discretion. We are talking about cleaning up the streets of the crimes mentioned in this bill, so police should have discretion. If they are dealing with someone who is homeless or who is an alcoholic or who has issues with alcohol, it makes sense that they deal with that differently, using discretion, and take them to a sobering up centre or to the Salvation Army; but if they are trying to deal with some thug — maybe a union thug who has had too much to drink — then surely the police should have the right to move them away from the situation and keep law and order. You give the police discretion, but you keep the offence.

That gets me back to my point — the chief commissioner and the Premier saying they are going to be tough on public drunkenness and the Attorney-General, who is trying to be soft and cuddly, coming out and saying he is going to decriminalise it. The Labor Party needs to send a clear message to the community about where it stands on law and order. Labor members get out there and try to tell us we are living in a safer community; that is factually wrong. According to the police's own figures, violent crime has increased by 34 per cent under Labor's watch.

Labor Party members are very keen to decriminalise public drunkenness, but the other issue — and I was on the Drugs and Crime Prevention Committee in the previous government — is that the offence of public drunkenness is not just about people being drunk and disorderly. It is also applies to persons found drunk in a public place and drunk persons behaving in a riotous or disorderly manner. That is what public drunkenness means under the Summary Offences Act 1966.

We need to understand where the government stands in regard to decriminalising public drunkenness. The government is all over the place on this, and we need some clear direction on where it stands. We support the police in the battle to clean up the streets. We welcome parts of this legislation, although I am not sure how police are going to issue a PIN notice to some drunken idiot in a pub. We will watch the putting into practice of this part of the bill very closely.

Mr FOLEY (Albert Park) — I rise to support the Infringements and Other Acts Amendment Bill. Having listened to most of the debate, I note the support that both the lead speaker for the opposition, the member for Box Hill, and the Leader of The Nationals brought to the debate. I must admit I am a bit perplexed as to why the last speaker was focusing so much on an aspect that is not actually in this bill — the decriminalisation of drunkenness — but that will be a debate for another day.

This package of measures is aimed at achieving sensible, practical and deliverable procedures that are part of a much broader suite of government measures dealing with the issues around rising crime in particular categories. This is to deliver to the Chief Commissioner of Police and her team an ability to pick and choose from an array of options in how they go about dealing with difficult aspects of several offences — they have already been dealt with by other members — in a way that both preserves checks and balances on the rights and obligations of alleged offenders and equally allows police to be certain that their procedures are safe and will be upheld in court should individuals challenge them. This is something that will continue to be their right.

The bill should be seen as yet another building block in the government's raft of bills dealing with reforms that have been ongoing from at least 2006. It is a workable and sensible method to support the operational

demands of Victoria Police in dealing with the administrative and practical aspects of policing. Policing, of course, is getting more and more difficult in some areas, as other speakers have referred to already.

The bill also should be seen as a part of a much broader approach in supporting Victoria Police which the government has been consistently dealing with since 1999. It should be seen as further support for the Chief Commissioner of Police and her team. During question time today the Minister for Police and Emergency Services referred to the chief commissioner as a moderniser. This is another part of the modernisation strategy that will help Victoria Police to deliver community safety.

It will prove to be a useful exercise in bipartisan support when the bill proceeds through the house, because we will be able to say that the house supports the five-year Way Ahead plan launched by the chief commissioner last week. As she correctly pointed out, Victoria has seen a continued decrease in overall crime rates to the point where Victoria is now the safest state in Australia. Having said that, there are some concerns.

The chief commissioner went to some length to point out that binge drinking was a problem. A number of members have pointed out that the culture of violence involving alcohol and substance abuse around entertainment precincts has blossomed in recent years. This is a part of the overall approach in dealing with that issue. I am certainly glad to have learnt from the member for Box Hill that more sensible heads have prevailed in the opposition than when the member for Malvern led the ill-fated attempts last year to try to scuttle the sensible reforms of the Liquor Control Reform Bill. Even more sensible heads in The Nationals have prevailed during this debate, and we also welcome their support. It is interesting to note that the member for Malvern who may or may not be doing his numbers for Higgins, is not participating in the debate on this bill.

The overall strategy of support for police has seen a record budget of $1.6 billion, 1400 extra police, the rebuilding of police stations, the changing of police culture — —

Mr Walsh interjected.

Mr FOLEY — I will not respond to that interjection because clearly it is factually incorrect. There has been a 24 per cent decrease in violence since the chief commissioner came to office. I have the pleasure of representing the district of Albert Park which has serious issues regarding entertainment precincts around St Kilda and Port Melbourne. This weekend we have the St Kilda festival which in years past has seen some nasty incidents, but we are confident that with the extra resources being provided by Victoria Police it will be dealt with appropriately.

This legislation is all about giving the police the appropriate suite of choices in dealing with these difficult issues. It does so in a way that increases their flexibility, increases their ability to respond based on their judgements and the circumstances they find. The seven offences to be dealt with in the trial proposed by the bill are complex. In the limited time I have got I do not intend to go through them because they have been dealt with by others.

I would have thought this was an opportunity for the house to act in a bipartisan way in showing its support for Victoria Police and the chief commissioner in their efforts to continue to make Victoria an even safer community, and equally to deal with the real problems that are to be found in entertainment precincts around what is the sad growth in the culture, particularly with young males, of binge drinking and associated violence. It is pleasing to note that the house will support the bill and we look forward to it coming into place as soon as possible. It will allow the Victoria Police to get on with dealing with the important issue of culture change in the community.

Mr MORRIS (Mornington) — It is a pleasure to have the opportunity to contribute to the debate on the Infringements and Other Acts Amendment Bill 2007, which seeks to amend the Infringements Act 2006 and to provide for a trial expansion of the infringements regime, particularly regarding some offences under the Summary Offences Act, the Liquor Control Reform Act and the Crimes Act.

Much of the bill details the how, the why and what to do. It is appropriate for the Parliament to establish these regimes and codify them, but in general terms I have no argument with process issues. Provided the process proposed meets the natural justice test, then there is not much purpose served in debating it in detail.

It is a trial that will conclude by mid-2011. In general terms this bill seems to be reasonable and for the most part I think that is a reasonable proposition. One of the outcomes I would hope to see from this legislation is a sharp rise in the number of offences recorded. If the plan works we will start to get action taken against people committing these offences so they realise they are doing the wrong thing. The reality at the moment is that many of the so-called minor offences go

unrecorded because it is simply too long and involved a process to deal with them — whether it is the police time taken up with charges, court time and so on. It is not worth the effort or worth clogging up the system to deal with them. This bill provides an opportunity to have an alternative enforcement process.

I do not think there is any doubt that, as the nation has evolved, so too has, particularly in recent years, a general feeling that we are a less civil society. Certainly the culture has changed. While I for one do not advocate a return to the 1950s, whether it be in the way we play cricket or in any other way, I know there has certainly been a rise in the aggression levels out there in the community. I suspect it has been fuelled in part by a lack of realistic penalties. People can say things and know that the police are not going to act because it is simply too much bother. Hopefully this legislation will go some way towards fixing that. My understanding is that police statistics will still be recorded because they will be based on offences occurring and not on the convictions achieved or the court statistics. But it would be helpful if that could be confirmed when this debate is wound up.

The other observation I would make on police matters is that we still need the police to issue the fines. Until we get enough police out there on the ground — and I am not talking about numbers; I am talking about front-line operational policemen on a day-to-day basis — unfortunately we are still going to suffer the loutish, alcohol-fuelled behaviour; it will continue.

I would like to make some observations reasonably close to home. In recent years in the Mornington area — not necessarily the electorate but the district — the population has effectively doubled. Over the same period we have had a zero increase in the number of operational police. The number of people has doubled, but there has been no increase in police numbers. Someone will probably say, 'So-and-so has been transferred there'. Yes, certainly there are more units operating out of the Mornington police station, but they were units that operated elsewhere and were serving the same area, so they have had no effect in terms of increasing the operational numbers.

Also related to the Mornington area but affecting the whole peninsula is the initiative for New Year's Eve. Thankfully, this New Year's Eve was the quietest on record, perhaps not in absolute terms but certainly relative to the number of people along the peninsula. We had the usual temporary increase in the complement. I think the number is about 30 officers, but I am not certain. It is certainly of that order, which is not a lot when you spread it across a geographical area the size of the Mornington Peninsula. The Mornington Peninsula Shire Council put in place what is in my view a strong but fair local law that put draconian controls on carrying liquor during that delicate period. If you were not travelling from the shop or pub to home, you could be fined. It worked brilliantly. I congratulate both the Victoria Police on the peninsula and the council for the way they worked together and made New Year's Eve safe. Clauses 7 and 8, which I have been talking about are certainly worthy of support, but we still need more police on the street, and if we do not get them there, we will not get fines issued, and it will have absolutely no effect.

The final comment I want to make on the bill relates to clause 10, which inserts new section 74A into the Crimes Act to introduce the category of shop theft. I find this provision absolutely abhorrent. It is not enough to force me to vote against the bill, but very nearly. I am appalled that we would ever consider treating theft in the same way as we treat a parking ticket, and that is exactly what we are doing here. Shop theft is an enormous impost on consumers and the community. I started my working life in retail, so I know it well. In fact I was in retail from the age of 14. The average small business loses between 3 per cent and 5 per cent of its turnover in theft every year. In the old days when there were even more serious problems the Myer Emporium used to budget for 5 per cent of turnover. I was hoping before I came down to check the retail sales statistics for Victoria, but I did not have time. Whatever the figure is, if you take between 2 per cent and 3 per cent of that and think about what is stolen every year — and that is what it is; it is stolen — you realise it is an enormous impost on the community.

From my perspective, to be saying that there should be a slap on the wrist whether it is a first offence or not, but clearly when it is a first offence, is sending entirely the wrong message to the community. I know the Attorney-General in the second-reading speech talked about powers and safeguards and ensuring that police are able to use their investigative powers under the Crimes Act before deciding what sort of enforcement action to take — in other words, to issue a notice or to proceed by summons — but the message is that stealing from shops is not really a crime. That is not the sort of message we need to be sending to our community. That is a disappointing aspect of this bill.

The other proposed changes relating to offensive behaviour under the Liquor Control Act, such as being drunk, violent or quarrelling, and the proposed changes to charges made under the Summary Offences Act — on the basis that they can still go to the court for trial — are definitely a worthwhile initiative and worth giving a

go. The shop theft provisions are a disgrace and simply should not be there.

Ms D'AMBROSIO (Mill Park) — I rise in support of the Infringement and Other Acts Amendment Bill. I wish to add a few words in support of the many speakers preceding me who have also lent support to a very worthwhile innovation in dealing with crime on our streets.

This government certainly has achieved a lot over the years since coming to office in 1999, not the least of which being the lowering of the crime rate. It is one that has not come about simply by accident. It is one that certainly reflects a preparedness on the part of this government to invest in infrastructure by way of new police stations, 1600 extra police officers, and thinking about modern ways of policing and allowing the police command and police officers to deal with certain crimes in ways that are innovative and hopefully will produce better results in terms of reducing crime.

We have here a proposal for a trial to empower police officers to issue infringement notices on the spot in certain instances where there is disorderly or offensive conduct or when alcohol-related behaviour is evident. The development of draft guidelines will be finalised with the passage of this bill. The draft guidelines on the application of infringement notices has been open for public consultation, which occurred last year. It is envisaged that under this trial certain behaviours may be curbed or deterred with the knowledge that police are able to issue infringement notices. This will not negate the ability of a police officer to take an offender to court when the police officer considers the behaviour to be very serious.

The trial period will be three years. Its impact on the courts, on sentencing outcomes and on the recipients of infringement notices for triable offences will be closely monitored. Normal sanctions will apply with these infringement notices, and they will be similar to the sanctions which currently apply to those who fail to pay their fines. These sanctions will apply during the trial period.

I believe the proposal will assist with some of the recent changes made by this government in response to poor or confronting behaviour in public spaces, particularly as we have seen it develop in the central business district. The changes made by the Liquor Control Reform Amendment Bill, together with those in this bill, will equip police officers with the power to deal with offensive behaviour, in particular in entertainment precincts. That is the sort of support this government is prepared to give to innovative ideas to combat crime. The Liquor Control Reform Amendment Bill gave officers the power to ban offenders from an entertainment precinct for 24 hours. Together with the bill before us, we believe that should bring about some deterrence to the committing of crimes in public spaces and entertainment precincts.

There will be protections for vulnerable people who may get caught up in the issuing of infringement notices. If a person with some type of incapacity or disability commits an offence without really understanding the relationship between the behaviour and the offence committed, there are checks and balances and opportunities for the infringement notice to be reviewed. Large stakeholder organisations that represent a variety of these groups of vulnerable people, if you like, will play an active role in carefully monitoring the application of infringement notices in those instances. The trial period recognises and allows for that. It should lead to the collection of very good research and action information so we can monitor and review the applicability of the regime that is being constructed under this bill. I will leave it at that, and I certainly give my full support to the bill.

Mr WALSH (Swan Hill) — The Infringement and Other Acts Amendment Bill amends the Infringements Act 2006, which is the principal act and which does a range of things. The act was set up in 2006 to introduce a system of PIN notices for minor offences. PIN notices are personal infringement notices, for those who do not know. They are effectively on-the-spot fines that are issued by police. These changes introduce an additional seven offences for a trial period. Four of those offences relate to disorderly and offensive conduct involving alcohol-related issues. Two of them relate to public order offences under the Summary Offences Act 1958. The last relates to the issue of first-offence shop theft for goods valued under $600.

I would like to raise a number of issues in contributing to the debate on this bill. The first is that it excludes people under 18 years of age. The bill applies only to adults, who are supposedly responsible for their actions. The statement of compatibility talked about the risk of these new infringements impacting disproportionately on some groups in the community, and I think we all need to be very mindful of these changes and to monitor them to make sure that disadvantaged groups within society are not affected by this bill. These include people who have some form of impairment such as a mental illness or an intellectual disability or who are experiencing serious substance abuse problems, as well as particular groups such as the indigenous members of our community. We need to be very mindful that those less advantaged members of the

community are not more severely affected by these changes than the rest of society.

One of the issues I would like to touch on is shoplifting. Shoplifting is theft. We should never move away from the fact that it is theft and that it has a major impact on the businesses it is committed against. People should not be able to wander in and out of shops, take things at will and be forgiven. It is theft. The value is not the issue, the issue is that it is theft. People who run businesses feel personally affronted by having things stolen from their shops. The other issue is shoplifting is quite often the symptom, not the cause, of people doing it.

We have read of numerous cases where people who shoplift have some form of mental condition and are doing it to draw attention to themselves. We have seen some quite famous people found guilty of shoplifting, and it has been shown that they have done it to draw attention to more serious issues in their lives. By issuing PIN notices for minor shoplifting offences we may in some ways be treating the symptom rather than the cause, because we will not be letting those people get the attention they need to deal with the problems in their lives that they are trying to draw attention to.

The other issue I would like to talk about is alcohol abuse. I put on the record the great job that the police in my electorate and I think right across Victoria do in dealing with these issues, sometimes under particularly difficult situations. In a lot of ways the hands of the police are tied in terms of how they handle these things. It is quite confronting to deal with violent, drunken people and to do it without endangering your personal safety, which is a major issue.

An honourable member interjected.

Mr WALSH — The reference is to the issue of capsicum spray. Having talked to some police, I know that a small percentage of society is not affected by capsicum spray, and it is quite confronting for the police when someone is not affected and keeps coming at them.

Again, are we treating the symptom rather than the cause? I get reports that police are quite often not backed up when it comes to applications for licensed premises. We are finding that premises are being licensed to open later and later at night, which becomes a real issue for police staffing. When licensed premises were closing at midnight or 2.00 a.m. at least police were being staffed at their normal afternoon shift levels rather than at graveyard shift levels in the middle of the night. As we extend the hours for licensed premises we present our policing services with a real challenge, because people are then coming out of those premises later and later at night and doing damage, giving rise to the issues that are being addressed by these changes. I would like to see more support for the police in terms of having their views taken into account when applications for extensions of licensing hours are considered. It is a real issue.

There has been a change in drinking habits. Because premises stay open so late, we now find that people do not go to the pub until midnight. They want to be there until stumps, so instead of going at 7 or 8 or 9 o'clock and staying until midnight, they are now going home, having a few hours sleep and then getting up and going down to the pub at midnight — and they are still there at 6.00 a.m. or 7.00 a.m., ready to pour out onto the streets and cause some of the trouble that we see. Perhaps a review of licensing hours might make some of the issues that the police have to face easier to handle.

The member for Yuroke waxed lyrical about how safe it is to walk on the streets of Melbourne. I must admit that there are some places in Melbourne where I do not feel comfortable going late at night. I think there are some real issues that need to be addressed. Some of them could be addressed through a tightening up of the licensing laws so we do not have these sorts of problems. The people who go to these places are in some ways asking for trouble. I think the member for Yuroke is probably giving misguided advice in saying you can walk anywhere you like in Melbourne and feel quite comfortable.

The other issue I would like to raise is that all this increased policing on the streets of Melbourne is actually coming at the expense of country policing. We are finding that country police officers are being drawn into the city to fill up the duty roster in Melbourne because there are not enough police to do what needs to be done, which then creates an issue in the country, where there are not as many police in residence. Filling those country spots is getting a lot harder all the time.

The honourable member for Albert Park, in response to my interjection, said the report in the *Weekly Times* that the government is selling police houses to pay maintenance on other police houses is not correct. I thought the *Weekly Times* always got it right when it came to the government. It seems to get special briefings all the time before any other media outlets. You can see a story in the *Weekly Times* on a Wednesday morning that is not actually released until 10 o'clock that day. Given that the *Weekly Times* goes to press no later than 11 o'clock on the Tuesday, it is

obviously getting preferential treatment over the rest of the press.

Given the way that stories on the government are reported, it is obvious there is a payback: the *Weekly Times* gets the early release here, and it writes a positive story for the government over there to make sure it keeps getting the paybacks. We are seeing that coming through all the time, so there is obviously this quid pro quo, where the publication gets a special briefing and does a positive story. Peter Hunt does it very well in constantly promoting the north–south pipeline. There is this real issue about the selling of those police houses to maintain other police houses and the impact that will have on country police station staffing.

The Nationals do not oppose this bill. There are some quite sensible ideas in it, but we need to make sure those less advantaged in the community are not disadvantaged by this and that they do not run up a large number of PINs and find themselves in the court system because they have not been able to pay the penalties. I think all members at some time would have had constituents come into their electorate offices who are probably among the less advantaged in the community and who have got themselves into trouble in the court system and are trying to get out of it.

They have sometimes had poor legal advice that they should keep fighting when they would have been better off paying the money and putting in place some form of payment system; but they keep fighting, the bills keep mounting and they have a large legal bill as well. They can have a real challenge to get out of that sort of situation. I think we have all seen that at times in trying to help some of our constituents. I reiterate that The Nationals do not oppose this legislation.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Infringements and Other Acts Amendment Bill. It is important because it basically gives police officers another tool in their toolbox to deal with offending behaviour. It allows them to make a prompt and direct response to offending behaviour with a clear penalty — an infringement notice that can be issued on the spot — and it still leaves open the option that if the police wish, depending on the circumstances of the case and the designated offences, they can still proceed by way of bringing charges and issuing summonses.

A number of issues have been raised in the debate which I will deal with briefly. These were raised by the member for Box Hill and echoed by a number of other speakers. The first matter the member raised was the issuing of infringement notices to intoxicated people. He asked, 'Why have an infringement notice that can be issued for offences related to intoxication if you cannot give it to someone who is drunk?'.

The first point here is that they must have also committed another offence. They must have been guilty of indecent or obscene language, engaged in offensive behaviour, done wilful damage or failed to leave licensed premises when requested — or whatever the offence might be. But if they are also drunk, then of course you would not issue them with an infringement notice there and then, because they may not recall it or they may lose it. What the officer would do is send that person an infringement notice by mail, or alternatively they would proceed against that person through the usual system of issuing a summons for that person to appear in court.

The member for Scoresby and the member for Box Hill went on at some length about a story in the *Herald Sun* about decriminalising drunkenness, saying that that somehow is in contradiction to this bill. This bill does not refer to drunkenness; it does not deal with drunkenness. It deals with the question of people who might be drunk but who are also guilty of other offences such as those I mentioned. Being drunk of itself does not attract an infringement notice under this bill. That is an important distinction to make.

We also had the member for Box Hill raise the question of shop theft, which was also referred to by the member for Swan Hill. A number of concerns have been raised about this, such as whether there will still be a conviction on the books and whether the person will still have a police record. It is quite clear from the bill, I would have thought, that if you receive an infringement notice in relation to the offence of shop theft, then you do not have it recorded on your criminal record. However, Victoria Police has the ability to record it in its administrative records so that, if a subsequent shop-theft offence is committed by the person, police will be able to take the previous offence into account in deciding what to do. Presumably if it is a second offence the person would not get an infringement notice but would be issued with a summons.

People have also raised the gravity of the offence, saying shop theft causes major losses to retailers and shopkeepers and is an impost on their businesses, and have asked why we would therefore have an infringement notice system. Of course it is an impost on retailers, but it is also a major impost on police to be dealing with shoplifting or shop-theft offences by way of summonses. It takes up an enormous amount of police time, and members of the opposition are one of the first groups to say we should be freeing up police resources to deal with the most serious offences. An

infringement notice will act as a deterrent, and it does impose a penalty. It is an on-the-spot penalty notice that can be issued efficiently and quickly, and of course if there are subsequent offences the person can be followed up.

Also, if there are aggravating circumstances, the theft will not be treated by way of infringement notice — for example, when someone has stolen from their employer. In most cases under the operational guidelines that will be a circumstance where the person will be issued with a summons; they will obviously be charged with an offence and be convicted. Therefore that is something that employers will be able to check into the future.

Just briefly, the member for Box Hill also raised the issue of identification. He asked how we would know that the person given the infringement notice was the person who committed the offence. In a somewhat confused way he referred to under-18s who seek to present themselves as being 18 or older to get into nightclubs, bars and so on. This legislation applies only to people who are over 18, for a start, so we will not be dealing with under-18s under this legislation.

Mr Wells interjected.

Mr HUDSON — Irrespective of that, we still have the same problems now. Whether it is dealt with by infringement notice or a summons, we still have those issues of identification. The police have checks and balances for dealing with that, and if they are concerned about the identity of the person they can proceed by issuing a summons.

The concerns raised by the opposition are not really grounded in serious problems with the bill. I think most of those matters are dealt with by the bill and will be dealt with by the operational guidelines. I commend the bill to the house.

Mr TILLEY (Benambra) — I rise to make a contribution to the debate on the Infringements and Other Acts Amendment Bill. This afternoon I have listened with quite a bit of interest to the contributions from members from both sides of the house. I will take the opportunity to raise a number of points about the practicalities of issuing penalty infringement notices (PINs). The honourable member for Swan Hill probably attests to his integrity — he has probably never received such a notice — when he refers to these notices as personal infringement notices rather than penalty infringement notices. Nevertheless, he is a good member!

We have heard, and it is most definitely true, that infringement notices are an additional tool to add to the belts of our operational police officers. There is no doubt about that at all. If this bill passes through the house and the police are equipped with these additional tools, they will receive them quite gladly. From personal experience I can certainly say that in a number of areas time savings are made by dispensing with matters of summary, indictable and traffic offences, which tie up a lot of time. It takes a lot of time in brief preparation. It certainly may in time see the return of police officers onto the roads where they should be, rather than being hamstrung in brief preparation.

We often see images of our police in the media. If you look at the visual images of them at some of the recent tragedies that we have seen up around Echuca over the weekend and with some of the violence around country Victoria and metropolitan areas, you will see that our police officers are looking particularly tired. They are underresourced and, like me, they are probably carrying a few extra pounds because the struggles and the stresses of operational police work are tying them down substantially.

An honourable member interjected.

Mr TILLEY — Yes, when needed they could probably exercise physical force; it may assist a little bit. Nevertheless the police need to maintain their health. That is something the government could really concentrate on and see in the resources for our police an opportunity to maintain their health and safety.

Ms Campbell — Take them down to the parliamentary gym!

Mr TILLEY — I frequent the place myself. Nevertheless, I enjoy the runs around the MCG in the morning.

We are dealing with issues in relation to licensed premises and this certainly is a precursor of things to come. As the member for Mill Park mentioned, it is not even in this bill, and quite rightly so. But it certainly is a precursor of things to come in relation to the decriminalisation of public drunkenness.

Once again I can speak about personal experiences. I can speak from the legal side of the issue about dealing with people in licensed premises, particularly when you find them and they do not want to leave the licensed premises. In all circumstances it is accompanied by drunkenness. Trying to negotiate with a drunk man and tell him that it is time to leave is difficult, which I can attest to, having missing teeth on my bottom jaw from dealing with drunk, antisocial thugs. I tell you what,

one of them had a good punch! Nevertheless, you are not dealing with a reasonable man when you are dealing with matters of drunkenness. Hopefully, this additional tool of being able to issue infringement notices may be able to address the matter. I agree that this is a trial, and we hope there will be some successes with the trial.

The matter has not been raised this afternoon, but the member for Yan Yean inappropriately referred to one of my colleagues, the member for Malvern, as a junior woodchuck member or something similar. It is absolutely inappropriate considering that towards the end of last year he made every attempt to tackle the issue in relation to the party buses or booze buses. As I go through the bill, I see that clause 6 refers to section 113A of the Liquor Control Reform Act 1998. Looking through that section, I find it does not even exist! It is incredibly sloppy. There is no section there, yet the government wishes to insert a section in relation to buses having BYO permits to carry liquor on buses. I think the opportunity needs to given to the member for Malvern to expand on this issue because this is absolutely sloppy work.

We are talking about matters of theft. The last time I looked at the statutes, theft was certainly an indictable offence. However, these matters of minor theft can be indictable offences, triable summarily. No doubt our magistrates courts throughout the state are quite busy hearing matters of minor theft. We also heard from other speakers in relation to the impost on retail in our community. As I understand it, theft is theft. There should be no excuses. You receive a penalty notice which only serves two penalty units. Currently a penalty unit is equal to about $116, so the maximum penalty from a penalty notice for goods up to the value of $600 is only $232.

According to the Road Safety Act, if you drive a motor vehicle on our highways, you can expect a penalty of $550 for driving an unregistered motor vehicle. This government certainly is not serious in relation to issues relating to crime and road safety. It just keeps going on. The government is rolling out this rhetoric of these amazing plans for reductions in fatalities on our state's roads. Particularly in relation to issues of crime, you can only cook the books for so long. The truth has an uncanny way of coming to the surface. I really believe that that day will come very soon.

Looking at the issues in relation to theft, it certainly gives a whole new dimension to the 'five-finger discount'. Admittedly, if a person is over 18 years of age and has stolen goods to the value of a maximum of $600, if they have no prior conviction they will be referred to the police for investigation, formally arrested, taken to a police station and, hopefully, interviewed correctly on the tape-recording systems. If the circumstances are appropriate — and it is about discretion — the police may have an option of issuing an infringement notice. Nevertheless, I have experience with thieves and have dealt with many of them in my life — and, listening to some of the lies I have heard across the table during interviews, some of the people around this place have no show on them.

Thieves are pretty crafty; they seem to be clever. From the time an infringement notice is issued you are looking at somewhere of the order of 45 days before it is received, so in that time you could have a number of crimes committed by someone who was referred to originally as a cleanskin — that is, a person who has no prior conviction. After being caught for the first time, they could go out and commit a spate of offences. By the time the notice actually catches up with that person, he could have I do not know how many penalty notices, but after the 45 days it will then be incumbent on police to find this person, rearrest him and then prepare countless numbers of summonses to see that justice is served, because the penalty notice will no longer be appropriate.

In the last 30 seconds I have available, I will say in relation to the Road Safety Act that it will be a very happy day for the police when they have the option of issuing penalty notices in relation to careless driving. But I do have some reservations and some concerns, because 'careless driving' is intended to apply to a driver who does not pay the due care and attention that a prudent person would. It is a matter of safety. I hope these penalty notices are issued properly in accordance with the legislation.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I speak on the Infringements and Other Acts Amendment Bill 2007. Probably like many others, I enjoyed the meandering thoughts of the member for Benambra. Lest he be under any illusions, I thought it might be helpful at the outset of my contribution to highlight something about the procedures of this house to assist him in relation to his reference to clause 6. It also might assist the member for Malvern, who is busy scribbling about much the same thing. As he, too, is new to this house, it would be useful to talk about standard pieces of legislation that come into this house on statute law amendment.

Clause 6 refers to a section which was removed from the legislation by the Liquor Control Reform Amendment Bill. The fact is that at the time this bill was brought into the house, so was another. It is not

uncommon that in a particular sitting week a number of pieces of legislation are brought in and they refer to pieces of other legislation that are being amended. What happens in the house about every six months is that a piece of legislation amending various laws is brought in to clarify the intent of the house in debating the legislation on bills such as this, and that where a piece of law has become redundant as a result of another piece of legislation that has been brought in, it is all clarified in what is often called an omnibus bill. That might assist the member for Benambra in future when he is wondering how come a particular section seems to be absent; it is, in fact, the normal modus operandi of this house.

I also thought it might be useful to put on the record for the poor old member for Swan Hill, who seems to feel unsafe around Melbourne, that I would be recommending he avoid the corner of Exhibition and Little Collins streets and perhaps the eastern end of Collins Street itself and that he head more around King Street north, up around Flagstaff Gardens. It is a very safe and salubrious end of town. Wonderful people reside there and occupy that end of town.

Dr Sykes — Do you live there?

Ms CAMPBELL — No, but it is a place that many members on this side of the house frequent, and we can guarantee it is a very safe environment up that end of Melbourne.

Back onto the bill, lest somebody be concerned about that, the fact is this legislation will assist police greatly. It will assist them in their work in many ways. There are more police around at the moment than there were in 1999. There are far more police now who will be able to utilise this wonderful legislation. Over 800 police who were sacked under a previous regime have been — —

Mr Wells — Name one! Just name one.

Ms CAMPBELL — Excuse me! I am just explaining to the house that there are 800 police who were previously cut who have been recruited. We have more police on the beat than ever before. We have a situation in Victoria where the crime rate is down 16.1 per cent as a result of the first five-year strategy of another wonderful woman called Christine — Commissioner Nixon. We are working and living in the safest state in Australia.

People have outlined concerns in relation to shop theft. I think we just need to be brought back to reality. Shop theft is still on the books. The police have an extra weapon in their armoury against thieves. This government has in no shape or form gone soft on theft, and this legislation will not be sending a wrong message to offenders. Why do I say that? I say it because this simply gives police an extra tool to deal with offending behaviour. They will still be able to lay charges, but they will have an extra option where they can lay charges. In many cases of theft it will be appropriate to have an infringement notice and on other occasions it will be inappropriate. That is at the operational discretion of the police; it is not for us to decide.

We also need to be mindful that currently the police have the option of a cautioning program that enables them to caution — generally speaking, this is for first-time offenders and small-time offenders — rather than lay charges. Also under this legislation and the recently enacted Liquor Control Reform Amendment Act 2007 police are able to issue both an infringement notice in relation to licensed premises and to ban a person for 24 hours from an entertainment precinct if they have behaved offensively or have refused to leave licensed premises. This legislation is excellent in that it provides our many extra police with one extra option to assist in their policing and their enforcement of the law.

Somebody raised the matter of the value of deterrence with these infringement notices. The fact is that a person can still know clearly that they have broken the law whether they get an infringement notice or not. The fact is that this infringement notice will still be a form of punishment and will still have a deterrent value. There is still the option of a court-imposed sentence if the police decide to proceed down a different path.

My final comment, because I am limited in the interests of time, is on a point made by the member for Box Hill. The intent of this legislation is in no way to diminish the severity of community concerns that we want to express to offenders. The member for Box Hill raised a question in relation to the infringement notice being posted. Quite frankly, after the experience outlined by the member for Benambra, I think we can all be mindful of occupational health and safety issues in relation to the police and also the state of health or drunkenness of a particular person. If a person is behaving offensively and dangerously, it seems to me that this legislation makes perfect sense in that the infringement notice can be posted. That person will still get an infringement notice. It is clear in this legislation that when an infringement notice is posted, the offender has still infringed against the law.

Part of the reason for this has been outlined very clearly by the member for Benambra. We should be grateful for his explanation of what happened to him and of the

advantages in the posting of infringement notices as allowed for in this legislation.

Mr O'BRIEN (Malvern) — It is a pleasure to speak on the Infringements and Other Acts Amendment Bill 2007. The bill states that its intention is to establish 'a regime to deal with minor breaches of state and local laws by the issue of infringement notices'. This is symptomatic of a government that has dropped the ball when it comes to issues of violence, especially alcohol-related violence.

You only have to look at the statistics for the Melbourne central business district to see that crime is out of control in the CBD, and it is also out of control in many regional centres throughout the state. What is the government's response? It does not know whether it is Arthur or Martha. The Attorney-General has stated, as was outlined by the member for Scoresby, that he wants to decriminalise public drunkenness.

The *Herald Sun* of 29 November 2007 says:

> The submission reveals Attorney-General Rob Hulls wants to decriminalise public drunkenness …

This government's get-tough approach to public drunkenness is to say, 'Let's make it not a crime'. That is certainly one way to make the crime statistics start to look good: just abolish things as crimes. Where is it going to end? Victoria could be crime free tomorrow if we took every crime off the statute book. The government cares about statistics and spin; it does not care about substance or about making Victoria a safer place to be.

Not only does the Attorney-General want to move to decriminalise public drunkenness, but the government wants to move to an infringement-based penalty regime for certain alcohol and disorderly conduct offences. We will go from a situation where, when an offence is committed, an arrest needs to be made and the person removed from the area to one where a person will get a ticket and not be removed from the area. This is just another example of how the government has in its heart the intention of going soft on alcohol-related crime in Victoria.

We have also seen the Minister for Police and Emergency Services falsely claim that the opposition opposed the amendments to the Liquor Control Reform Act late last year. That is relevant to this bill, because a number of the offences that were raised in that bill are also the subject of this new infringement notice regime. That claim was a falsehood; it was an untruth. I am worried about using the l-word because of what the Speaker said to us earlier today, so I will say that the police minister stated a falsehood, or an untruth. The government would not recognise the truth if it turned up at the front door with a bunch of flowers. To say that the opposition opposed the bill is complete nonsense, and the minister knows it.

Fortunately, as often happens in this life we call politics, the truth came out. On 8 December last year the *Herald Sun* published an article by Ellen Whinnett, its chief political reporter, on these measures. It says:

> But Labor sources have confirmed that a nervous Mr Cameron had told some colleagues he feared he couldn't get the regulations and paperwork in place before the New Year anyway …

This is a minister who knew he was not up to the job, so he tried to put the responsibility for his own incompetence onto others. The article goes on to say:

> Several MPs —

that is, Labor MPs —

> have come out swinging in defence of their upper house colleague, Matt Viney. The Government Whip had been criticised for suggesting the laws be sent off to committee, adding to delays.

The article quotes an MP as saying:

> Matt Viney has copped it due to the incompetence of the minister …

The Labor Party has been eating its own. Labor members acknowledge the absolute incompetence of the Minister for Police and Emergency Services. In his desperation to cover up his own incompetence, he tried to put the blame on the opposition by telling absolute falsehoods. This is the standard of government we get from the group opposite.

We have in this bill measures to provide softer options on alcohol-related crime. The member for Benambra quite correctly picked up on the fact that clause 6 of the bill seeks to amend section 113A(2) of the Liquor Control Reform Act 1988. I went to my copy of that act, which as shadow Minister for Consumer Affairs I have on my shelf, and looked for section 113A. First I went to section 113 and read through that, and then I hit section 114. There is no section 113A.

I was very pleased that the member for Pascoe Vale at least acknowledged the fact that the government bill is wrong, but then she indicated that the government, knowing the bill is wrong, intends to do nothing about it right now. It wants to pass a piece of legislation that it knows is incorrect. It is saying, 'We will get back to it in 6 months or 12 months time. We will clean it up then'. It is typical of a government that is not on top of

the detail, does not understand what it is doing and thinks that it should be able to inflict its own incompetence on the people of Victoria by putting legislation through this house that it knows to be just plain wrong.

The government has been caught out before. Once a campaign by the opposition — and especially, I think, by the member for Box Hill and the member for Scoresby — exposed the fact that a bill would have required employers to pay wages in cash in the absence of written authorisation, the government came into the chamber pretty quick smart and fixed it up straightaway, because it knew that it was putting in a bad and wrong piece of law and that we had exposed it.

The member for Benambra has in the chamber today exposed the fact that this bill is just plain wrong, and the member for Pascoe Vale has acknowledged it. If the government does not come into the chamber with its tail between its legs and amend this bill in order to fix it up and get it right, then it will stand condemned and will be condemned.

Mr SEITZ (Keilor) — It gives me great pleasure to rise to speak in support of the Infringements and Other Acts Amendment Bill 2007. Contrary to what we have heard this afternoon, the bill is very simple, and the explanation for that is very simple. The offences for which the trial periods will apply under this bill are: careless driving; shop theft, which is a particular kind of theft; wilful damage; indecent and obscene language; offensive behaviour; the consumption and supply of liquor on unlicensed premises; and the failure to leave a licensed premises when requested. It is quite simple. I do not think people read the bill or listen to any of the briefings.

The aim of the trial expansion is to give the police extra power, an extra tool to work with, to combat minor issues. An on-the-spot fine has a far greater effect on everybody — it registers, it sinks in, it gets the message home. It is much more effective than waiting until 9 to 12 months later when they get a lawyer and a social worker, prepare a case in the Magistrates Court and say that they had a bad childhood and that is why they are drinking now. When action is taken there and then, people realise it. If their friends see it, they get embarrassed and are likely to be far more cautious in the future.

It is a very sensible step forward in simplifying the process, so you do not have to make money for lawyers. All the suburban lawyers here are criticising the bill because they are looking after their friends and hoping to get them more business in the Magistrates Court. Nevertheless if people want to challenge the action, there is still opportunity for them to do so. It is the same as when you get a speeding ticket in your mail at home — those lovely letters we receive — it still gives you the option to challenge and go to the Magistrates Court if you so desire and have the money to do so. You are able to defend yourself, or if you want to put some money into the coffers of a lawyer, the lawyer will represent you. At the end of the day the magistrate might find you guilty and you will still have to pay the fine and the cost of the court procedure plus the lawyer. I commend the Minister for Police and Emergency Services for bringing this bill in. It is an eminently sensible action.

We accept the system of on-the-spot infringement notices in other spheres of legislation. It is implemented in other jurisdictions and other countries such as England, which has had this system in place for a long time — so why not have it here? It is commendable that all parties are supporting the bill; however, some people are trying to put a different interpretation on it. Why not be honest and straightforward and say that this is a common-sense bill and a forward step? It is simplifying and demystifying the legal procedure once again. It is bringing it down to where the average person can understand it, along the lines of, 'You have done something wrong. Here is the fine issued by the police on the spot, now pay up. If you challenge the police judgement, you can go to the Magistrates Court'.

That is unlike some other countries. In the Arab countries in particular, if you get a fine or are found guilty on the spot, whether it is following a car accident or anything else, you do not have the opportunity to challenge the action in court. It is final, and there is no appeal; the decision by the police is the be-all and end-all. Here we still have the safeguard of a protected democracy. If mistakes are made, people can always seek redress if they say that they have been wrongly issued a PIN notice and a fine.

The bill also includes enforcements for the collection of fines by the sheriff. I commend the bill to the house and wish it a speedy passage.

Mr DELAHUNTY (Lowan) — I would like to make a few comments on the Infringements and Other Acts Amendment Bill 2007. The bill has a couple of purposes, and I want to cover a couple of them in my preamble. The bill provides for a trial expansion of the infringements regime during which certain offences under the Summary Offences Act 1966, the Liquor Control Reform Act 1988 and theft which is shop theft under the Crimes Act 1958, will be enforceable by penalty infringement notices, which we commonly

refer to as PIN notices. I will comment a little later on the bill amending the Supreme Court Act 1986 to provide the sheriff with the power to temporarily restrain a person who resists the execution of a civil warrant.

The background to this is that the principal act, which was introduced in 2006, provides a framework for the conduct of a trial of the system of issuing PIN notices. PIN notices deal with minor offences. This bill sees an expansion of that trial to an additional seven offences in the areas of road safety, minor property and disorderly conduct offences. Four of them relate to disorderly or offensive conduct or alcohol-related issues, two are related to public order offences and the third one — the main one — deals with shop theft under the Crimes Act 1958. In other words, we have an alternative process for the police to use for what they believe are minor offences. We do that now; we use PIN notices particularly in motor vehicle-related offences. As has been discussed earlier today, particularly by the Leader of The Nationals, the member for Swan Hill and others in this place, the PIN notice will be issued by a police officer. Importantly, as the member for Keilor said, the defendant will always have the option of contesting the charge if he or she wishes to do so in the court.

The reason why The Nationals are not opposing the bill, and I support that, is that this will relieve a lot of pressure on our courts and in our policing. I heard the member for Benambra speak about how it might help a policeman. In some ways it might hinder, but in most instances I am sure it will help. It will give the police another option, but importantly the bill will also give the person who has committed the offence a choice of going to court.

Part of the bill will amend the Supreme Court Act 1986 to provide the sheriff with the power to temporarily restrain a person who resists them. I want to tell you, Acting Speaker — you come from the other end of the state from me — that in my area I am getting complaints that we have not got sheriffs. The problem that has been related to me is that since the last sheriff retired he has not been replaced, and unless they get a book of people who are to be served with civil warrants we do not see sheriffs unless they come up from Ballarat, which is at least 2 hours away. Therefore people who are in business and have taken court action against some of these people have civil warrants issued, but unfortunately it could be three or four weeks before the sheriff comes to the region to serve the civil warrants.

Through this debate I am getting the opportunity to raise the problem that we do not have sheriffs operating in some areas of country Victoria. We have seen a constriction of the service, and I hope that when the Attorney-General gets up to speak he will respond to the concern I have raised on behalf of the electorate I represent. We need to get sheriffs back into our region to do the good work they have done over many years.

The other issue I want to talk about — it was talked about by the member for Malvern, and it is referred to in the bill — is public drunkenness. Currently people can be fined $100 if they are convicted of that crime. I have read the article which appeared in the *Herald Sun* in November last year and which states that the Attorney-General wants to decriminalise public drunkenness. The article states:

> Public drunkenness would be decriminalised and trouble-spot venues charged more to operate in a $20 million anti-booze offensive to be considered by the state government.

As we know, and from the information I have, each year about 15 000 people are apprehended for public drunkenness. It is interesting to note that a lot of them are apprehended in metropolitan Melbourne, but this also happens in country areas too. In fact I have been asked to give a reference for a young fellow I know who was pulled up for being drunk and disorderly and will have to front a court.

I get really annoyed when I see alcohol consumption used as a defence. I am referring not to offences relating to public drunkenness but to defences for crimes of violence against women, particularly rape. I have seen court cases where the consumption of alcohol has been used as an excuse for committing a crime. Women in particular and others who are affected by people who commit crimes against the person find that offensive, as I do. If people have committed a crime, then they should be penalised in some way. That might help them get rid of the problem they have in consuming too much alcohol.

I refer to another issue. As a board member of VicHealth I have seen the various types of alcohol that people can buy, including mixed drinks and lollipop drinks. It is a real worry for our community. I am not against the consumption of alcohol at any stage — it is a fine and relaxing thing to do — but if it is overdone it becomes a problem. Decriminalising the offence of public drunkenness is the first step in making it easier for people to use alcohol as an excuse to get off a lot of other crimes that have an impact upon our community.

I do not want to take up too much more time in this debate, but I would say that it is worth trialling this a bit longer. The measure has been introduced for a trial period, and I think it is worthy of a trial. But I just hope

that we do not get to the stage of decriminalising things like public drunkenness, in particular making it easier for people to use alcohol as an excuse for committing other types of crimes.

Mr SCOTT (Preston) — I rise to support the Infringements and Other Acts Amendment Bill 2007. Firstly, I would like to say that this is a sensible piece of legislation which provides another option as part of a trial to assist police in dealing with a number of offences. I will have to respond in my contribution to the member for Malvern, although I will be making my contribution brief.

I think the member for Malvern is a bit confused if he believes that providing an additional option to assist police in dealing with these sorts of offences is a reduction in the seriousness of the government's approach to dealing with these issues. I think it shows a surprising lack of confidence in the police which would be more in keeping with, say, a member of Socialist Action than with a member of the Liberal Party of Victoria, most members of which are generally found to be supporters of the police. I think it is symptomatic of a confused response and confused speech which would have been more appropriate for a members who was opposing the bill than for one voting in favour of it.

The bill is a sensible measure which provides for a trial that will hopefully lead to a reduction in a number of crimes such as careless driving, shop theft — which is a new offence — wilful damage, using indecent or obscene language, offensive behaviour, the consumption or supply of liquor on unlicensed premises and the failure to leave licensed premises when requested. This is about giving the police more alternatives in their policing activities. It is a sensible and thoughtful addition to the legislative program and in no way reduces the effectiveness of the government's approach to dealing with these offences.

I wish the member for Malvern had taken more care in his contribution and perhaps listened to the member for Keilor, who gave a much more concise and considered speech. I commend the bill to the house.

Mr THOMPSON (Sandringham) — Given the legislation before the house it is somewhat ironic that, on the day on which the police minister has announced a new objective of reducing crime by 12 per cent over the next five years, we are seeing the parallel introduction of legislation which is going to reduce the number of summary offences recorded. Now the chief commissioner may be able to get a job as a singer with the police band, because her job will be done with the passage of this legislation.

At the last release of recorded crime statistics in August 2007 we saw in the city of Bayside — unusually in some respects compared to some of the other municipalities in the state — an increase in the occurrence of a range of crimes. There was a 62 per cent increase in sex (non-rape) crimes; a 71 per cent increase in burglary; a 28 per cent increase in residential burglary; and, interestingly also, an aggregate number of 60 shop-stealing/theft offences. Under the bill before the house, when these figures are computed next year the police commissioner and the police minister will automatically be able to claim a reduction in the number of offences committed in Victoria.

I hope that every time they parrot the claim that crime has been reduced in this state there are asterisked footnotes under every statement showing that the crime figures have been readjusted so that they are not an accurate measure of the effectiveness of the police work being undertaken in Victoria. We can also take a look at the figures for the city of Kingston, where it is interesting to note there was a reported 11 per cent increase in the level of crime for 2006–07. But interestingly the number of thefts by shop stealing in 2006–07 was 461, whereas in the previous year it was 615.

While there might be some sage reasons for the bill before the house, which the Liberal Party does not oppose, I am left with a question at the back of my mind as to whether, at a meeting of senior police, they worked out, in answer to the questions, 'How can we get tough on crime, and how can we reduce the level of reported crime in this state?', that the simplest way forward was to cut the data collection base so that they did not report the level of crime that was occurring.

I think this is a very important point, and I challenge the police minister to respond to these matters in his summing up of the legislation before the house. I ask him to give some assurance to the house that, every time these matters are spoken about over the next five years under the five-year Next Wave program which the police minister reported on to the house today, there will be an indication that the figures have been doctored.

I refer to clause 10 of the bill before the house, which refers to shop theft. Interestingly there is a footnote that reads:

> The Infringements Act 2006 provides that, subject to that Act and any other Act, a person who pays an infringement penalty and any prescribed cost within the time required under that Act expiates the offence by that payment. Section 33 of that Act provides that, generally, expiation means that no further

> proceedings may be taken against the person for that offence and no conviction is taken to have been recorded against the person for that offence. Payment is not to be taken as an admission of guilt or liability and payment is not to be referred to in any report provided to a court for the purposes of determining sentence for an offence.

Furthermore, I think it is of interest to note that the penalty for shop theft for an amount up to $600 is to be 2 penalty units. Roughly calculated, 2 penalty units might come to around $232, so someone can steal $599 worth of goods per theft offence and be subject to an infringement penalty notice of $232. You do not have to be a mathematician to work out the sorts of economies of scale in this particular area.

I have strong reservations about how the police will reduce levels of crime in this state. If it is going to be done by doctoring the statistical database, then I think that is an absolute shocker. Every time they refer to crime data in Victoria in future I will call upon the police minister and the commissioner of police to indicate the change in the data collection base that has occurred. I reiterate: while we have this range of concerns, it is important to note that in one other area — the issue of public drunkenness offences — there may be some merit in the bill. Having expressed these serious concerns, I indicate that the opposition does not oppose the legislation.

Mr NORTHE (Morwell) — It gives me great pleasure to contribute to the Infringements and Other Acts Amendment Bill 2007. This amending bill affects three acts, the Summary Offences Act 1966, the Liquor Control Reform Act 1998 and the Crimes Act 1958. Essentially this is a trial expansion of the infringements regime. Seven offences have been selected as part of this trial. They include certain road safety offences, minor property offences and disorderly conduct offences. They will of course be dealt with by way of a penalty infringement notice (PIN).

One of the aspects we have not seen much debate on is the road offences aspect of this amendment bill which relates to careless driving and will involve an amendment to the road safety regulations. I think it is an important aspect of the bill. It will enable the police to issue a traffic infringement notice to those who have been found guilty of a careless driving offence. Importantly, it indicates the fact that L-plate and P-plate drivers will continue to be charged on summons. I agree with that concept; it ensures that our younger or inexperienced drivers are educated. They must learn that if they act in a careless manner they will feel the full force of the law. On this particular aspect I also want to point out that the community, particularly in the Morwell electorate — and I am sure this is so throughout regional Victoria — would love to see more of a police presence on our roads to ensure that people who commit these types of offences are brought to justice.

Over the last few weeks in the Morwell electorate we have seen much media reporting about community safety, particularly in and around the Traralgon central business district and entertainment venues. In recent times this has been highlighted nowhere more than in the recent high-profile media reporting of the case of South Australian cricketer Jason Gillespie being assaulted in the Traralgon precinct. This was unfortunately not a healthy reflection on the Latrobe Valley. However, as we have heard from all members who have made a contribution, it is not just the metropolitan areas of Melbourne that are prone to acts of violence and assault; they happen across the state. It is something we need to tackle, and the amendments in this bill will go some way to doing that.

In Traralgon we have seen some great initiatives proposed jointly by the Latrobe City Council, police and venue operators, and we have seen some federal government funding being allocated. I must say the previous federal government and in particular the federal member for Gippsland, Peter McGauran, played a large part in ensuring that $150 000 was allocated to some great initiatives. This has enabled two security officers to be employed full time at the Traralgon taxi rank on Friday and Saturday evenings. This has made a huge difference. I know the local taxi association has been supportive of this initiative, which has eradicated some of the troubles that had occurred over a period of time.

Other offences covered in this bill include offensive behaviour, being drunk, violent or quarrelsome, and failing or refusing to leave a licensed premises, provisions that involve amending the Summary Offences Act 1966 and the Liquor Control Reform Act 1998. That will again assist in and around the entertainment venues and particular in the Latrobe Valley and Traralgon.

The bill also deals with a number of other aspects such as theft, which relates to the shoplifting of items valued at or on sale for under $600; we understand that that is an important part of the bill. The intent of the bill is obviously to free up court time and give police the authority, extra powers and flexibility to issue PINs where applicable. I think overall the intent of the bill is quite good. My only concern is to ensure that police have a presence and that we see the state government announce 350 additional police over its four-year term. The community wants to see these police officers on

the beat around the streets, and I am sure police presence makes a huge difference in eradicating bad and antisocial behaviour. The Nationals do not oppose the bill.

Mr WELLER (Rodney) — It is quite a pleasure to make a contribution to the debate on the Infringements and Other Acts Amendment Bill. The bill was introduced in 2007 to provide a framework for the conduct of a trial expansion of the system of issuing penalty infringement notices (PINs) to deal with minor but more complex offending than has historically been the case.

Today we have heard a lot about the police and what a wonderful job they do and about how this is another measure they are being given to reduce crime in this state. These PINs will be used for relatively minor offences. The offences they will be extended to are those under the Liquor Control Reform Act. That act would be an appropriate area for them to be used in, but we should remember that as a Parliament and as members of the community we have a role to play in educating the community and that education is a greater tool than PINs but should be complementary.

There are clauses in the bill on reducing offences on roads. What we need to think about when dealing with roads are the options that the government could take to reduce offences on roads. For instance, having flashing speed signs at all school crossings so that drivers are aware of where they are would be a proactive thing to do to reduce the number of offences at school crossings.

We have spoken about assisting the police, and I believe that that is a positive thing to do. We should also give the police good quarters to work in. The Echuca police station has been riddled by white ants for many years. The conditions that the police are asked to work under at the police station in Echuca are atrocious. If the government were committed to assisting the police it would provide better premises at Echuca. The Rochester police station is another case. The police are expected to work in tight little quarters, and the police station there is in need of a renewal.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Rodney, on the bill.

Mr WELLER — I am on the bill. I thought the bill was about assisting the police in keeping law and order, and I would have thought that that was an appropriate thing to be talking about.

Driver training is another area where we could assist in the reduction of — —

Ms Allan — How is this on the bill?

Mr WELLER — The bill talks about penalty infringement notices for driving offences. If we reduce the number of driving offences through better education, we would then not need to have so many PINs. The driver training facility at the Elmore Events Centre would be an ideal place to complement this by helping to reduce the number of driving offences.

The Nationals will not be opposing the bill, and we look forward to reducing the number of offences.

Mr Wells — On a point of order, Acting Speaker, we were under the impression that the minister was going to close the debate. The reason for my point of order is that the member for Box Hill and the member for Sandringham have asked some very important questions about whether the PIN offences will actually count as crimes and affect the crime statistics. We seek clarification on that, and we thought the Attorney-General would be closing the debate to clarify those points.

The ACTING SPEAKER (Mr Ingram) — Order! There is no point of order. The minister, summing up.

Ms ALLAN (Minister for Regional and Rural Development) — I am pleased to sum up the debate on the Infringements and Other Acts Amendment Bill 2007. I would like to thank the members for Box Hill, South Gippsland, Yuroke, Ferntree Gully, Yan Yean, Scoresby, Albert Park, Mornington, Mill Park, Swan Hill, Bentleigh, Benambra, Pascoe Vale, Malvern, Keilor, Lowan, Preston, Sandringham, Morwell and Rodney for their contributions.

In regard to the matters raised by the member for Scoresby in his point of order, the member for Bentleigh addressed them in his contribution. He addressed the issues that the member for Scoresby was concerned about. This is a piece of legislation that is about strengthening and supporting the role of Victoria Police. It is something that the Victorian Labor government has done from the very beginning, in stark contrast to the record of the previous government, which was more interested in sacking police and closing police stations.

Honourable members interjecting.

Ms ALLAN — You can give it, but you cannot take it. We have just had the member for Rodney attacking the government in his contribution. We stand on our record. Over the past eight years we have a proud record of supporting Victoria Police.

Mr Wells interjected.

Ms ALLAN — It includes employing more police, it includes the biggest police station building construction program in Victoria's history and it includes a 22 per cent reduction in crime.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! Interjections across the table like that are disorderly. I would like to encourage an orderly debate in the chamber. The minister summing up without assistance.

Ms ALLAN — As I said, this bill is about giving the Victoria Police another tool in assisting them to do their job, just as we have given them more police, new police stations and seen a 22 per cent reduction in crime in Victoria which makes Victoria the safest Australian state.

This is a bill that amends a range of different pieces of legislation and gives police another option in dealing with these sorts of offences. It will also lead to stronger deterrence within the Victorian community because police will have a greater capacity to issue on-the-spot fines, which hit the hip pocket and make people think twice about their actions. It also improves the efficiency of Victoria Police. It will speed up the dealing of relatively minor offences and give an alternative to taking the matter to court. This is an efficient piece of legislation and it is important to note the bill enacts a trial only so there will be an opportunity to look at how the trial goes.

This is all within the context of the Brumby Labor government supporting Victoria Police, backing it with extra resources that they need to do their job, backing it with more police on the beat and backing it with new police stations. We have seen the results of that improvement with a 22 per cent reduction in crime. That is in stark contrast to the mid-1990s when the Liberal and National parties were happy to sack police and allow Victorian streets to be less safe because of the number of police they took off Victorian streets.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CRIMES AMENDMENT (CHILD HOMICIDE) BILL

Second reading

Debate resumed from 6 December 2007; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Crimes Amendment (Child Homicide) Bill arises from a measure that the Premier announced he would implement shortly after coming to office as Premier, when he said he would take decisive action against those who perpetrate appalling acts of violence against innocent and defenceless children. We all recall the tragic case of Cody Hutchings and grieve for the terrible fate that he suffered. We also recall the hopes of many that his untimely death would at least result in effective action to dramatically reduce the likelihood of other children suffering as he did, just as the death of Daniel Valerio in 1990 led to the introduction of mandatory reporting of child abuse in 1993. Unfortunately I very much fear that these hopes will not be realised by this bill.

The central provision of the bill simply takes the existing offence of manslaughter and gives it the new name of child homicide when the victim is under six years of age. There is no change in the definition of the offence and no change in the maximum penalty. The government argues that by creating a separate offence it will break away from the sentencing patterns that have developed around manslaughter and allow the courts to establish new and presumably higher sentencing level practices. Yet, at the same time, the Attorney-General has linked the likely sentencing back to manslaughter, saying in his second-reading speech:

> As the new offence will be closely related to manslaughter, the sentencing practices for manslaughter will continue to be relevant, but may be less constraining than they have been in the past.

All the expert advice the opposition has received from practitioners is that the measure is unlikely to make a significant, or any, difference to the sentences the courts would otherwise hand down. There are also other serious problems with the government's response to horrific child abuse.

First of all, the new offence can only apply if the accused is either not prosecuted for, or not convicted of, a charge of murder. The new offence may even end up resulting in perpetrators being convicted of the lesser offence of child homicide when a conviction for murder might otherwise have been achieved.

Secondly, the new offence does nothing to deal with the responsibility of others who had care of, or shared a house with, or had regular contact with the deceased child and knew, or ought to have known, at least some of what was happening to that child and yet failed to take steps to protect the child.

Thirdly, there have been years of delay in the Attorney-General's response to the Law Reform Commission's recommended changes to family violence law, which he received in December 2005, and in introducing measures such as interim intervention orders which have the potential to assist thousands of victims of family violence each year.

Finally, we are still as a community lacking comprehensive answers to the question of how we can best identify and protect children at risk in dysfunctional families and other high-risk contexts, and act to protect children before these tragedies occur.

Let us look in detail at the provisions of the bill. As I said, its principal provision creates an offence of child homicide instead of manslaughter where a person kills a child aged under six years in circumstances that would otherwise constitute manslaughter. The bill sets a 20-year maximum penalty for the offence, which is the same maximum as currently applies to manslaughter. The bill makes provision for alternative verdicts to be returned by juries in cases involving child homicide in a similar manner and in similar circumstances as currently apply in cases involving manslaughter.

Separately from these provisions relating to child homicide the bill also sets a maximum penalty of 10 years instead of 5 years for negligently causing serious injury; it splits the current offence of dangerous driving causing death or serious injury into separate offences for death and for serious injury; and it sets a maximum penalty of 10 years instead of 5 years for dangerous driving causing death, and in relation to those provisions, the bill applies the newer penalties to offences that are committed on or after the commencement of the amendments.

To place the child homicide provisions in context, we need to look at how the law relating to murder and manslaughter currently operates and in particular we need to look at what constitutes the mental elements for the offences of murder and manslaughter. At common law, which applies in Victoria, the mental element, which is what lawyers refer to as 'mens rea', for murder is constituted by the defendant acting with either the intention to kill or the intention to inflict grievous bodily harm. In addition the mens rea for murder can be satisfied by recklessness as to whether death or serious bodily injury would result, and in turn at common-law recklessness is constituted for the purposes of murder by subjective foresight that death or grievous bodily injury would result as a probability. It is not satisfied by foresight of death or grievous bodily harm as a mere possibility.

When we look at the offence of manslaughter, we see that it can be constituted in two separate ways. The first is when death results from an unlawful dangerous act, and the second is when death results from criminal negligence. Obviously in the context now under consideration we are primarily concerned with deaths which result from unlawful dangerous acts.

It should go without saying that if the conduct of an offender that results in the death of a child is committed with the mental element that constitutes murder — that is, either with intention to kill or intention to inflict grievous bodily harm or with recklessness as to whether death or serious bodily injury would result, being actual foresight by the offender that that would result as a probability — the offender should be prosecuted for murder. So we have a situation where manslaughter may apply at present but where under this legislation child homicide would apply in circumstances where for some reason either a prosecution or a conviction for murder does not occur.

It should go without saying that the maximum penalty of life imprisonment for murder is a far higher maximum than for manslaughter or for the proposed offence of child homicide, and that a substantially higher actual penalty should result if the offender is convicted of murder — and that, of course, is exactly appropriate and exactly what the community would expect. This bill applies where there is either no prosecution or no conviction for murder, being the prosecution that should be brought if the facts support it.

In relation to the offence proposed by this legislation, as I have said, all the expert evidence that we have received from practitioners is that this measure is unlikely to make any significant difference to the sentences that the courts would otherwise hand down in respect of a manslaughter conviction. I refer to the *Herald Sun* of 18 August 2007, which quotes Jeremy Rapke, QC, who at that time was Victoria's acting Director of Public Prosecutions (DPP). He has now, of course, been appointed as the Director of Public Prosecutions. The article states:

> On the new charge of child homicide Mr Rapke said the plan was laudable but he wanted to see the detail of the legislation.

> The acting DPP cautioned that a new charge of child homicide could mean some child killers avoiding a murder charge.
>
> 'One of the problems I see with a piece of legislation like that might be it's open to criticism that you are diminishing a child's death by putting into a category somewhat lower than murder, giving it a maximum penalty of 20 years', he said.
>
> Mr Rapke said the benefit was that it would help overcome the difficulty of getting murder convictions in child killing cases.

So we have Victoria's Director of Public Prosecutions expressing very serious concern about how this offence could operate and raising one of the serious problems I alluded to at the outset of this debate.

The Law Institute of Victoria (LIV) has also written to the opposition, and the opposition appreciates the very detailed and considered views that the institute has provided to it. I believe institute has written in similar terms to the Attorney-General. The institute said:

> The proposed new offence involves a superficial amendment with no substantive change to the law in this area. The maximum penalty will remain the same although it appears that the charge is designed to encourage judges to give sentences at the higher end of the range.

Later on it in its letter it said:

> The case of *R v. McMaster* (2007) VSC 133 has been the catalyst for the proposed amendments. The LIV notes that this case differs in key respects from other typical cases. The victim was significantly older than in other cases. The offender pleaded guilty to manslaughter after a jury failed to reach a verdict on the charges of both murder and manslaughter. The sentence given was higher than in other cases and the Crown has appealed against that sentence. It is difficult to see how the introduction of a new offence of child homicide would have made a material difference to the outcome in this case in respect of either the inability of the jury to reach a verdict or the sentence imposed by the judge.

One very experienced criminal barrister who has written to me in relation to this legislation described the introduction of child homicide as 'an exercise in smoke and mirrors'. He said it is the crime of manslaughter with one added element, namely that the victim must be a child under the age of six years.

The Crime Victims Support Association's Noel McNamara has also written to the opposition. He says this of the legislation:

> It is a step in the right direction, however you could make the 20 years maximum 40 years as it has no teeth, the judge has the right to set the minimum, and as shown in the past that some in the judiciary will 'thumb their noses' at the law and will give whatever minimum they feel like on sentencing day.

Mr McNamara went on to make the point that there also needs to be a law in place which can potentially bring under scrutiny the conduct of others involved with the child and the circumstances of the death of the child.

The group People Against Lenient Sentencing has also expressed some views on this legislation on its website:

> After recent events around Australia with regards child abuse and death, it is now time for all state and territory governments to look at introducing a law that will hold the parents of a child accountable for their suffering and pain, not to mention death.
>
> …
>
> … we would ask the relevant governments to consider implementing a charge of culpable parenting. This charge could possibly carry a maximum sentence of say five years and would also apply to state carers such as DOCS and DHS as they are well aware of the environments that they are placing children back into. What this charge would do is send a clear message to all parents and carers that they have a direct responsibility for the welfare of children not to mention a duty of care and as such they should feel the full weight of the law if they happen to fail this test.

These contributions from the Crime Victims Support Association and People Against Lenient Sentencing bear out what many others are saying — that is, one of the crucial elements in the legislative and legal response to violence against children and the death of children in circumstances of abuse is the imposition of a degree of responsibility on a wide range of people other than the offender. These people have had contact with the child, are in a position to know at least some of what is happening and ought to be taking steps to protect the child.

This is exactly what has been done in the United Kingdom. In the UK a new offence of causing or allowing the death of a child or vulnerable adult was put on the statute books in section 5 of the Domestic Violence, Crime and Victims Act 2004. The central element of the offence created there is that a person is guilty of an offence if a child or vulnerable adult dies as a result of the unlawful act of a person who was a member of the same household as the victim and had frequent contact with him; if the defendant was a person in that situation at the time of the act; if at the time there was a significant risk of serious physical harm being caused to the victim by the unlawful act of such a person; and if the accused was the person who caused the victim's death or he was or ought to have been aware of the risk referred to and failed to take such steps as he could reasonably have been expected to take to protect the victim from the risk, and the act occurred in circumstances of the kind that the accused foresaw or ought to have foreseen.

When the legislation came into operation the Home Office minister, Baroness Scotland, made a statement which was published on the website cjsonline.gov.uk, in which she said:

> It is clearly unacceptable that where we know one of a small group of people must have caused the death, but we do not know which one, those people should all escape justice. Where there are co-accused it is sometimes possible to bring charges of cruelty or neglect against them both but these charges do not reflect the seriousness of the offence.
>
> The new offence also reflects this government's belief that, where adult household members have frequent contact with a child or vulnerable adult, both the person who caused the death, and the person who stood by and did not prevent it, must bear some criminal responsibility for what happened.

That latter part of the Home Office minister's statement encapsulates the principle that needs to be captured in further legislative measures here in Victoria. The UK legislation was also commented on in the same statement by Action on Elder Abuse chief executive, Gary FitzGerald, who said:

> Sadly, it's not just children who suffer behind closed family doors — anyone can be a victim of domestic violence and that includes vulnerable older people, but this legislation sends out a very clear message that such abuse will not be tolerated. We know from the calls to our helpline that the majority of elder abuse takes place in the family home and, as in any abuse situation, can result in the most appalling outcomes including death.

I should add that the UK legislation defines 'vulnerable adult' for these purposes as meaning:

> … a person aged 16 or over whose ability to protect himself from violence, abuse or neglect is significantly impaired through physical or mental disability or illness, through old age or otherwise.

Whether or not the exact elements of the UK legislation are what we should proceed with in Victoria can be the subject of discussion, and we can strive to see if there are ways we can do things better than what the UK has done. But certainly the UK has introduced this new offence. So far as I can tell it was done with across-the-board support within the UK Parliament. It sets the principle firmly on a legislative basis that everybody who is involved with a child and who should know what is happening and stands by and does not take reasonable action to prevent it, must accept some criminal responsibility.

In a sense to adopt this legislation in Victoria would be setting in place a new principle on a par in importance with the principle that was set in place during the debates in the 1990s, that professionals who have contact with children have an obligation to report and to take action to protect that child. We say that other members of the household and those in close contact with the child have a similar duty. Some measure like that is going to be vital if we are going to make significant progress down the road of providing greater protection to vulnerable children in our society.

As I said previously, another aspect of this issue of concern to the opposition has been the significant delays in the introduction of the legislative measures to address family violence, which of course is violence that can be perpetrated against any member of a family household. Back in August this year the Attorney-General announced a series of measures that he said the government was going to introduce. He referred to measures that would make it easier for victims of family violence to remain in the family home with their children if they wished, while the perpetrator of violence would be required to leave; make it more difficult for self-represented perpetrators of violence to cross-examine their victims in court; provide a comprehensive definition of family violence that included economic and emotional abuse, as well as other types of threatening and controlling behaviour; and broaden the definition of 'family member' to cover unpaid carers in informal care arrangements and family members in contemporary families.

A number of these announcements made by the Attorney-General are very open-ended, and when proposals come before the house they will need to be considered carefully on their merits. But the point I am making at this stage is that any such legislative action is now long overdue in Victoria. The government announced back in August last year that these measures were due to come before the Parliament before the end of 2007, as was asserted in the minister's media release, which reads:

> The government will consult with family violence service providers, community organisations and others, with a view to introducing legislation before the end of 2007.

That legislation has still not reached this Parliament, despite the fact that the initial reference to the Law Reform Commission that gave rise to the report that the Attorney-General was given went to the commission in 2002. The commission gave its report to the Attorney-General in December 2005 so he had almost two years to consider and reflect on what the commission had recommended, yet in August last year he was simply announcing a range of proposals on which he was going to undertake even further consultation. One would have thought that, if he had felt that further consultation was needed, he would have been undertaking it in the two-year period since the commission's recommendation reached him back in December 2005.

One of the other measures that has been caught up in the delay on the part of the Attorney-General is a measure that was put forward by the Liberal Party back in 2003 to allow interim intervention orders applying for up to 72 hours to be issued by police. Under our proposal they could be obtained with the verbal telephone authorisation of a magistrate or bail justice, the reason being that it is often too dangerous for police to leave a victim while seeking authorisation from a court. If such interim orders could be issued, they would offer greater protection for victims of domestic violence and their families.

Back in July last year the then Premier, Mr Bracks, announced that from mid-2008 police would be able under a trial program to issue interim on-the-spot safety notices lasting for up to 72 hours to protect domestic violence victims in a way similar to intervention orders but without the need to go before a court. We have gone from 2003 when the Liberal Party put its proposal forward to mid-2007 when the government said it would introduce a similar measure, but even then it was not to be introduced until mid-2008 and then only under a trial program. We all recognise the importance of effective action against domestic violence, and it is completely unacceptable that there have been such protracted delays in the legislative components of action against domestic violence coming into this Parliament. It is particularly unacceptable for police even today not to have the power to obtain interim intervention orders, something which has the support of both sides of the house and which we indicated in July last year we would have been perfectly happy to have proceed expeditiously through this house ahead of any other measures the government proposed to include in its bill.

There is a lot more that needs to be done in relation to family violence. On top of the specific matters I have referred to on the legal side of things, we also need to put a lot more effort into the aspect of identifying children at risk, working out how we can support dysfunctional families — families with children at risk — and how we can intervene in a timely manner and in the most effective manner to protect those children who are at risk. In that respect I want to quote briefly from a letter from MacKillop Family Services to my colleague the member for Doncaster, which says:

> … assertive, coordinated and timely intervention is the most effective way to prevent harm to children where a risk has been identified. MacKillop Family Services is very supportive of the Child First initiative and associated enhancement of family support services. These initiatives need to be complemented by additional emphasis and institutional support for cross-system linkages between housing, drug and alcohol services, mental health, justice, and child protection and support.

In conclusion, the opposition will support just about anything that will better protect our children. We hope this bill will bring some benefit to Victorian children in the future, but we very much fear it will not. The government has still not demonstrated how the bill will in practice achieve significantly tougher sentences when it simply creates a new offence that carries the same maximum penalty as the existing manslaughter offence.

The government has not faced up to the really difficult question of what to do about other people who know the abuse is going on but fail to do anything about it. Nor have they faced up to the issue of how to best identify and protect children at risk in dysfunctional families. On top of that, the government has still not acted on the Law Reform Commission's recommendations that the Attorney-General received back in December 2005. There is much more that needs to be done to protect vulnerable children in our community. All members of this house need to do whatever they can to play their part in taking that overdue further action.

Mr RYAN (Leader of The Nationals) — This legislation has three essential aspects. The first is to create the new offence of child homicide, the second is to increase the maximum penalties applicable for the offence of negligently causing serious injury, and the third element is to split the offence of dangerous driving causing death or serious injury into two separate offences with different maximum penalties. Without diminishing the significance and seriousness of aspects two and three, they really are subsidiary to the driving aspect of this legislation which brought it to this place — that is, the creation of a new offence of child homicide.

Insofar as those other two matters are concerned, the Sentencing Advisory Council has recommended that the maximum penalty for the offence of negligently causing serious injury be increased. Presently the maximum period is five years, and this bill will increase it to 10 years. I would say that most of the offences that are the subject of these charges arise from the use of motor vehicles. Given that the new, more serious charge of culpable driving carries a maximum penalty of 20 years, what this does, it is said by the government — perhaps with some justification — is to bring into line the maximum penalty applicable to negligently causing serious injury. The other matter is the offence of dangerous driving causing death or serious injury, which will now be split into its two

component parts, for want of a better description. Dangerous driving causing death is to carry a penalty, which has increased from 5 years to 10 years, whereas the penalty for dangerous driving causing serious injury will remain at 5 years.

It is, though, to the issue of the new offence of child homicide that the principal aspects of this bill are devoted and to which I wish to address the majority of my commentary. I might say as an observation that one always has concerns when matters of this nature come before the Parliament on the back of the highly emotional circumstances which surrounded the events concerning the death of Cody Hutchings and then the sentencing of Stuart John McMaster, who caused the death of that poor little child.

Understandably, people get caught up in the awful emotions that swirl around an incident such as this. Certainly there can be no greater burden upon a society than to make sure that we care for those who are the most disadvantaged and the most vulnerable in our communities. When you think of the poor little boy who was caught in this nightmare of an existence which obviously surrounded his latter years, few though they were, you cannot help but have your heart go out to that little tyke. When you think of the way in which he died, it is nothing less than terrible. For all that, though, the legislation before us tonight has been built upon an environment of the sentence having been passed down on one day and the government making an announcement via the Premier the following day as to the creation of this offence of child homicide.

Interestingly also, while the Sentencing Advisory Council has apparently been involved in the other two elements of this bill, there was no such involvement, as I understand it, regarding the offence which is the primary factor driving this legislation. Perhaps I will return to those matters later.

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

Mr RYAN — As I said prior to the break, the Sentencing Advisory Council has obviously had input into the other two elements of this bill, whereas it does not appear to have had a contribution to make to the pivotal aspect of this bill, which is to create the offence of child homicide. One might consider that something the government ought to have regard to, particularly on an issue of such critical significance as this particular piece of legislation. That is more so when one has regard to the circumstances which have brought this legislation about.

I want to tell the house quickly what happened to this little five-year-old boy. This is the broad summary of the reporting: Cody Hutchings died on 25 March 2005. He was five years of age. He was beaten to death, in effect, by a fellow by the name of Stuart John McMaster. McMaster had been beating this young boy for about eight weeks. The coroner later established that at the time of his death this little fellow had 160 bruises over his body and two fractures to his skull, there were tears in different organs and he had massive internal injuries. All of this combined, of course, to cause his death.

McMaster was tried for murder in the middle of last year. A hung jury could not determine a judgement, so he was held in custody. Subsequently he was charged with manslaughter, to which he pleaded guilty. It became apparent in the course of the plea hearing that this was a man who had been on amphetamines and prescription drugs as well as a cocktail of other drugs of a harder nature. It was also established that the little boy suffered from what is called Williams syndrome. Its different elements were developmental delay, behavioural problems, poor sleep and irritable behaviour. This combination came together in absolutely tragic circumstances when McMaster moved in to live with this little fellow Cody and his mother, and this chapter of events that I have just described unfolded and led to the death of this poor little boy.

McMaster was eventually sentenced on 16 August last year to 12½ years in jail, together with another six months for beating the little fellow's mother — a total of 13 years — and he was sentenced to a minimum of 10 years.

The next day, on 17 August, the Premier, Mr Brumby — who had then been the Premier for about 18 days — went to the media in the face of enormous public outrage, and consequently I truly emphasise that I understand the Premier's concern to go out there and be seen to be doing something. The Premier made a number of commitments which were reported by Ellen Whinnett and Brendan Roberts in an article from the *Herald Sun* of 17 August 2007. In relation to the death of this little five-year-old boy who had been killed by this fellow, McMaster, Ellen Whinnett had a number of things to say concerning the hearing in the Supreme Court the day before, and she also reflected upon the press conference of the Premier.

It is pertinent at this juncture to compare what was reported as opposed to what we have subsequently seen in the second-reading speech, because in the second-reading speech there is reference to what the content of this bill will be. There appears at the top of

page 4 of the seven pages the commentary from the Attorney-General that the offence of child homicide:

> … will fit into the manslaughter-related group of offences, with a maximum penalty of 20 years imprisonment;
>
> will be intended to encourage the courts to impose sentences that are much closer to the maximum term than the current sentences for manslaughter; and
>
> will identify the age and vulnerability of the victim as an aggravating circumstance.

Interestingly enough, when you compare that content with what the Premier actually said to the press conference when he made this announcement on 17 August, you see there is a significant additional element to it, because what was reported, at least, was that the Premier said:

> The law could potentially free judges from the restrictions created by previous sentences handed to child killers, that critics have claimed are lenient.

That, I would suggest to the house, is what is missing from this legislation. That is the critical element that is missing from this legislation. It has gone part of the way in the proposed amendments to the Sentencing Act. Indeed one of the very important elements of this legislation is the amendment which creates the offence itself. That occurs in clause 3 of the bill, which introduces a new section 5A under the heading 'Child homicide'. That proposed section reads:

> A person who, by his or her conduct, kills a child who is under the age of 6 years in circumstances that, but for this section, would constitute manslaughter is guilty of child homicide, and not of manslaughter, and liable to level 3 imprisonment (20 years maximum).

One of the other very important provisions is in clause 7(4), where amendments are made to the Sentencing Act. When you follow those amendments and track them through the Sentencing Act, you see that what the bill does is make relevant amendments there to add the offence of child homicide into the definition of 'serious offence' contained within the Sentencing Act and also amend schedule 1, which deals with serious violent offenders. That amendment carries the message that this is a crime of the most serious type, because amongst the other offences within schedule 1 which I referred to are murder and manslaughter, and then this offence of child homicide is inserted. But the critical point is that the maximum period of the sentence of 20 years has not changed. The stated intention of the government as reflected by the media conference which was reported upon in that newspaper article was that what the government was intending to do was to, in effect, release judges. As the article would have it:

> The law could potentially free judges from the restrictions created by previous sentences handed to child killers …

The problem about this is that it is not going to realistically affect the way in which judges actually deal with these horrendous sorts of offences. Yes, I readily grant that certainly the amendments to the Sentencing Act do cast this offence in amongst those that are the most serious, but in the end the upper element of the sentencing regime has not changed. It was 20 years before, and it is 20 years now.

There was a better way to do this, in my view. As a party, The Nationals have long recommended that Victoria introduce a system of standard non-parole periods under our Crimes Act similar to what has happened in New South Wales. I emphasise immediately this has nothing to do with mandatory sentencing. It is not how it operates. What it does is set a stipulated period for which an individual, convicted of a particular offence, is going to be sentenced to imprisonment. It preserves, however, the important capacity of a judge to have the discretion to vary that period of time up or down.

Further, it requires that in the exercise of the judge's discretion, in the course of that variation if there is one, the purpose and the reasons behind that variation must be explained very carefully according to a set of established criteria, which are also set out under the legislation. For example, I have with me the schedule that appears in the New South Wales legislation and which prescribes that for an offence of murder where the victim was a police officer, an emergency services worker or other persons in similar forms of occupation, the standard non-parole period of imprisonment is 25 years. For murder in other cases, the standard non-parole period of imprisonment is 20 years. If that system were operating in Victoria, and if the sort of significance which the government has attempted to attach to this offence in the Victorian system were translated into that system, it would fit very neatly in the next line of those offences.

It would be possible to have the offence of child homicide with a period of, say, 15 years attached to it, and that would be the starting figure that the judge dealing with the sentence would know was going to be applied to that individual unless there were reasons to vary it up or down according to what is otherwise stipulated in the act. That is the way the New South Wales system operates. The great benefit of it is that for the people who are so terribly concerned about such a dreadful incident such as that which gave rise to the death of this poor little boy, they would know right from the outset, before the matter went to court, where

the basic benchmark was. The onus is then on the court to explain why there is going to be a variation on that theme.

Under the system that we advocate for Victoria, the Sentencing Advisory Council would be intimately involved in setting those standard periods. It would not be just at the whim of the government of the day, and I come back to this fact in the context of this particular issue. I stand to be corrected about this particular aspect of it. The Sentencing Advisory Council needs to be involved, in my view, in fixing these sorts of maximum periods or in dealing with the sorts of issues that we are discussing here this evening.

Under the system which The Nationals advocate it would not simply be whether the government of the day felt that a particular period of imprisonment applicable to given crimes was appropriate or inappropriate. The Sentencing Advisory Council would be directly involved in setting whatever those periods might be and would do so in conjunction with the public in the way in which that council normally goes about its work. That is our concern. With the best will in the world, in fairness, and for all the commentary that went on around it, our worry is that in the end what was promised by the government in relation to the tragic death of this little fellow will not actually be delivered.

One other issue that I would ask the government to have regard to is that there is at least a prospect of this style of crime being subject to the process which was introduced by the government with regard to guideline judgements. There is a capacity through the Director of Public Prosecutions for an application to be made to our Supreme Court where there are trials under way which contemplate tragedies of the nature that we now have under examination. The court can do it of its own motion, but I think that if one of these matters comes before the court — it is the Court of Appeal of which I speak — then there is a capacity through the Office of the Director of Public Prosecutions to be an applicant before the court to have a guideline judgement established in relation to matters of this appalling nature. There are things that can be done which would enhance what the government intends to do but which we fear may not be delivered by this legislation.

You have to say it is a concern when the peak body in Victoria, the Law Institute of Victoria (LIV), writes to The Nationals in terms similar to its correspondence to the Liberal Party, which has been quoted in part by the member for Box Hill.

Mr Hudson interjected.

Mr RYAN — I am queried as to the date of the correspondence. From reading this email, I can say it is 24 January, if that is any help to the member. The institute said:

> The LIV does not agree that there is a need for a new offence of child homicide. The proposed new offence involves a superficial amendment with no substantive change to the law in this area. The maximum penalty will remain the same although it appears that the change is designed to encourage judges to give sentences at the higher end of the range.

The LIV goes on to give its analysis, in part at least, of where it thinks there are deficiencies in the legislation. I ask the government to have regard to the views that the institute has expressed. Again I say that all of us are concerned to get this right so that the memory of this little boy and the dreadful events that occurred in his case can be appropriately reflected in the system.

We have put the issue of the introduction of a system of standard minimum sentencing, such as that in New South Wales, to the Victorian community. The member for Shepparton — the Acting Speaker knows her well! — circulated a petition through her office that ultimately had 12 000, 13 000 or 14 000 signatures encouraging us to support legislation of the sort I have outlined to the house.

Another factor in all of this that bears examination is the broader context explored by the member for Box Hill. Those others who are around a little boy like this, who know what is going on, have to be brought under the umbrella to make sure that some responsibility is accorded to them. Surely in God's name you cannot see a little boy subjected to this treatment — actually witness it — and stand aside, doing nothing in practical terms to prevent it happening, without having the position apply at law.

The Nationals will not oppose the bill if there is a prospect of assisting this little fellow's memory, let alone what might happen in the future. Of course we will not. We simply take the position that there are mechanisms whereby it can be improved, and we ask the government to watch its progress carefully and, if it possibly can, to improve it in the interests of people like Cody Hutchings.

Mr HUDSON (Bentleigh) — It is a pleasure to speak in support of the Crimes Amendment (Child Homicide) Bill. The bill reflects the fact that the government is concerned to ensure that when brutal crimes are carried out against children the seriousness of the offence is reflected not only in the way that the offence is described but also in the penalties that are handed down by the court. I think other members have referred to the bill as 'the Cody bill'. We all know the

tragic and horrific circumstances that led to the death of Cody Hutchings at the hands of his mother's boyfriend, Stuart McMaster. He was systematically beaten over more than eight weeks. The mortician who examined Cody's body remarked that his injuries were worse than those of a man who had been trampled to death by a horse. Stuart McMaster received a paltry 10-year minimum jail sentence. It is in response to this sentence that the government has introduced this child homicide bill.

The reality is that with these offences against children, the offenders end up being charged with manslaughter. In fact 13 per cent of manslaughter victims are under the age of nine. What this bill will do, I believe — and I will explain how — is ensure that the sentences given in these cases reflect the monstrous nature of the crimes we are talking about, because it will highlight the gravity of the offence and the fact that the child is vulnerable to this kind of attack by the perpetrator and unable to defend themselves against the perpetrator.

The member for Box Hill and the Leader of The Nationals criticise the bill because they say there has been no change to the definition of the offence and no change to the maximum penalty for the offence of child homicide as against manslaughter. That is true. The member for Box Hill also claimed that it may result in fewer people being charged with murder. First of all, to deal with that point — and I have great respect for the member for Box Hill and his contribution — this offence of child homicide gives the police another option. They could charge them with manslaughter, they could charge them with murder or they could charge them with child homicide. So the advantage of this offence is that it highlights the vulnerability of the child as an aggravating factor.

We believe, in response to the concerns raised by the opposition, not that it will do nothing but that it will encourage the courts to apply a higher sentence than, in effect, the maximum sentence for manslaughter. How is that the case? Under the current Sentencing Act judges are required to take into account past sentencing practices of judges in cases involving manslaughter, which over time have probably become unnecessarily restrictive in relation to the particular vulnerabilities of a child. This new offence, because there are no post-sentencing practices in relation to child homicide, frees up the judges and gives them the opportunity to think again about the seriousness of the offence and what the sentence should be. We believe that will lead to higher sentences.

The opposition says there is no evidence that that will occur. In fact there is evidence that that will occur, because that is exactly what happened after we introduced the offence of culpable driving. Culpable driving was and is a type of manslaughter and carries the same maximum penalty as manslaughter, but since we introduced that new and separate offence of culpable driving we have seen the penalties imposed by judges steadily increase. The reason is because they have been given cause to pause and think about the serious nature of the offence and the seriousness with which it is treated by this Parliament, and they have been able to impose new sentences for that offence.

The member for Box Hill also criticised the bill for not containing a provision similar to the UK legislation which provides that another member of the household — for example, it could be the mother — who has done nothing to prevent the offence can be charged with a criminal offence. Our legislation does not include that, and therefore in the opinion of the member for Box Hill that is a serious omission. First of all it is important to point out that that is not strictly true under Victorian law. There is a provision in Victoria under section 493 of the Children, Youth and Families Act which provides that it is an offence to fail to protect a child from harm. I have summarised the offence, but it is a criminal offence, and it is an offence that carries a 12-month maximum jail term. It is a charge that can only be brought by police after consultation with the Secretary of the Department of Human Services, and we can imagine why that is the case, because there may well be some quite legitimate child-welfare concerns involved in that case that need to be considered before the police bring such a charge.

The fact of the matter is that there have been very few prosecutions brought under that section. There are some good reasons for that, and they are the same reasons why there have been very few charges brought under the UK legislation to date, because bringing a charge against, let us say in this case, the woman, can make it much more difficult to gain a conviction against the perpetrator, because if she is charged with a criminal offence, she has to be cautioned. If she is cautioned, she can retain her right to silence. If she is not properly cautioned, that evidence in any event cannot be used in a court of law.

The laws of evidence make it extremely difficult to lead the evidence of a co-accused against the defendant. Confessions of the co-accused are admissible in relation to charges against that person, but they are not admissible as evidence against the perpetrator. That is why the police do not charge the woman, who in many instances is also a victim of domestic violence herself, and that is another factor that we have to think about here. These are battered women, who are often still in

the relationship, who are in fear of their lives and who are afraid of leaving or reporting the perpetrator for fear of being killed. The UK offence has not been used very often precisely because of these problems.

What is more effective is using the threat of being charged with an offence against, say, in this case the woman, in order to gain her cooperation to provide evidence against the perpetrator. That is what works effectively. Section 493 allows us to use that threat, and there is no reason in addition to that why a person cannot be threatened with being charged as an accomplice to murder or manslaughter in order to gain their cooperation.

The member for Box Hill also criticised the government for not having enacted all of the Victorian Law Reform Commission's report on family violence. That was an extremely complex report: it had over 130 recommendations; it was brought down in 2006. In July 2007 the government announced there would be a major overhaul of the family violence laws in relation to intervention orders, including giving the police the power to issue intervention orders and holding powers. We have introduced holding powers. Those holding powers, which allow police to hold perpetrators for up to 10 hours while they go to court to get an intervention order, have been introduced and used very effectively on in excess of 850 occasions. They were introduced in the Crimes (Family Violence) (Holding Powers) Act 2005. The question of overhauling the intervention powers is a very complex matter. It is a major overhaul, and it is a matter on which we are consulting closely with community organisations and with the police. It is something that we are giving consideration to.

The recent amendments that were passed last year have been brought in after the police have been trained and after we have put in place proper police protocols and procedures so we can give proper effect to the offences that have been introduced by this Parliament and so the act can be given proper effect by the police and can be utilised by them as a tool to reduce domestic violence. I commend the bill to the house.

Ms WOOLDRIDGE (Doncaster) — I rise to make a contribution to the debate on the Crimes Amendment (Child Homicide) Bill, which has been known outside this place as 'Cody's law'. My contribution reflects on my portfolio responsibilities of community services and in particular the child protection aspects of it. The shocking death of Cody Hutchings horrified and enraged us all and sparked an important community debate about the best way to try to ensure that such brutality never again happens to Victorian children. The government has decided that the answer is this legislation now before the house, and I want to indicate from the outset that I will not be opposing it. I do, however, have serious concerns regarding the effectiveness of the proposed measures that we are debating tonight.

The bill seeks to create a new offence of child homicide to apply in circumstances that would currently constitute manslaughter. However, the maximum penalty is still 20 years, as it is for manslaughter, and there is no change to that. When the Premier first flagged the bill he said it would send the absolute strongest signal to the judiciary that these crimes are not to be tolerated and they are to be punished in the most severe way. But the bill before us tonight in no way guarantees that tougher penalties will be placed upon child killers. The community wants confidence that stronger penalties will be put in place for perpetrators of such crimes, and I am disappointed to see that those penalties are not reflected in this legislation.

The other issue is that legislation alone is not the answer. Also needed is a commitment to making sure that families are strengthened and poverty tackled so that we do not get to the stage of children being abused and ultimately, in some very sad cases, killed. The causes of child abuse are complex but often they involve issues of poverty, family violence, parental mental illness and also drug and alcohol use. In Victoria we are certainly not insulated from these problems. The Brotherhood of St Laurence estimates that up to 16 per cent of Victorian children under the age of 12 are actually living in poverty, which translates to over 130 000 children. Similarly, over 15 per cent of children under 12 live in a house where there is parental drug or alcohol abuse.

The government's focus on legislative remedies alone will not have the desired impact that the community and the opposition seek in dealing with this issue. What we need, to sit alongside tougher penalties, is a focus on getting services to vulnerable families early, in order to stop tragedies from occurring, rather than just dealing with what is often a shocking aftermath. The most important service in this regard is obviously child protection. After carrying out comprehensive consultation with the sector it is very clear to me that child protection services in Victoria are under massive pressure and vulnerable children are at risk of falling through the cracks. Recent reports substantiate this position.

Productivity Commission figures released on 31 January this year show that the Labor government only spends $258 per year per child in out-of-home

care. This is well below the national average of $336 and is worse than every other state except Western Australia. In addition a recent report by the Australian Institute of Health and Welfare released late last month shows that only 29 per cent of child protection notifications are actually investigated. Despite this being the case, almost two-thirds of investigated claims — that is, almost 7000 — are substantiated, giving Victoria the second highest rate in the country. Fewer investigations but more substantiations clearly means that vulnerable families are likely to go unnoticed, and vulnerable children unaided.

This bill unfortunately fails to address the pressures and the failures early on in the system which are fundamental to changing the outcomes for young Victorians. We also know that outcomes for indigenous children are particularly worrying in Victoria. In fact this state's indigenous young people are more than 10 times more likely to be abused than non-indigenous children, which is the highest differential in the country. While of all children, 5.3 per 1000 are subject to substantiated notification, for Aboriginal children that number is 56.6 per 1000. Indigenous young people are also 10 times more likely to be on care and protection orders or be in out-of-home care.

Finally, we know that there are massive workforce problems, with an annual staff turnover of 20 per cent, and some centres operating with 25 per cent of positions vacant. But do not just listen to me; hear it from Paul Linossier, the chief executive officer of MacKillop Family Services, a Catholic welfare agency which has a history of 150 years of providing welfare services to children, young people and families across Victoria:

> Regardless of whether the bill is passed, assertive, coordinated and timely intervention is the most effective way to prevent harm to children where a risk has been identified. MacKillop Family Services is very supportive of the ChildFIRST initiative and associated enhancement of family support services. These initiatives need to be complemented by additional emphasis and institutional support for cross-system linkages between housing, drug and alcohol services, mental health, justice, and child protection and support.

When the Brumby government said it would tackle child homicide I presumed it meant it would tackle its causes, not just add penalties after the fact. I have waited for a comprehensive plan to resource and support child protection services so they can help vulnerable families before they reach crisis point as well as sending a clear message in relation to the penalties imposed. But this has not been done. The guarantee of tougher penalties has not been brought in by this legislation, and many children in Victoria are vulnerable and at risk. As I have said, more than 7000 cases of abuse were proven last year, 7700 young people are in out-of-home care, and the experts believe that many more go unnoticed and slip through the system. This ineffective legislation attempts to deal with that, but it will not change the outcomes for these children. We need a much more coordinated approach to our child protection system so that it is resourced and supported and has the workforce to make sure we can deliver safe and protective environments for our children, particularly those at risk. Unfortunately all we have at this stage from the government is this legislation. While I commend the legislation on its path through the house, I seek further action from the government to address the broader issues that we raise in this debate.

Mrs MADDIGAN (Essendon) — I rise to support the Crimes Amendment (Child Homicide) Bill. This bill builds on a commitment given by the Premier in August last year in response to community pressure. We have bills coming into this house for a number of reasons. They might be as a result of election promises, from departmental reports or through other processes, but I think this legislation is a response to community concerns over the death of very young children, particularly the cases which other members have mentioned tonight.

I listened to the member for Doncaster with some surprise, because she spent most of her time talking about children in out-of-home care. It is not the children in out-of-home care who are being killed. If you look at the statistics, you will see that it is the children who are living at home with parents, and I will go into some of the statistics in a moment. The assertion made by the member for Doncaster that the government has done nothing to provide resources for families in trouble as a result of domestic violence is totally factually incorrect. It is unfortunate that in trying to put her case before the house the member has relied on figures that relate to a class of people who are not representative of the major group in which these offences occur and made factually incorrect statements to try to support her cause.

In relation to the arguments put by previous speakers, which the member for Doncaster also repeated, about the introduction of the child homicide legislation, I think the member for Bentleigh quite clearly explained that the process we have gone through in relation to child homicide is similar to the process we went through in relation to culpable driving. The evidence is already there that this sort of indication from the Parliament about what it thinks the judiciary might do

in the future in terms of examining these cases has been very effective. It gives judges the freedom to reconsider their sentences for child homicide. You only have to look at the sentences for convictions for culpable driving since the legislative changes were made to see that the penalties have changed quite substantially. It is fairly difficult to find any evidence to suggest that that will not happen in this case — indeed I think the evidence suggests otherwise.

Let us have a look at which children really are at risk. Through the Australian Institute of Criminology, Heather Strang has done considerable research in this area, looking in particular at vulnerable children in our community. Australia does follow very much the same pattern as other countries. The information in Australia reveals a quite similar phenomenon to that found in other countries — that is, that children aged under one are particularly at risk and that the number of deaths by homicide equals or exceeds the number of deaths caused through motor vehicle traffic accidents, accidental poisonings, falls or drownings. It is quite a significant problem with very young children.

Heather Strang worked with the Australian police, and from them she got details relating to child homicide between July 1989 and December 1993. In assessing the number of child homicides which they identified, she thinks that the figures are perhaps understated. Her report states:

> As with all homicides, an unknowable number escape detection either because the cause of death is not apparent to the doctor or coroner, or because remains are not located. A special question mark hangs over the figure relating to young children. For infants under 12 months of age one of the biggest single categories of death (20 per cent in 1991) is 'Sudden death, cause unknown'.

Those figures come from the Australian Bureau of Statistics. The report then reads:

> It is possible that a proportion of these deaths are deliberately inflicted but escape detection. In addition, a number of children reportedly the victims of accidental falls or other misfortunes may also have been victims of intentional injury.

It is quite possible that this problem is significantly larger than we understand it to be. However, from information received from the police, it is reported that between July 1989 and December 1993:

> … there were 108 child homicide incidents, resulting in the deaths of 126 children under the age of 15 years. This figure represents around 8.5 per cent of all homicides in Australia …

so it is quite a substantial figure. The report further states:

> Twenty five of these incidents (20 per cent) involved more than one victim … In almost all of these 25 cases, the offender was the child's father.

This issue concerns children who are living at home, not children who have been taken out of home under child protection services, which is what the member for Doncaster spent most of her time talking about. The alarming issue for the community as a whole is that half of the assaults that have been identified concerned those children who were in the under one-year-of-age group. The assault of babies is a really emotive issue for the whole community. We are all concerned about the vulnerable situation which really young babies are in; they have no defence at all against people who are bigger than them. It is a significant problem. While this legislation deals with the perpetrators of those crimes, as I have said, there are a number of other issues and policies which have been introduced to try to strengthen the support given to those families so that parents do not get into a terrible situation where violence is the only answer.

Unfortunately if you look at this issue, you find that most of these deaths occur in the house. There is a huge overrepresentation of offending fathers in regard to this issue, particularly concerning young children. The survey in the report says:

> When the offender was a parent, the offender-victim relationship was as follows:
>
> for 46 victims, fathers were the sole offenders;
>
> for 11 victims, de facto fathers were the sole offenders …
>
> for 22 victims, mothers were the sole offenders;
>
> for 7 victims, mothers and fathers or de facto fathers were jointly charged.

This type of issue is family related; that needs to be taken into account in terms of the process. This bill, which was introduced by this government, specifically picks up on that concern. The second-reading speech says:

> The bill creates a new offence of child homicide in response to a series of cases over the past decade in which a person charged with the murder of a young child has pleaded guilty to manslaughter and been sentenced for manslaughter.

As I said, this issue mainly concerns people who have a very close relationship. The speech continues:

> In each of the cases, the accused was a parent of the child (whether a biological parent of the child or the partner of a biological parent).

In actual fact, to suggest that child protection services in some ways relate to this problem is really a misrepresentation of the facts.

I think this bill will be very warmly welcomed in the community as a strong indication that the government takes these sorts of offences seriously. The government expects the judiciary to consider child homicide as very different to general homicide in the community and to see this crime as being against particularly vulnerable members of the community. Therefore the government by introducing this legislation is sending a very strong message to the judiciary that we are giving them much a greater range when dealing with more serious offences.

The three purposes of the bill are to create the offence of child homicide; to increase the maximum penalty for negligently causing serious injury from 5 to 10 years; and to split the existing offence of dangerous driving causing death or serious injury into two separate offences. It also increases the maximum penalty for dangerous driving causing death to 10 years.

These are significant and important changes that the community will view favourably. This is an excellent bill which makes the government's intentions clear. It answers the community's concerns about child homicide, and the community at large will be very supportive of this legislation. I commend the bill to the house.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution to the debate on the Crimes Amendment (Child Homicide) Bill. The death of five-year old Cody Hutchings on 25 March 2006 was a tragedy and a reminder that we must do all we can to protect the most vulnerable of our society, particularly our children.

The main purpose of the bill is to amend the Crimes Act 1958 to create a new offence of child homicide; to increase the maximum penalties for negligently causing serious injury; and to split the offence of dangerous driving causing death or serious injury into separate offences, with different maximum penalties. I should say at the outset that I am not opposing the bill.

The main provisions of the bill contain amendments to create an offence of child homicide where a person kills a child under the age of six years in circumstances that would otherwise constitute manslaughter; set a 20-year maximum penalty for the offence, the same maximum as currently applies to homicide; set a maximum penalty of 10 years instead of 5 years for negligently causing serious injury; split the current offence of dangerous driving causing death or serious injury into separate offences for death and for serious injury; set a maximum penalty of 10 years instead of 5 years for dangerous driving causing death; and apply the new penalties to offences committed on or after the commencement of the amendments.

I have a number of issues and areas of concern about the bill. Child homicide has the same definition of 'offence' and the same penalty as prescribed for the existing offence of manslaughter, so how it will produce tougher sentences? The government claims that the new offence will free courts from manslaughter precedents; however, the same sentencing principles still apply. In my view, the bill fails the test. It creates a new offence of child homicide, but how is it going to make a difference? Indeed the government itself is struggling to answer that question.

The bill does nothing to require others having the care of children to take action to protect the children; it does nothing in the area of compelling others to act and to report child abuse or child bashings. As a Parliament we must ask what we are doing as a society about this. What is our position? I think we need to address that question, and this bill needs to go a lot further in that area.

Finally, the bill may lead to prosecutors choosing to prosecute for child homicide rather than for murder, or juries to convict of child homicide instead of murder, and thus produce lower sentences. It is my view that this bill is unlikely to have any material effect on producing tougher sentences, and could indeed, as I have stated, prove counterproductive. It is extremely disappointing that the Brumby government falsely raised expectations that something would be done about brutal child killings when in fact this bill will do very little. The government should have done more; there are no excuses.

Mr TREZISE (Geelong) — I also am pleased to speak in support of this very important bill before us tonight. I think all members of the house appreciate its importance. I will limit my comments to the provisions of the legislation as they relate to child homicide.

As all members would agree, and has been stated by previous speakers — I do not have the legal background that many of the speakers before me have, so they may be more informed about the law, but I am a father — I do not think there is any more heinous crime than one that is committed against a defenceless, innocent, trusting child, especially by a perpetrator who is in a position of responsibility and trust. It really makes you shudder with anger when you think of the crimes that we have talked about tonight. As a number

of members said earlier, the death of Cody Hutchings highlighted the gravity of such sickening crimes.

Of course in the aftermath of such crimes there will be a hue and cry from society to ensure that true and fair justice is done. Society demands of the judiciary, and also of legislators such as ourselves, that the punishment fits the severity of the crime. Such was the demand, as you are well aware, Speaker, in the case of Cody Hutchings — hence the legislation before us tonight. It is very good legislation, and I must say that I commend the Attorney-General for bringing such legislation before us and, as I said before, for the establishment of the new offence of child homicide.

It is accurate to say that the community believes that currently crimes such as manslaughter involving children do not carry a heavy enough penalty or sentence for the perpetrator. This bill therefore reflects the community's concern and encourages the judiciary and the courts to substantially increase the sentences for those crimes compared to what we have seen over the last 5 to 10 years. It always is of concern to the community that perpetrators of such heinous crimes against young children are prepared to plead guilty to manslaughter and hence cop a pretty light sentence — when I say 'pretty light', I mean in comparison to the gravity of the crime we are discussing tonight.

I note that, as described in the minister's second-reading speech, the shortest sentence in such a situation has been a non-parole period of just three years, with most sentences being on average between seven and nine years. That is very concerning indeed, especially when you consider that, as I said, the lightest sentence has been a non-parole period of just three years. I do not have a legal background, but from my point of view that is an unbelievable situation.

Currently the maximum sentence for manslaughter is 20 years, and this bill will encourage judges to impose sentences closer to the maximum for the new offence of child homicide. The vast majority of the community would agree that a sentence closer to 20 years, rather than 3 years, is far more appropriate for the type of crime we are talking about. As I said, I fully support this initiative, because it emphasises that the killing of a child is a most serious type of homicide. This is important legislation, because it sets out to protect children. I know it has wide community support, and as usual the Brumby government has gone out and, through the Attorney-General, ensured that consultation has taken place far and wide with stakeholders.

This is good legislation, and I wish it a speedy passage through this house. In doing so I also congratulate the Attorney-General and his department on this important piece of legislation. It is important, and I give it my full support.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Crimes Amendment (Child Homicide) Bill. The purpose of this bill is to amend the Crimes Act of 1958 and create a new offence of child homicide as well as to increase the maximum penalty for negligently causing serious injury and to split the offence of dangerous driving causing death or serious injury into separate offences with different maximum penalties.

In his second-reading speech the Attorney-General linked child homicide back to manslaughter. The measures in this bill are unlikely to make any difference to sentencing. They may lead to offenders being convicted of a lesser offence of child homicide when they should have been convicted of murder. The maximum period of 20 years has not changed. In some ways the bill leaves us open to the accusation of diminishing a child's death. The bill, which to be fair has been brought in with good intentions, does not deliver all that was promised and all that the community rightly expects.

As you spend time in this house you realise that the majority of members here have come in with good intentions. They really do want to make a difference and protect the weak and vulnerable in our society. While listening to the debate on this bill tonight — and I know it is a dream — I thought that it would have been terrific if both sides could have got together before the bill hit the Parliament to work on the areas where we all think the same and to make the bill stronger to protect children, instead of the government presenting the bill and us standing up and speaking on it. It is not that we are criticising the intention; we are raising issues about the effect of the bill and whether it will actually achieve what all of us so desperately want — that is, the protection of the young and vulnerable in our society.

Under this bill child homicide has the same definition of offence and the same penalty as the existing offence of manslaughter, so how will it produce tougher sentences? The government claims the new offence will free courts from manslaughter precedents; however, the same sentencing principles still apply. It does nothing to require others having care of a child to take action to protect that child, and as I have said before, it may lead to prosecutors taking the easier way of proving child homicide when they are having difficulty in proving murder.

Under the bill the new offence is set to apply in cases where the victim is under six years of age. The Attorney-General's justification for this decision was that children under six are 'generally more likely to become victims of homicide than older children'. He attributes this to the greater physical vulnerability of babies and very young children compared to older children. I say that that differentiation is minor. The age limit is arbitrary. Does the government seriously believe that a seven-year-old stands a greater chance of fighting off an attack from an adult whose stature is not only psychologically intimidating but physically overpowering? I agree that children are at their most vulnerable in the early years — but so are all children. All children are vulnerable, no matter what your definition of a child is.

The Attorney-General also claims that physical abuse is less likely to be detected in children under six because they do not have the same social contact as older children who are of school age. But many three-year-olds and four-year-olds attend kinder and creche, and accordingly these children can and do have many opportunities similar to those of children over the age of six to interact with others. However, this is not the point. The point is that children above the age of six are more advanced in their intellectual development and thus can acquire skills to help them conceal their abuse more effectively than a younger child can. These older children are at a hidden risk because of these learned abilities.

Warning signs of abuse will often go unnoticed because older children tend to hide them out of embarrassment or loyalty to a parent, or simply because they do not know what else to do. To the outside world, many such victims are labelled erroneously as being shy, when they are really withdrawn and suffering the effects of trauma. This is when the abuse has the potential to escalate to homicide. I do not think this bill goes far enough to protect those children over the age of six — it does not do anything extra for them — and surely it could have greater impact.

I would like to raise the issue of plea bargaining. In an Australian law study by Kathy Mack and Sharyn Roach Anleu in 1997 it was found that, in recognition of the fact that a guilty plea saves time and expense and relieves congestion in the courts, it is an established practice for an automatic reduction in a sentence to be given, no matter how serious the crime. The principle guiding the decision to offer a plea bargain is supposed to be the presence or absence of remorse. However, as Mack and Anleu found, this principle has been inconsistently applied in Australian courts.

The Australian Childhood Foundation chief executive officer, Joe Tucci, has called for the abolition of plea bargaining altogether in child homicide cases. I do not believe this is the answer, as plea bargaining may be appropriate in some cases where there are extenuating circumstances. Instead, I support measures to promote consistency in the application of plea bargaining in cases where remorse has been adequately tested.

As I see it, there is a third problem with this bill. In the United Kingdom under the Domestic Violence, Crime and Victims Act of 2004 a new charge was introduced which has been discussed by previous speakers. That act allows any person in a household to be prosecuted for failing to intervene to protect a child victim of domestic crime. In other words, the act recognises that family members have an undeniable duty of care for children. Inaction of parents, family members or other carers must be considered a contributing factor when determining the cause of a child's death.

This bill does nothing to demand that carers, whether family members or not, take responsibility for the child under their protection. Children are dependent upon adult intervention. For this reason I call on the government to implement practices that will not only require family members to report abuse but also take children who are injured to hospital, so they can receive treatment that may save their lives.

I am not saying that we should copy the English familial homicide act completely, but I think we have to look at which parts are working and how we can use them to strengthen the protection of children in this country.

In doing research on this bill it distressed me to read that the Victorian Child Death Review Committee report released in 2007 said the government was notified of 37 991 cases of child abuse in 2006, yet only 26 465 were investigated. Clearly it is not just some families that are guilty of inaction. The sheer volume of child abuse begs the question. What is the government doing to support these legislative changes with more changes to social policy and more funding in those areas? It is ignoring the broader social issues underpinning maltreatment. Reports have been written that talk about child deaths and other indications of the failure of the child protection services.

If I was writing the bill I would like to see included a clause that formally recognises the cumulative effects of abuse which results in a child's death. There is a need to acknowledge that, with children, murder can result after a period of time through severe and repeated injury, not necessarily one violent attack. This would

provide judges with the necessary scope to exercise greater discretion and impose the toughest possible sentence where appropriate. The Leader of The Nationals talked at some length about the injuries which have been inflicted on children and which highlighted the need for this legislation. I find it difficult to talk about because I get very emotional about anything involving the abuse of small children. That is why I am reading more of my notes than I would normally; I need to concentrate on what I want to say.

We have a duty of care just as much as the carers of young children have a duty of care. We must do all we can to provide legislation to help the courts, because punishment can be a deterrent to others. I cannot think of how anyone could systematically and continually abuse a small child. It is beyond my comprehension. We must protect those who are most vulnerable. The government needs to make a statement to anyone contemplating committing such horrendous acts. Only by making the punishment fit the crime will this legislation have any chance of deterring offenders from taking the life of a child and achieving their objective. As I said at the beginning of my comments, this bill may have been brought in with the best of intentions, but it does not deliver what was promised and what was expected.

Ms MUNT (Mordialloc) — I too am very pleased to rise and speak in support of the Crimes Amendment (Child Homicide) Bill 2007. This bill has two main parts. One part is to introduce the offence of child homicide and the other part is to increase the maximum penalty for the offence of negligently causing serious injury and dangerous driving causing death.

Generally speaking, the bill is in response to community concern with the sentences handed down by the courts to offenders who kill children. I want to mention a few statistics that I find personally horrifying. In each of the cases the accused was a parent of the child, whether a biological parent or the partner of a biological parent. I cannot conceive how a parent can kill their child. I have no conception of how that could occur, but unfortunately it does. In almost all of the cases the accused person was male, and in all the cases except one the victim was between three weeks and three years old. The victims of these crimes are very young and defenceless children. The shortest sentence was 5 years and 6 months with a non-parole period of 3 years. In all but one case the longest sentence was 10 years, with a non-parole period of 7 years. Most of the sentences were in the 7-to-9-year range.

Considering that this type of murder takes away the life of a child who may reasonably be expected to live for 70 or 80 years, it is a heinous crime. I try to make a point in this place of speaking on bills that this government introduces to protect our children, women and families. Over the past few years there have been many pieces of legislation introduced into this Parliament to protect the most vulnerable and defenceless members of our community, and this is another piece of such legislation.

Sometimes legislation such as this is a long time coming. I can go back almost 18 years to when I was a young mother with three young children. I remember being horrified at that time by the death of one particular child that highlighted the disgraceful nature of this crime, including the suffering that some children endure at the hands of their murderers. That child was Daniel Valerio, who was killed by his mother's de facto husband on 8 September 1990.

Here are a few of the time lines in the case of that child. The autopsy found that Daniel had been systematically abused over a number of years. His little body was riddled with injuries. I recall, all those years ago, seeing his little face, the photograph of which I have from a *Time* article dated 8 March 1993. It shows the bruises that were on his little face as he sat for photos. I remember back then that this case prompted the introduction of mandatory reporting, whereby teachers, doctors and other health professionals, if they reasonably believe that a child is being abused, can report that abuse. I also have here a graph showing the number of mandatory reports, starting from the time of Daniel Valerio's death. I truly hope that many children's lives have been saved by mandatory reporting.

This government has also, through the efforts of the ministers responsible over the past few years, increased funding for community services and child protection. It has appointed ministers for children and early childhood development; and as I said, with this piece of legislation we are now legislating against child homicide. I hope this protects little children. I have here another headline from 2002 about anger over the deaths of tiny victims. The article contains a list of little children whose parents had been convicted of murdering them. Their suffering is absolutely unbelievable.

I have heard a few comments from the opposition, as I have been sitting here, on what more the government could do. I would like to quote from an article entitled 'The road to mandatory reporting', referring to 6 April 1993:

> The state government —

that is, the Kennett government —

> announces funding cuts of more than $250 million in health and community welfare services.

If you contrast that with the attention and the protection that this government has focused on children's services, it really makes a mockery of what is being said by the opposition. I am proud to stand here and speak in support of this bill, and I commend it to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Crimes Amendment (Child Homicide) Bill. The bill creates a new offence of child homicide and increases the maximum penalty for the offence of negligently causing serious injury. It also splits the offence of dangerous driving causing death or serious injury into separate offences with different maximum sentences.

The new offence of child homicide will now apply to victims who are under six years of age. The reasons given for stipulating that age are that children under six are very vulnerable because they are not yet at school and do not come under the mandatory reporting regime that was introduced previously. Once a child goes to school the teacher or whoever else is there is able to see whether the child is silent or quiet or has unexplained bruises or unexplained injuries. These children live at home and are obviously in the privacy of the home, so I guess the fact that these children are under six is a reason to make sure they are protected.

For a number of years the community has been calling for appropriate sentences for people who kill young children. Members of the community are very angry about sentences they believe are too lenient for these types of crimes. The second-reading speech states that it is important to ensure that the criminal law enables the courts to impose an appropriate sentence on a person who kills an infant or a young child. Some instances reported in the media and the papers recently have involved judges imposing sentences on child killers that the community believes are far too lenient. Because of the outrage in the community over the last year the sentences have been appealed by the Director of Public Prosecutions to the Court of Appeal.

As the Leader of The Nationals said in his contribution, The Nationals have been calling for standard minimum sentences for a number of years. I presented to this place a number of years ago a petition containing 12 500 signatures because of the outrage when two Toolamba girls were raped and killed by a perpetrator who had a 20-year violent history and had been in jail for only a limited amount of time. The wording of the petition asked the government to impose minimum jail sentences on those who commit violent sex crimes, violent crimes against vulnerable elderly people and violent crimes against children. Back then the community understood that we have to protect these young children; they are the silent victims and somebody needs to stand up for them.

As the Leader of The Nationals said, the judge will still have some discretion to vary a sentence but only for those reasons contained in legislation. We would hope the Sentencing Advisory Council will be the body to determine what the minimum sentence will be together with the community, the judiciary and also the Parliament.

We have talked about this law coming in because of Cody Hutchings, and it has been called 'Cody's law'. But it goes further than that. Last year there were seven tragic child deaths. As I said earlier, they are the silent victims. The member for Essendon said that most of the abuse has come from fathers or the male partners of the mothers of the children in question. This is certainly the case in the seven instances. I will briefly go through them.

Cody Hutchings, whom everybody has spoken about at length, was a five-year-old boy who was beaten to death by his mother's partner. The partner was supposedly under the influence of drugs. His name is Stuart John McMaster. Cody was covered in more than 160 bruises. He had two fractures to his skull and horrific internal injuries. Mr McMaster inflicted these injuries in the weeks before Cody's death. He used a reinforced leather belt to discipline Cody, who had a cognitive disability. Mr McMaster pleaded guilty to manslaughter and was sentenced to 10 years jail in August last year. This was appealed by the Director of Public Prosecutions because of the leniency of the sentence and the outrage.

I want to put on record the circumstances relating to a number of other young people. Rachael Joy Arney was a five-month-old little girl who died from a perforated small intestine after having suffered repeated assaults by her father, David Scott Arney. She had a fractured skull, bleeding on the brain, fractured ribs, a bleeding liver and bruises on the head, the face, the neck and the chest. Her father was sentenced to nine years jail with a minimum of five years. In June 2007 the Court of Appeal increased Mr Arney's sentence by three years.

Isaiah was a four-week-old boy who died of a brain injury when his father, Tomas Klano, shook him. He

was sentenced to five years jail with a minimum of two years.

Liliana Lam, a three-year-old girl, bled to death from an internal abdominal injury when her stepfather, Phong Gia Quach, pressed the full weight of his body on this little girl and pushed her against the edge of a bathroom sink. He admitted that he pushed on Liliana's stomach up to 10 times in the weeks before her death. Mr Quach was sentenced to 11 years jail with a non-parole period of eight years.

Then there were the Farquharson children. Jai, 10 years old, Tyler, 7 years old, and Bailey, 2 years old, were drowned in a farm dam when their father, Robert Farquharson, drove into a dam on Father's Day because, as he said, he blacked out due to a coughing fit. He swam to safety and allowed the young children to drown because he wanted to make his wife suffer. That evidence came out in the court. He was sentenced to life without parole, and he is going to appeal that sentence.

As other members have said, this raises bigger issues about people who are addicted to drugs and who care for children and about people who are on some sort of order or watch by the department to make sure somebody is looking after the children. The member for Box Hill and the Leader of The Nationals spoke about there being no penalty in the bill for a person who knows this abuse is occurring. The member for Bentleigh talked about there being an offence in another act that allows a co-accused to be sentenced, but he also said that there have been no sentences of any co-accused.

I understand that women might feel they could be bashed or might feel threatened by the person doing it; but again, a mother or a parent has a duty of care to the child. If a co-accused is found to have kept silent, the court will decide whether that woman was made to keep quiet, whether she was in fear for her life, whether she just did not care or whether she was on drugs. It is up to the court to decide about that co-accused. At the end of the day those who know must speak out. It is up to us in this place to make the laws so that those people do speak out. At the end of the day we have no idea what lots of children behind closed doors are going through. These cases of death are just the tip of the iceberg. Many children in Victorian homes are suffering in silence. It is up to us, as legislators, to make sure we protect those children.

We need to make sure that the department acts on reports of children at risk, whether the people looking after those children have mental health problems or drug or alcohol problems. We understand that child protection workers are under a great deal of stress. I have been on the government back benches in this place, and I know that Victoria has a high turnover in the employment of child protection workers. They are literally damned if they do and damned if they don't! If they hear that a child is at risk, if they remove the child from the parent but that is found not to have been the right thing to do, they get criticised. If they leave the child there and the child dies, they get criticised. Again, we must make sure that these child protection workers are supported, trained and debriefed so they can stay in the job and do the job they are meant to do.

As a legislator and a parent, I say this bill goes some way to making sure that we protect our young children. The government must bring in standard minimum sentences. It is all very well to increase maximum sentences but judges do not always give the maximum sentence. The community is calling out for there to be an approved level. Earlier I read out the sentences in those judgements, and they were all different. There needs to be a level so people have confidence in the judicial system saying, 'If you kill a child, this is the sentence you are going to get. This is what the community believes you should get'. At the end of the day, if there are mitigating or aggravating circumstances, the judge can make the distinction and vary the sentence. At the end of the day we are here to protect children.

Ms Duncan — It's not mandatory.

Mrs POWELL — We are saying standard, minimum sentences. There are not mandatory sentences; judges can still vary a sentence. That is why we are saying it is not mandatory. We understand that mandatory sentences do not necessarily reflect what the community is saying. We are saying standard, minimum sentences with judges able to vary a sentence, but the variation must be in legislation so the community has confidence. We need to protect our children but the community needs to have confidence in the judicial system in Victoria.

Ms NEVILLE (Minister for Mental Health) — I am very pleased to rise tonight to speak in support of the Crimes Amendment (Child Homicide) Bill. This bill delivers on the Premier's commitment to ensure our legal system is able to deal specifically with the killing of a child.

Most in our community find the abuse or killing of a child unimaginable. It provokes enormous anger and grief in local communities. I think it is even more incomprehensible when we understand that the vast

majority of child deaths and significant abuse come at the hands of parents or caregivers. This bill sends a strong message to our courts and our community that child homicide is unacceptable. It will ensure that those who fail in their duty to protect the children in their care are held responsible. If you look at the cases in recent years where a child has been killed or has been murdered, they are largely children under the age of three — some of the most vulnerable members of our community.

Many members have tonight spoken about individual cases. I will not dwell on those individual cases other than to say that every single one of those is tragic. This bill will also complement very well the major reforms the Victorian government has put in place to ensure Victoria's child protection and family support services can intervene much earlier to actually prevent the development of a crisis in the family and help to reduce the risk of significant harm to or death of a child. As I said in the house earlier today, we have introduced once-in-a-generation reform in Victoria. We have done that through the Children, Youth and Families Act and through the Child Wellbeing and Safety Act, and this bill complements very well the provisions that have been included in those acts.

These reforms and significant investment — as I indicated today, there has been an increased investment of 93 per cent since 1999 — are making a difference. The strength of our system is backed up by experts right across the country — that is, people who work closely with children who have been traumatised and children who are living in households where there is family violence. Experts right across the country and internationally look to Victoria for leadership in trying to invest in early support services to assist vulnerable families and to ensure greater protection of children who are at risk.

Also the strength of our system has been backed up very recently in both the report by the Productivity Commission on government services and also by the report of the Australian Institute of Health and Welfare. These reports indicate we have the lowest notification growth rate in the country. They show enormous differences. Victoria's rate is at 2.8 per cent, compared to the national average over the last five years of 56 per cent — an enormous difference between Victoria and the rest of the country. But as I said today, we need to continue to strive to improve our system and improve outcomes for our children. These reports have also indicated that Victoria is leading the way in our investment not just in the child protection system but also into family support services which are fundamental in trying to intervene earlier and prevent the levels of abuse and deaths that other members have spoken about today.

I can also assure the house that, unlike other states, in Victoria every single notification received is assessed. At that point of those notifications and assessment, some families are referred off to family support services who will be able to work with those families to try to keep them together. It is interesting to note that, where we can support families and where we can keep children together with their parents, they have better outcomes. Unfortunately that is not the case in all instances. In those cases, about 29 per cent, we undertake investigation by child protection workers, but obviously intervening earlier is what we as a community need to do. We must prevent the abuse, not just respond once the abuse is actually occurring.

As a number of members have spoken about today, we know that family problems are much more complex now. We know the biggest causes of children being in our child protection system are the drug and alcohol problems of parents, family violence, which is overwhelmingly the biggest cause, and mental illness — and sometimes a mix of all of those. That is why we are also investing in services like drug and alcohol services and in programs like the FAPMI (families where a parent has a mental illness) strategy, which is an early intervention program that works with family members who have a mental illness. It is aimed at working with their children to try to keep those families together and reduce the risk of harm to them. That is why we have undertaken such significant reform in the family violence area, with new investments as well.

What underpins all the legislation, including this bill, is the notion that the best interests of the child must be paramount: they must be paramount in decisions we make about drug and alcohol services and mental illness services. We must understand that what is fundamental to decisions about a parent's capacity to care for a child is what is in the best interests of the child.

In light of that, in the Children, Youth and Families Act we have also taken the significant step forward, unlike anywhere else in the country, of recognising the issue of cumulative harm. Rather than just responding when harm actually occurs, it is about looking at the context of a child's life and how family violence may impact on the trauma of the child and on brain development, and actually taking the child's whole life, not just looking for an instance of abuse that might occur and then intervening at that point. This legislation, the investments we are making, the building of family

support services through family innovation projects and ChildFIRST sites are all about working in communities with vulnerable families to prevent the sorts of crises that can result in significant abuse and harm to children.

If we look back we can see that the introduction of mandatory reporting was a significant and important part of the development of the child protection system here in Victoria. Unfortunately with the introduction of that legislation what we saw was massive funding cuts to child protection and family support services. As I said, we have invested an additional 93 per cent in funding for child protection and family support services in Victoria to rebuild that system. We want to ensure that the goals for our commitment to the reforms we have focused on that are all about preventing abuse and intervening earlier with families at risk can be realised and the most vulnerable children in our state can be protected. This legislation builds on our commitment to care for our state's most vulnerable children. It also ensures that those who fail in their duty of care — unfortunately largely parents or caregivers — to our most vulnerable children are held appropriately responsible.

Mrs VICTORIA (Bayswater) — 'A rose is a rose is a rose', so said Gertrude Stein, a groundbreaking writer of the late 1800s and early 1900s. This is often taken to mean that things are as they are. But Ernest Hemingway could perhaps be noted as being more visionary when it comes to the piece of legislation we are considering. In his 1940 novel *For Whom the Bell Tolls* he penned the words 'A rose is a rose is an onion'.

This bill has come about as a result of public outcry, and I know that some members opposite have said, 'No, that is not the case. This was indeed in the pipeline long before'. However, I draw the attention of the house to an article in the *Herald Sun* of 30 November 2006 which says:

> Premier Steve Bracks refused yesterday to consider a change to the law to ensure that child killers don't get off with light sentences.

People need to remember that this legislation was the result of a public outcry, and it is the public we need to be listening to. The Premier promised so much with this legislation. He raised expectations that the perpetrators of heinous crimes such as those we have been hearing about today would be severely punished. The public are looking for a deterrent. The public outcry has been massive. But as Hemingway pointed out, things are not always as they seem.

What we have in front of us is an intent to amend the Crimes Act to create a new offence of child homicide and to increase the maximum penalty for negligently causing serious injury and for dangerous driving causing death. Not many people have spoken about the second half of that statement. I am not going to spend much time on it either because I believe that the splitting of these two circumstances is a very good thing. Having the two offences of negligently causing serious injury and dangerous driving causing death is good — a great thing. However, if we focus on what has got so many people upset today and what has preceded this piece of legislation, we see that it is the abuse, the neglect and the ultimate death of so many children.

Dealing with this legislation is very difficult for me. I spent quite a bit of time researching it and a lot of the time I could not finish my research. I had to put it away. Even listening to some of the members talking about particular cases in the chamber has been disturbing for me. I have a four-year-old daughter, and I pray that nothing ever happens to her.

I do not believe this bill goes nearly far enough to protect children like her and to act as a deterrent. The main change arising from these amendments will be the creation of the offence of child homicide instead of manslaughter. This is where a person kills a child under six years of age in circumstances that would otherwise constitute manslaughter. It also sets a 20-year maximum penalty for the offence, which is actually — and this is where I think we have gone quite wrong with this piece of legislation — the same level of penalty, the same 20 years, that currently applies to homicide. It sets a maximum penalty of 10 years instead of five years for negligently causing serious injury.

On the positive side of things, it also splits the current offences of dangerous driving causing death or serious injury into two separate offences. This is good. It also increases the maximum penalty from five years to 10 years in these circumstances. The amendments are not retrospective; they only apply to new penalties rather than offences committed on or after the commencement of these amendments.

I have a couple of areas of concern, which I have touched on briefly. The first is that child homicide has the same definition of offence and the same penalty as existing manslaughter, so I am not sure that this will produce tougher sentencing. The government claims the new offence frees up the courts from manslaughter precedents. I do not know whether that is exactly what is going to happen. The same sentencing principles will still apply. This does nothing to require others having a child in their care to take action to protect a child.

As I say, I felt quite sick listening to all of the things that led up to some of the murders of the children. Some 12 months ago I visited a wonderful organisation called Anchor, which is an agency providing foster placements. I sat there and could not help myself — I cried my eyes out as they told me about some of the cases with which they had been dealing that thankfully had not ended up in murder but had ended up in children being removed before they were murdered. One case concerning a two-year-old child particularly sticks in my mind. He had been handcuffed to his cot basically from the time he was born until he was removed from that situation. He was two years of age when he was removed. That child is now at school and suffers severe behavioural problems. One would only say that you cannot blame the poor thing.

It was interesting to hear the member for Mordialloc praise mandatory reporting of child abuse. It was a pity she was not humble enough to acknowledge the fact that it was actually introduced by the former Kennett government. Instead she just took an opportunistic cheap shot about funding cuts by a government which took office in a virtually bankrupt state. I think we sometimes need to put things in context.

I will not be opposing this bill. However, I believe it is unlikely to have any genuine effect in producing tougher sentencing. It appears that the public yet again has been deceived into falsely believing expectations that something would be done about brutal child killings. I think Hemingway was right: a rose is, in this case, a rose and seems to be an onion.

Ms BEATTIE (Yuroke) — One normally begins one's contribution by saying 'It is a great pleasure to speak on this bill' or 'I am delighted to speak on this bill', but as human beings the fact that we have this bill before the house gives us a sense of — —

Ms Morand interjected.

The ACTING SPEAKER (Mr Jasper) — Order! The minister will not interject while one of her own members is making a contribution.

Ms BEATTIE — It gives us all a sense of shame that human beings can treat children in this way, because there can be no more heinous crimes than those committed against children. Our own background experiences are probably fairly narrow, and we see that children are loved and cared for. However, not everybody treats children in the same way and over the past decade a series of cases have caused some community disquiet. Each has involved a person charged with murdering a young child pleading guilty to manslaughter and being sentenced under the manslaughter laws. In all but one of those cases the victim was between three weeks and three years old — tiny people who are the most vulnerable in our society.

The shortest sentence was five years and six months, with a non-parole period of three years. In all but one case the longest sentence was 10 years, with a non-parole period of 7 years. Most of the sentences were in the seven-to-nine-year range. As I said, these cases caused considerable public disquiet. Much of the criticism has been to the effect that the sentences for manslaughter in such cases have been too low, bearing in mind that the maximum penalty for that offence is 20 years.

I am aware that a number of other members would like to speak on this bill. Members have talked about cases of specific young children. It is not my intention to go to the names of specific children, as enough has been said about them. It has also been said that the legislation will be known as 'Cody's law', after the young child Cody Hutchings, who was murdered on 25 March 2006. I am proud of the fact that on 17 August 2007 the Premier announced that the government would introduce legislation and that it has come to the house in a short time.

As I said, members have heard about various recent cases. Indeed there have been similar cases in the past. Members will remember a terrible case of many years ago. It was certainly one that struck me, because I remember the young child's name, which was Graeme Frederick Hilton Thorne. He was kidnapped shortly after his father had won a lottery, and he was killed for the ransom. A huge search for the killer ensued, because nobody could believe that someone would take a young child for ransom. There have been other high-profile cases of children just disappearing. I am sure their mother and father still grieve for the Beaumont children, although the children would have been mature adults by now. I repeat that there can be no more heinous crimes than those committed against children.

I must disagree with the member for Shepparton. I do not consider that the best way to go about this issue is to establish minimum sentencing. I do not support it, although I know that some people think it would be a good thing. However, I consider that these matters are best judged by a judge and jury hearing all the evidence and then making a learned decision on all the evidence before them.

This legislation provides for stronger sentences, and it closes the loophole of people being able to plead guilty

to manslaughter and so receive a lesser sentence. Although it is not something I advocate at all, I am told that the sentence passed by the judge in these cases is not the only sentence child killers get: when they get to prison a further sentence is awaiting them. I believe the old-fashioned term was 'rough justice'. As I said, I am not about to advocate that being applied in our system, but it does seem that those things do happen. With those few words, knowing that many other members want to speak on this very important bill, I conclude my remarks.

Mr McINTOSH (Kew) — The opposition supports the legislation — or it does not oppose the legislation — and in doing so just raises a couple of matters. There are a number of aspects to this law, but certainly the area that has concentrated the minds of most members in relation to this debate, which deals with the issue of child homicide, is the area that I want to exclusively deal with, because it is the area which clearly most interests the community and which has provoked the greatest amount of debate. Certainly it is an area where there is still a substantial amount of room to move in relation to this change of the law. I heard about the government's intention to bring in a bill to deal with the issue of child homicide following the death of Cody Hutchings and the trial and conviction for manslaughter of the person responsible.

We are dealing with a matter that, as I understand it, is currently on appeal in relation to sentence, so any comments about it have to be reasonably constrained. As a result of public commentary at the time, the Premier announced that he would be dealing with the community concerns raised by this particular case by introducing a bill to deal with child homicide. That has eventuated in this bill, which essentially creates a subclass of manslaughter known as child homicide with a maximum penalty of 20 years. The idea is that by creating a new offence and prescribing that penalty the courts will not be constrained by precedents relating to the current law of manslaughter and therefore they should take a message from Parliament that they should impose fairly hefty sentences for what is probably the most appalling type of brutal killing we could ever imagine. Certainly those words have been echoed by many other members in this place.

Unfortunately — it may not be unfortunate, it may just be the start of a process — there is clearly a major hurdle that has to be overcome in relation to dealing with child homicide, and this is not just about our concerns in relation to child homicide or other offences. We have dealt with a number of different offences in my time in this place whereby we as a Parliament, whether as Liberals, Nationals, Labor members or Independents, have expressed profound concern about the lack of penalties imposed commensurate with what we see as the commission of horrific crimes. Indeed child homicide is just yet another case where the community and we as its representatives have criticised some members of the judiciary for giving what we see as somewhat light sentences.

The crucial aspect of this matter is not the maximum penalty, which we are not changing for this particular offence because it is a class of manslaughter. The real difficulty we have in relation to child homicide is something that I would ask the government to think about in relation to treating this law as a work in progress. This is not the solution, it is just the beginning of an overall solution. Perhaps it could be referred to a parliamentary committee such as the Law Reform Committee. There are two important aspects of child homicide — and I use the word 'homicide' not so much in terms of the nature of this offence but just to indicate it is about the death of a child. The thing we do not have is the ability in many cases to prove the necessary intent to secure a conviction for murder.

An ordinary member of the community would say that what happened to Cody and to other children who have been killed is murder along with many other offences but the prosecution finds it very difficult to establish murder to the satisfaction of a jury. This is what happened in that particular case and which led to the public controversy. The jury was unable to agree on a murder verdict. While there was a conviction for manslaughter and a sentence was imposed, it is that difficulty that causes a great deal of concern within the community.

That difficulty has its genesis in the fact that other members of the family can stay mute — that is, they do not have to give evidence, and they do not actually have to intervene to protect the child. Therefore because they cannot or will not give evidence at the hearing or the trial, it may rule them out of the murder — a deliberate and intentional act that may spread over a long period of time. In the case of Cody, it was eight weeks, although it was only the most recent events that could actually be put to the jury because of the difficulties of establishing those people who could give evidence.

It is that aspect that perhaps the government needs to consider in ensuring this legislation truly does justice for Cody and for some of our more innocent victims who have been beaten in the most brutal and appalling way; the beatings cause our bodies to shudder. It is something that is just so alien to all of us and so reprehensible that we really should pursue it. As I said,

this should not be the end but should be the beginning of a further process.

In sharp contrast, two notable crime reporters have written in recent articles about what could be achieved. Firstly Norrie Ross in the *Herald Sun* of Friday, 17 August 2007, wrote about Cody's case and made more general comments. He said in that article:

> It is often very difficult to prove intent in child homicides, especially when accused persons claim they lashed out in anger or frustration.
>
> Some child killers do lash out and instantly regret it; and sometimes two carers blame each other.
>
> There are seldom witnesses when children are fatally bashed, and that is why deals are done and murder charges are pleaded down to manslaughter.
>
> It can make a big difference; the maximum penalty for manslaughter is 20 years' jail, compared with life imprisonment for murder.

The next day, on 18 August 2007, John Silvester in the *Age*, likewise a very experienced crime reporter, pointed out that:

> Between 2000 and 2005 the homicide squad dealt with six child killings in which the offenders were never charged or the prosecution failed because the mothers failed to give evidence. The youngest victim was 12 weeks old. One was stomped to death. All were victims of repeated violence.

He goes on to say:

> Rapke —

that is, Jeremy Rapke, who at that stage was the acting Director of Public Prosecutions and is now the DPP in Victoria —

> said on 3AW yesterday that the initiative was worth looking at —

referring to this bill or what arose out of the comments made by the Premier —

> but he added that one problem was that it could lead to the criticism of 'diminishing a child's death by putting it in a category somewhat lower than murder'.
>
> He suggested there may be a need for many reforms in the area. Rapke said gaining murder convictions in child deaths was often difficult because of the reluctance of partners or spouses to give evidence.

Accordingly, he suggests there should be a reform in that particular area.

As I said, and as a member earlier mentioned, there are reforms that could be adopted from the UK Domestic Violence, Crime and Victims Act, which puts an actual obligation on the adults who are present or who live in the household to look after children and to give evidence if required in these sorts of cases. They are compellable witnesses. It is certainly a reform that should be looked at regarding these sorts of cases. As I said, this might be a beginning. I hope it is a beginning, because many reforms are needed to do Cody a lot more justice, not just this bill.

Ms DUNCAN (Macedon) — It is my pleasure — I should not say 'pleasure', because some of the contributions made by members over this evening have been quite gruelling — to speak on the Crimes Amendment (Child Homicide) Bill. It is unfortunate that such a piece of legislation is necessary. It is not often that I support the comments of the member for Kew, but I must say that in this instance I completely support them. He has demonstrated his knowledge of sentencing principles and practices. I think he understands that, despite this piece of legislation not increasing the maximum penalty, it will have a significant impact on the sentencing practices of our courts.

There has been a lot of emphasis on the point that the bill does not increase the maximum penalty for manslaughter. For me this issue is not about the maximum penalty. If offenders were getting sentences of close to 20 years, I do not think we would feel the way we do. The issue for me is about the range of sentences that is currently being applied, which is seven to nine years. We are a long way from the maximum. Sentencing is an incredibly complex process, and it is important that each case is heard on its merits, which is why I do not support any form of mandatory sentencing. However, this new piece of legislation will give the courts scope to create new sentencing practices, and I believe it will increase the top-end range of the average sentence.

Much emphasis has been put on the principle of deterrence — that is, the principle that, if penalties are increased, this will have a great impact on the community and will deter people from committing offences. Sadly an offender is not likely to turn their mind to the issue of penalties while they are beating up on their children. I wish we saw more evidence of deterrence in relation to these sorts of offences, but this is not the case. The bill strikes a balance. It is an ongoing commitment of this government to protect the most vulnerable members of the community — in this case, children. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on this bill and echo what other members have said: this is the most heinous of crimes. The bill is about protecting those who are most

vulnerable. The Nationals do not oppose the bill, which creates a new offence of child homicide, increases the maximum penalty for negligently causing serious injury and splits the offences of dangerous driving causing death or serious injury.

I will focus my contribution on some of the questions that the bill raises. One of these is the question: will it make a difference? I quote from the Law Institute of Victoria:

> … taking a purely legal response to this issue will have a minimal impact on the incidence of children being killed and a broader preventative approach should be examined.

We need to deal with this at its roots; we need to stop children dying. The institute also said:

> The maximum penalty would remain the same although it appeared the change was designed to encourage judges to give sentences at the higher end of the range.

This bill may not be substantial in a legal sense, but it may raise public awareness of the particularly heinous crime of child homicide. It could have the positive, preventive effect of increasing awareness of the signs of child abuse and what may lead to child homicide.

The messages this legislation sends are important. It says that legislators are interested in protecting vulnerable people such as children. However, it may also send the message that we are not very serious about punishing offenders. A judge will still be given discretion in sentencing, and the maximum penalty will not be changed in relation to manslaughter. This is the standard mandatory sentencing issue. The fear is that it will not have a positive effect but only give the impression of making a difference. Those who think the bill does not go far enough will have some words to say on this.

It still raises this question with me: will recognising the killing of a child as a separate offence have any effect on how many children die each year, and how can this be channelled into practical prevention measures? While welcoming the increased sentencing, because the reasons that have brought this here are simply terrible, I think we need to somehow work more closely and deeply on why this is occurring in our society.

Ms RICHARDSON (Northcote) — I am very pleased to rise in support of the Crimes Amendment (Child Homicide) Bill. This bill delivers on a commitment made by the Premier to deliver harsher penalties for those who commit the heinous crime of killing a child. In response to sentences that were regarded by all in the community as too lenient, the Premier announced late last year that legislation would be brought into the Parliament to bring the sentencing decisions of the courts into line with the expectations of the community. Many members have referred to the tragic case of Cody Hutchings, who died on 25 March 2006 as a result of repeated beatings and abuse. His stepfather, who committed this terrible crime, received a maximum 13 years imprisonment, with a minimum of 10 years, after pleading guilty to manslaughter.

Similarly, five-month-old Rachael Joy Arney died following repeated assaults. Her killer was originally sentenced to nine years in jail with a minimum of five years, and that was later increased by three years. Justice Frank Vincent said at the time:

> … it is difficult to avoid the impression that the sentences that are handed down for these child violence cases have been traditionally and unfortunately too low for a long, long time.

In many cases the minimum time these perpetrators spend in jail is half or less than half of the maximum 20 years that the worst kind of manslaughter cases attract in Victoria. This sends the wrong message about the value of a life — a child's life; it sends the wrong message about the care and concern adults need to display towards children; and it sends the wrong message about the kind of community we wish to live in. That is why the Premier is to be congratulated for his decisive action. The Australian Childhood Foundation wrote in its December 2007 newsletter that 'Victoria's Premier, John Brumby, responded quickly and positively', and many other bodies and advocates for children have echoed this view.

This bill will create the offence of child homicide and highlight the vulnerability of victims. It will better enable the courts to recognise that the killing of a child is a distinctly serious crime that should be punished accordingly. Judges will no longer be bound by previous sentences for previous offences as they are required to be under section 5 of the Sentencing Act. This bill addresses community concerns. It sends a very important message, and it is for these reasons and more that I commend the bill to the house.

Mr R. SMITH (Warrandyte) — In the very limited time I have I would like to say that I do not think this bill goes far enough. I would like to quote from Justice Philip Cummins, who summed up my feelings pretty well during a recent Supreme Court case when he said:

> One of the functions of the law is to protect the weak from the strong … Nowhere is it more so than in criminal law. And in criminal law nowhere is it more so than in the protection of children.

> Children are precious and are vulnerable. They are entitled to love, to care, to health, to education, to security and to safety. Most of all they are entitled to life.
>
> … Parents have a duty to nurture with love and care, to provide, as best they are able and with the help of the state, health and education for their children, and hopefully to give their children happiness. Most fundamentally of all, parents have a duty to protect their children.
>
> The criminal law is not coextensive with parental duty … Where the criminal law and the duty of parents coalesce is at the base the duty to protect children. If the law fails there, the law fails. If the law is inadequate there, the law is inadequate. The protective mantle of the criminal law applies especially to children.

The law has been inadequate in the past, and with this legislation the law will continue to be inadequate. The debate we are having today should include issues such as parent culpability. We need to identify those who stand idly by, those parents or guardians who witness the systematic abuse of children and who do and say nothing. Those who fail to protect their own children I believe need to be punished. This legislation does not provide the protective mantle that it purports to. I have no confidence in this legislation. I have no confidence it will achieve what it is supposed to achieve. Although I will not be opposing the bill — —

The DEPUTY SPEAKER — Order! It is time under standing orders for me to interrupt the business of the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

> That the house do now adjourn.

Lorne: foreshore caravan park

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Environment and Climate Change in the other place and concerns a proposal recently released for public consultation by the Great Ocean Road Coast Committee for the upgrade of the Lorne Foreshore Caravan Park, which comprises five locations. The proposal as it currently stands will result in a net loss of 45 sites, as indicated in the schedule provided by the Great Ocean Road Coast Committee, with some campers set to lose their permanent sites altogether.

I call on the minister to intervene in this process to ensure that the current number of sites continue to be available for families and individuals who holiday at Lorne. The first priority of the upgrade should be to retain or increase the availability of sites, not reduce them. It is incumbent upon the government to ensure that any proposal has as its prime objective the provision of the optimum number of camping sites for battling families. Camping has traditionally been a low-cost holiday for families. They have enjoyed holidaying in parks such as these for decades, and always with the expectation that the facilities provided at camping grounds would be clean and well maintained.

As the premier tourist destination in Victoria, Lorne also has the problem of attracting sufficient hospitality workers to the town, particularly over the summer holiday period.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I am reluctant to interrupt the member for Polwarth. I ask members to show some courtesy to the speaker on his feet.

Mr MULDER — The Lorne caravan parks provide a vital component in hiring and retaining workers for many of Lorne's businesses. Without access for staff to the temporary accommodation which these parks provide, the services provided to tourists in Lorne over the summer would be severely impacted upon.

Looking at the current proposal, while I understand the requirement for many of the improvements outlined in the document, it seems difficult to justify, for example, the establishment of an additional office and manager's residence in Queens Park, particularly if such construction should mean the loss of camp sites, given, as previously mentioned, the importance of accommodation of this type to the town of Lorne. It strikes me as a little ironic that a new hospital can be built at Lorne on the original site and be able to accommodate extra patients in modern facilities, but the upgrade proposal outlined by the Great Ocean Road Coast Committee can offer no alternative solutions other than to reduce site numbers.

I suggest that the minister direct the Great Ocean Road Coast Committee back to the drawing board. Campers want access to basic, clean and well-maintained facilities; they do not want to have to pay for an up-market holiday resort. These families have been visiting Lorne for many, many years. The children have formed long associations with other families who visit the camping grounds, and a lot of long-term friendships have been formed. These are people who cannot afford to buy a house along the Great Ocean Road; it is their

annual holiday. The government should do all that it possibly can to make sure that their holidays are not taken away from them.

Riddells Creek: skate park

Ms DUNCAN (Macedon) — The action I wish to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. I ask the minister to fund the Riddells Creek skate park. This project has quite a long history. This community has been pushing for this skate park in Riddells Creek for some three or so years. Community members have gone to enormous effort to raise funds themselves and to get the community support necessary for such a project. They are intending to have a trivia night shortly, but they have had numbers of fundraising activities and have been quite successful in their fundraising.

They have also been very good in their community engagement and have even developed selection criteria for community participation, listing the criteria and giving them particular weighting. They have cited issues such as being close to the town centre; not being too far away from a toilet; having access to a phone; offering some form of shade; not being too close to private housing; being in the public eye for security purposes; offering room for expansion; being viewable to visitors; not impacting on existing or surrounding users; and offering car parking and drop-off points and emergency points. They have considered all of these things as part of their project proposal. It has been a well-thought-out project. They have applied for funding through a variety of funding rounds, and I have been very pleased to support this community effort for some time.

I ask that the minister, when he is considering funding applications for these sorts of sporting facilities, consider this application very favourably. It is important that communities have facilities such as this. Riddells Creek does not have a skate park currently. There are certainly some great sporting facilities in that town, but this would add substantially to them. Skateboarding is a good activity, but it is important that it is undertaken in a way that is not a nuisance to other people and is safe for those participating. In Riddells Creek, for example, 600 children are aged between 5 and 19, and of these approximately 35 per cent would be regular skaters. Without a dedicated skating area they are left to skate in unsafe areas, often putting themselves at risk of injury and often to the annoyance of other members of the community.

I ask the minister to consider this application favourably. I would also like to take this opportunity to congratulate the Riddells Creek skate park committee and all of the committee members for their efforts.

Police: Tatura residence

Mrs POWELL (Shepparton) — I would like to raise an issue with the Minister for Police and Emergency Services. The issue is the proposed sale of the police house in Tatura. The action I seek from the minister is to immediately rule out any sale of the house, which is actually being used at the moment and is very much needed.

The Tatura police house is one of the buildings in the Goulburn Valley that has been earmarked for sale by the government. The spokesman for the police minister is reported in the *Tatura Guardian* of 5 February as saying that the government was in the early stages of compiling a list of government houses that would be offered for sale, and he would not confirm that the police house in Tatura would not be one of them, so I am urging the minister to remove the Tatura police house from any list of houses for sale.

Tatura is a small community; it is a great community. It has a population of about 3000 people, and it really supports its police officers. In October 2005 I presented a petition from Tatura people seeking an increase in police numbers in the town. Of the 3000 residents, 700 signed the petition. A number of people helped collect those signatures to support the police — the Victoria and Criterion hotels, the service clubs, schools and businesses and the president of the Tatura Senior Citizens Club, Bob Anderson, who collected 47 signatures from its members. I am pleased to say that there is a full contingent of police at the police station at the moment.

When I heard that the police house was about to be sold I phoned the sergeant in charge, Sergeant Darryl Phillips, at the Tatura police station to see whether in fact the police needed the house. Sergeant Phillips lives in the house. He has been there for about a year. The house is fairly new; it is not an old house needing maintenance. Sergeant Phillips told me that his position was actually advertised with the house and he was required to occupy it. Part of his contract was that he move to Tatura and live in the police house, and he has actually sold his house in Toolamba to take up that position. The house is about a kilometre from the police station, and Sergeant Phillips and his wife and four children now live in it and have become very much a part of the community. The children go to school in Tatura, Darryl Phillips and his wife are members of the Tatura golf club.

Tatura is one of those unique small rural towns that still operates a Blue Light youth club and disco, and Sergeant Phillips runs the youth club and disco. Youth crime rates have dropped dramatically because of that disco and the involvement of the police, and because about 50 per cent of crime in Victoria is committed by youth, club members are very proud of the fact that they have significantly decreased the crime rate.

There is very little on the private rental market in Tatura, and there is obviously a need to attract quality police officers there, and to country towns generally. We should not be selling off police houses in areas where we need to attract police, particularly if there is little affordable rental accommodation in those areas.

Frankston: aquatic centre

Dr HARKNESS (Frankston) — I wish to raise a matter tonight for the attention of the Minister for Sport and Recreation. Plans for a Frankston aquatic health and wellness centre have taken another giant leap forward, with a meeting last week of the project control group established by the Frankston council. The action that I seek is for the minister to visit Frankston as soon as possible to meet the project control group and also to inspect firsthand the proposed site of this vitally important project.

The state government, Frankston council, Chisholm Institute, Monash University and Peninsula Health are all working very hard to make this project become a reality. Frankston has been very lucky to have secured one of the FINA Olympic-sized pools used last year at the Rod Laver Arena. These types of pools are used around the world's capitals, and those centres have state-of-the-art aquatic facilities. In fact, the Melbourne Sports and Aquatic Centre at Albert Park uses similar pools.

The 154 galvanised pool panels and plant equipment, including starting blocks, racing lanes and backstroke indicator posts, are valued at an estimated $2 million. I think it is a great legacy of the FINA World Championships that the Frankston community will have the opportunity to swim in the same pool that helped propel Libby Lenton to five gold medals and American superstar Michael Phelps to several world records as well.

The world record pool was offered to Frankston City Council, which accepted it with glee, because it is a vital piece of the jigsaw for the Frankston Regional Aquatic, Health and Wellness Centre. Servicing around 150 000 residents, this $40 million facility has plans that include a hydrotherapy pool, a gymnasium, child-care facilities, a cafe, community meeting rooms, and a health and wellness centre. This 50-metre championship pool builds upon the $2.5 million already committed to Frankston City Council from the state government's Better Pools category of the 2007–08 round of the Community Facilities Fund program.

Unfortunately, however, the federal member for Dunkley, Bruce Billson, has taken to opposition like a duck to water with a series of very tawdry attempts to get a headline in the local papers by talking this project down. He is constantly scoffing at everyone else's efforts to do anything but fails to do anything constructive himself. While Bruce Billson continually talks down this vitally important infrastructure which is going to have long-lasting benefits for generations to come in Frankston and while he refuses to engage cooperatively and constructively, Frankston City Council, which has already undertaken to commit $20 million to this important project, and the state government are striving very hard to see this project become a reality — the council, as I said, having contributed some $20 million to a $40 million project.

This is a very significant piece of infrastructure. Bruce Billson needs to understand that a bipartisan approach is needed. The blame game is over, and he really needs to understand this.

Hospitals: Bass electorate

Mr K. SMITH (Bass) — I wish to raise with the Minister for Health an extremely serious issue in the Bass Coast area regarding a lack of doctors to serve our community at our local hospital, and I ask that he provide temporary doctors to serve in the only public hospital in the Wonthaggi and Bass Coast area.

The minister will be aware that the federal and state governments allowed the much-loved and locally supported Warley Hospital to slip into a demise that was brought about because of the lack of support and funding for the 8000 to 10 000 people who live on Phillip Island and in the surrounding areas, and the tens of thousands of people who visit that area on a regular basis, either at weekends or for major events.

The government, the Wonthaggi hospital and the local people were advised that the local Wonthaggi hospital — that is, the Bass Coast Regional Health Accident and Emergency Department — could not be serviced by the local doctors' clinic six months before it withdrew its services. It was only on the death knock that the Minister for Health reached a decision and told the hospital he would finance doctors; then the hospital

was able to advertise for doctors to work in the area on a permanent or full-time basis.

The hospital advertised for doctors in late November and early December, and it has now appointed five doctors to work at the hospital, but they cannot start until the end of February or early March. So we have an accident and emergency department, built and financed by the Kennett government, which is now having to rely on locum doctors who may be well paid but who do not always arrive for their allocated shifts.

An article in a local paper by journalist Richard Schmeiszl, headed 'Hospital's five days without doctors', says that this has produced a real problem for the local people. This is an area with anything up to 100 000 or 120 000 people on Phillip Island and the Bass Coast who either live permanently there or are on holidays there. This is putting extreme pressure on an overworked hospital staff who have to cope with frightened and frustrated people and their friends or relatives who may need medical care. They cannot get help and there are no doctors there to help them.

The people are advised by caring nursing staff to go to either Dandenong or Traralgon hospitals. This is not good enough; the staff at the hospital are great, and there are no complaints at all about them. There are great ambulance operators who are called in to stabilise and transport patients to far-flung hospitals and to assist patients. All those people are great — I do not have any problems at all with them — but they should not be put under unnecessary pressure. I ask the minister, who may not be aware of this problem, to provide some short-term doctors to assist in this disastrous crisis that is now occurring in the Bass Coast area.

Rail: Craigieburn and Roxburgh Park car parks

Ms BEATTIE (Yuroke) — The matter I raise is for the urgent attention of the Minister for Public Transport. The action I seek is for the minister to investigate options for the further expansion of car parks at both Roxburgh Park and Craigieburn railway stations.

Members in the house will know that very recently — as a matter of fact late last year — the Craigieburn line electrification project was opened. That involved two stations: Roxburgh Park, which is a new station, and Craigieburn, which was upgraded to a premium station, which means that it is staffed all of the time that it is operational. It would be fair to say that this electrification has proved to be an absolutely outstanding success. But the end result is that both railway station car parks are packed from very early on every day. I understand there is some vacant land at Roxburgh Park which may be able to be utilised.

The extension to Craigieburn and Roxburgh Park was part of a suite of traffic solutions in those areas. Members will recall that at the same time as the opening of the extension, Somerton Road was duplicated. Overpasses were put on that duplicated road so trains could run under it. Traffic lights are being installed at the corner of Somerton Road and Pascoe Vale Road. These initiatives are among a whole suite of things that have happened in that area which, I might add, was so long neglected by the Kennett government. As well as those initiatives the government reviewed bus services and built new bus stops and introduced new bus services to take people to the Craigieburn and Roxburgh Park train stations. Many people do not have to get into their cars to go to stations.

This project is proving to be very popular. Constituent after constituent comes into my office and tells me what a wonderful project this is. There was $115 million spent on the rail electrification; every cent was well worth it. If people want to see the great things happening to the public transport system, come to Craigieburn and Roxburgh Park and have a look at all the great things we have done in regard to road, rail and bus services. There is, however, a need for more car parking.

Bairnsdale Secondary College: upgrade

Mr INGRAM (Gippsland East) — My issue is for the attention of the Minister for Education. It is in relation to the facilities at Bairnsdale Secondary College and the need the school has for a major facility upgrade. The action I seek from the minister and the department is to ensure that Bairnsdale Secondary College is included in the next round of funding for the Building Futures program. I also seek for the next round of the Building Futures program to be brought on. Members may be aware that the expected next round of the program has been delayed for a number of months and that those schools which are expecting to be included in the program are concerned because the process has been delayed and they cannot go through it.

Bairnsdale Secondary College is one of the last amalgamated technical/secondary colleges. The college is spread over two distinct campuses. There have been some problems in the past about the community desire to maintain a split campus arrangement and to keep the junior and senior students and their facilities separate. That has led to funding issues in the past. The community is now essentially united in the view that

the most important thing is to have a major upgrade of school facilities.

The college has incredible pride in its achievements and produces excellent results across all fields. The college has dedicated teachers and students. It is proud of its record of educating and delivering to the community. These achievements have come despite the condition, age and nature of the school's buildings and other facilities.

As the largest public education provider within East Gippsland catering for many students with significant challenges, it is essential that this college is brought up to a standard that enables it to deliver a better education experience for all involved — and this would add to the results. Clearly if you have good-quality facilities and community pride within them, it allows teachers and members of the community to deliver that. Gippsland East is waiting on the delivery of a number of commitments under the Building Futures program, just like the secondary college and primary schools at Maffra and a number of other small schools, but it is important that Bairnsdale is added to that program.

I invite the minister to visit East Gippsland to inspect the college. I repeat that the action I am seeking is that the minister and the department ensure that Bairnsdale Secondary College is in the next round of upgrades. This is an important regional facility. It is very important to education outcomes in East Gippsland, and I encourage the government to make sure that the funding requirements are met and that we can bring forward the next round of the Building Futures program to ensure we get good quality education in the region.

University of the Third Age: Seymour electorate

Mr HARDMAN (Seymour) — I have a matter I wish to raise for the attention of the Minister for Senior Victorians, who is at the table. I call on the minister to provide whatever assistance she can to ensure that not only the University of the Third Age (U3A) in the electorate of Seymour but also local U3As right around the state can continue to offer affordable and high-quality programs to seniors via the provision of funding.

As I am sure the minister — and the house — is aware, since 1984 U3As have been providing a very valuable service to senior Victorians. I have experienced firsthand the high-quality programs that are offered by the U3As across my electorate. In the Seymour electorate we have several active U3As, including recently formed ones in Seymour and Healesville. Kilmore and District has a U3A which has been active for some time. It was fantastic to visit the Healesville U3A with the minister last year, where many people were looking forward to the programs and opportunities that this great organisation offers.

In Seymour we have a very active U3A. It is only quite new, but it runs regular workshops and courses and has attracted a series of excellent speakers whose talks have been attended by people from right around the district. They have been great social occasions, and it is very important for the people of our area to have those opportunities. The U3A has provided that and in doing so has added to our community. In small communities they provide a definite boost to the quality of life offered to local people. Local community members are able to learn new skills, share the skills and knowledge they have, and participate actively in community life.

A key element of the success of the U3A network has been its adherence to the value of providing low-cost learning opportunities to its members. Members of a U3A need to be retired from full-time work, and they have to pay a small annual subscription. A key reason that enables U3As to keep their fees low is that its members do much of the teaching, planning and administration as volunteers. They put in a lot of time and effort, and I would like to recognise and thank all those who volunteer their services to the Seymour district. They really make a big difference.

But like all voluntary organisations, U3As require assistance to ensure they can continue to provide the highest quality service to members of local communities. They need things like computers, computer components, music equipment and items that require funds to purchase. Those funds are not necessarily within the means of the voluntary organisations — —

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

Veterans: Sandringham offensive signage

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Premier in his capacity as Minister for Veterans' Affairs. At 360 Bluff Road, Sandringham, there is a sign with the wording 'Join the army. Travel to exotic lands. Meet exciting people and kill them'. Along with many constituents and members of the veterans community I regard the wording as offensive, taking into account the important roles Australian forces have played in two world wars, the Korean War, the Malaysian and Borneo emergencies, the Indonesian confrontation, the Vietnam War and the

two Gulf wars, as well as recent peacekeeping roles in East Timor, Rwanda, the Pacific and the Middle East. I am of the view that the wording would be offensive to the families of generations of Australian soldiers who fought to protect our freedom and our democracy.

I seek the support of the Premier in an effort to require the council to draw on its planning powers and require the removal of the sign. While I, along with everyone in this chamber, fully support freedom of speech, the unregulated display of front-yard graffiti may not meet the requirements of urban planning regulations. The resident concerned might be better advised to express his opinion through newspaper columns or other formal channels.

My perspective on the matter is supported by some people who have given much of their lives to the service either of the country or their local RSLs or both. One constituent noted:

> I totally agree that this is most offensive to both current military personnel such as myself and veterans who did so much for our country. It reminds me of the appalling description of defence personnel in the Labor government's approved secondary college textbook as 'harm workers' some 20 years ago.

Another person active in his local RSL noted:

> I fully support your action in bringing it to council's notice and trust that they will find a regulatory reason to have it removed.

I note also that under the Victorian Veterans Act 2005 a number of principles are to be observed. Section 5 of the act says:

> The objectives of the Victorian Veterans Council are to —
>
> …
>
> (b) promote the commemoration of those who have died in the performance of service or duty;
>
> (c) develop a better understanding amongst Victorians of the participation and sacrifice of Victoria's veterans in war and peacekeeping operations, and the contributions of Victoria's ex-service community;
>
> (d) actively promote the significance of, and the key values associated with, the spirit of ANZAC …

In this particular case I believe that the person who has the sign in their front yard is misguided, and I ask the Premier to assist the local community in having the sign removed so that no further offence is caused to Sandringham veterans and other defence personnel.

St Kilda Film Festival: funding

Mr FOLEY (Albert Park) — I wish to raise a matter for the attention of the Minister for Senior Victorians, although it could also be a matter of some interest to the Minister for the Arts, who is at the table. The action I seek is for the minister to support the application for sponsorship sought by the St Kilda Film Festival as part of this year's Images of the Age grants program run by her department.

As many members would be aware, this year marks the 25th anniversary of the St Kilda Film Festival which, unlike the ironic hospital mentioned by the member for Polwarth in his contribution, is an actual iconic event. The festival is rightly famous across Australia. Testament to its success is the fact that it is Australia's longest running short film festival — a status it has achieved through its continued renewal and refocusing. Its community changes, and the festival both leads and reflects that change. It challenges us to think about who we are and how we act as a community. What better event could there be to support a message about positive ageing and reflection on our ageing but vibrant community?

The link to the Minister for Senior Victorians is that she and the Brumby government know that having an appreciation of this issue is of great importance to the future health, positive self-image and ongoing contribution to our society of our senior communities. With members of our community increasingly ageing, what better way would there be to connect with family, friends and those we pass on the street than through film? Accessible, popular and relevant, this festival is as sure a way as the minister is going to have to get out her winning message, so no doubt she will see this as a worthy recipient of her program funds. What better way to have this support than through the St Kilda Film Festival?

I also remind the house that despite the often vibrant image of beaches, culture and parks in my electorate, which is generally held to attract a younger set, the Albert Park electorate does have a high number of senior residents. Some 9.6 per cent of the residents of Albert Park are aged 65 years or over as at the last census. As our population ages, this figure is sure to grow.

The Albert Park electorate has some of the fastest growing areas of Melbourne, with areas like Southbank adding a net increase of 1000 residents a year. The largest number of this growth is single or two-person households, and this is made up in particular of that baby-boomer generation looking to a lifestyle choice of

quality living in a quality environment. The choice of the Albert Park district is therefore not surprising.

Equally the minister, in wishing to engage in delivering the important message of positive ageing, could be no better advised than to choose to send this message via the St Kilda Film Festival. I therefore call on the minister to examine and I hope approve the St Kilda Film Festival's application for sponsorship from her department.

Responses

Ms KOSKY (Minister for Public Transport) — The member for Yuroke raised a matter in relation to the Craigieburn railway station and Roxburgh Park railway station car parks. The electrification of the Craigieburn line has been unbelievably successful. The extra services have been embraced by the local community. It has been fantastic — so much so that the car parks that have been provided are already at full capacity and additional commuters are parking in side streets.

The government is very much aware of all that in relation to the Craigieburn railway station, and private land located on Potter Street has been identified as the most appropriate site for the car park expansion. My department has commenced the process of compulsorily acquiring this land, which will take between 12 and 18 months to complete; but once it is complete it will obviously provide for extra car parking spaces at the Craigieburn railway station.

Roxburgh Park is a brand-new railway station which again has been incredibly successful. The land adjacent to the existing car park has been set aside for future car park expansion, and funding for this expansion will be considered against other priorities in future budgets. We are very aware of the fact that the electrification of the line and the new Roxburgh Park station have been very successful and that therefore there is need for extra car parking, and that is what my department is working towards.

Ms NEVILLE (Minister for Senior Victorians) — I thank the member for Seymour for raising an important issue with me. As you would be aware, Deputy Speaker, universities of the third age (U3As) are a great way for older Victorians to continue their goal of lifelong learning. There are currently 83 U3As across Victoria. They have in excess of 21 000 members, the majority of whom are aged between 60 and 80. Across the state U3As offer around 260 programs, ranging from art to computer courses, fitness programs and philosophy programs. They are a wonderful community resource run by volunteers — whether they are people involved in the committees of the U3As, those involved in putting together the newsletters or those assisting as tutors. The government has a really strong focus on encouraging seniors, regardless of their age, to get involved and keep active. As part of A Fairer Victoria the government has committed $1.2 million over four years to U3As.

I know that the member for Seymour is a great supporter of the U3As in his electorate. He might be interested to know that it was on this very day last year that he and I visited the Healesville and District U3A for the announcement of a special partnership it had established with the Golden Wattle day care centre. I recall that the Healesville Senior Citizens Club was full of active and very committed members of the local U3A network. They really demonstrated the very broad nature of U3A, and I was very lucky to be treated to some line dancing and a great performance by their choir.

Mr Kotsiras interjected.

Ms NEVILLE — Yes, they gave me a few lessons in line dancing. There was a great choir, and an array of art and craft was on display.

I am very pleased to be able to advise the member for Seymour that funding of $3500 will be provided to the Healesville and District U3A for the purchase of a data projector, cabling, screen, laptop and software. In addition to the Healesville U3A funding, the member for Seymour will also be pleased to learn that the Seymour and District U3A, which is also in his electorate, will receive a grant of $2470 for the purchase of display banners and promotional material. These are 2 of the 30 U3A areas which will receive funding as part of the Program Growth Support Fund. This aims to promote innovation and growth in areas of greatest need.

I am also pleased to respond to a matter raised by the member for Albert Park. I know that he has only recently become the member for Albert Park, but as he has illustrated in his question tonight, he has quickly grasped the importance of arts to his electorate. The St Kilda Film Festival has become a key part of the arts calendar in Melbourne. The Images of Age program commenced in 2003–04 — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I am sorry to interrupt the minister, but both the member for Bass and the member for Albert Park are testing the patience of the Chair. I ask them to listen to the answer from the minister without interjecting.

Ms NEVILLE — I could repeat myself in case the members did not hear, but I will move on. The Images of Age program commenced in 2003–04 as a positive ageing initiative to promote artistic work that depicts meaningful images of older people in our community through film, theatre and television. In 2006 the program expanded to include sponsorship of major festivals that celebrate diversity and challenge stereotypes of age in our community. And what better place to recognise films that depict positive images of age than at Australia's longest running and renowned St Kilda Film Festival.

I am pleased to advise the member for Albert Park that $15 400 will be provided to support the 2008 St Kilda Film Festival. The festival sponsorship will provide a short film program to be held at the George Cinema as part of the festival, allowing for 10 short films with the theme of depicting positive images of older people. That may be something that the member for Bass may be particularly interested in participating in. The sponsorship will also provide an award for the film which provides an outstanding portrayal of Images of Age. In 2005 the short film *In My Day* won national and international acclaim.

We know that it is vital that seniors remain active and involved in their community. It has very positive mental and physical health benefits. A key component of ensuring that seniors are able to remain active is to ensure that their activities are affordable. I am also pleased to inform the member that as part of the Victorian government's sponsorship of these awards there will be the provision of $2000 worth of concession-priced tickets available to Seniors Card holders.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I know it is the second day of a fairly long sitting of Parliament, but I ask members for some respectful behaviour in the chamber to conclude the day. The minister, without interjections.

Ms NEVILLE — I am not sure whether that means I should repeat that matter because the member for Bass did not hear it. I thank the member for Albert Park for raising this important matter, and I look forward to hearing from him on the success of the St Kilda Film Festival.

In relation to other matters raised by various members, particularly the member for Bass for the Minister for Health, I will refer those matters to the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.39 p.m.