PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 19 September 2007

(Extract from book 13)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects	The Hon. T. C. Theophanous, MLC
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

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

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

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

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

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

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

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Ms Beattie, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek.

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.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mrs Maddigan. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

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

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.

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

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-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

Leader of the Parliamentary Labor Party and Premier:
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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Overington, Ms Karen Marie	Ballarat West	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
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Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
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Haermeyer, Mr André	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
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 [2]	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] Resigned 6 August 2007

CONTENTS

WEDNESDAY, 19 SEPTEMBER 2007

Wednesday, 19 September 2007

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

RULINGS BY THE CHAIR

Members: naming

The SPEAKER — Order! Before calling the introduction of bills I refer to a point of order raised yesterday with me by the member for South-West Coast seeking clarification on whether it is appropriate under the standing orders to take a point of order during a division on a procedural matter with respect to the naming of a member. The member for South-West Coast referred to standing order 126(2), which in part states:

> … the Speaker must put the question immediately without amendment, adjournment or debate.

The member also referred to standing order 168, which states:

> If a point of order is taken while a division is taking place, a member may only speak to it with the Chair's permission.

I have sought guidance on the matter from previous rulings by the Chair. Previous Speakers Delzoppo and Plowman have ruled that no points of order may be taken while questions relating to the machinery for bringing proceedings to a conclusion are being put. Points of order may be raised at the conclusion of those proceedings.

I also have further support from the *House of Representatives Practice*, 5th edition, page 516, which states:

> The requirement for the closure motion to be put immediately and resolved without amendment or debate means that, until the question of this motion has been decided, there is no opportunity for a point of order to be raised or a dissent motion to be moved in respect of the putting of the motion.

Mr Baillieu — On a point of order, Speaker, should the house now interpret that in terms of standing order 168 to the effect that you, Speaker, give yourself no discretion to allow a point of order, as is suggested by that standing order?

The SPEAKER — Order! Insofar as the division taking place is on a question of a procedural motion. I do not believe that would be the case in a division on a bill or another form of debate, but on the taking of a procedural motion I believe the advice and the precedents are quite clear.

Mr Thompson — On a point of order, Speaker, in relation to standing order 126, the motion moved by the Leader of Government Business yesterday was incomplete in its terms; he had not complied with the terms of that particular procedure. Are you therefore suggesting that an incorrect vote be taken on a procedure that has not been correctly complied with, with the matter to be rectified afterwards, or is it appropriate for a point of order to be taken to draw to the attention of the house, for example, that the procedure followed by the Leader of Government Business was incorrect?

Mr Clark — In support of the point of order raised by the member for Sandringham, Speaker, I would also draw your attention to standing order 106(4), which says in relation to a motion that a member be no longer heard:

> No other motion can be moved or point of order taken until this question has been decided.

I draw the contrast between that provision, which makes express reference to no point of order being able to be taken in the case of a motion that a member no longer be heard, and standing order 126, which says:

> … the Speaker must put the question immediately without amendment, adjournment or debate —

but makes no reference to the question of a point of order. I therefore suggest in support of the point made by the member for Sandringham that under our new standing orders, and having regard to the express reference to points of order in 106 and the absence of an express reference to points of order in 126, that there is opportunity for points of order to be taken in the course of those proceedings, particularly in the instance referred to by the member for Sandringham, when the point of order relates to whether or not the motion being moved under 126 is valid in the first place.

Mr Stensholt — On a point of order, Speaker, I reluctantly rise to point out standing order 168, which I think is the relevant standing order in this regard.

Mr Baillieu — Which affords the Speaker discretion.

The SPEAKER — Order! I have ruled on the point of order raised yesterday by the member for South-West Coast and point out to the member for Box Hill that I have cited previous rulings from Speakers Delzoppo and Plowman and the *House of Representatives Practice*, which clearly mentions that the motion is to be put immediately. The word 'immediately' has been interpreted by the *House of Representatives Practice* as meaning just that, that until

the question on that motion has been decided there is no opportunity for a point of order to be raised.

Mr Wells — Even if it is incorrect?

The SPEAKER — Order! On matters such as this the practice of the house is to go back to precedents set by other chairs and then to go back to the *House of Representatives Practice*. If we have identified today an issue that the house would like to refer to the Standing Orders Committee, the house can take that upon itself.

Mr Baillieu — On a further point of order, Speaker, I respect the comments you have made, but you have relied in your comments and ruling on the standing order, which refers to the word 'immediately' and which provides for nothing other than the motion that has been moved to be put. In yesterday's proceedings in fact you allowed the motion to be withdrawn. Under the ruling you have just made, that would have been inappropriate and the motion would have had to have been put. It is clearly an inconsistency in either the standing orders or, with due respect, the interpretation of those standing orders, but I do not believe it is an inconsistency which we can tolerate in the long term, and I invite you to have another look at a way of handling that.

The SPEAKER — Order! I have suggested to the house the way to prosecute this going forward. It is in the hands of the house. It can refer this matter to the Standing Orders Committee if it so desires.

Mr Baillieu — I seek leave to move a motion.

Leave refused.

GRAFFITI PREVENTION BILL

Introduction and first reading

Mr CAMERON (Minister for Police and Emergency Services) introduced a bill for an act to provide measures for the minimisation of graffiti, to create graffiti-related offences, to provide for the removal of graffiti and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 26 to 34 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.

NOTICES OF MOTION

Notices of motion given.

Mr WELLER having given notice of motion:

The SPEAKER — Order! I suggest to the member for Rodney that his notice may need to be trimmed a little. There is a word limit on notices.

Further notice of motion given.

The SPEAKER — Order! Before calling the member for The Nationals I ask those members on the opposition benches who wish to discuss particular points to do so outside the chamber. The level of disrespect being shown to the member who has been given the call is not to continue.

Further notices of motion given.

Ms MARSHALL having given notice of motion:

The SPEAKER — Order! That notice of motion may also need to be trimmed.

Further notices of motion given.

PETITIONS

Following petitions presented to house:

Nuclear energy: federal policy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the commonwealth government's promotion of a nuclear industry in Australia and the strong likelihood that Victoria will be selected as a site for the construction of a nuclear power facility.

The petitioners therefore request that the Legislative Assembly of Victoria reaffirm the opposition of the Victorian government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

By Dr HARKNESS (Frankston) (15 signatures)

Rosebud Hospital: obstetric services

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that obstetric services have been removed from

the Rosebud Hospital, forcing mothers-to-be to travel to Frankston to have their babies.

Your petitioners therefore request that the Legislative Assembly of Victoria ask the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital.

By Mr DIXON (Nepean) (19 signatures)

Rosebud Hospital: obstetric services

To the Legislative Assembly of Victoria:

The petition of concerned community members across the Peninsula and greater Victoria draws to the attention of the house the closure of birthing services at Rosebud Hospital.

The petitioners therefore request that the Legislative Assembly of Victoria act to honour the Victorian maternity services policy Future Directions and reopen Rosebud maternity unit to births, as a primary midwifery unit, similar to Ryde and Belmont in New South Wales.

By Mr DIXON (Nepean) (587 signatures)

Euthanasia: legislative reform

To the Legislative Assembly of Victoria:

The petition of Hugh Doherty, resident of the Oakleigh electorate in Victoria, draws to the attention of the house:

The Victorian health care system is in its most serious crisis ever and is worsening by the day, for almost eight years the Bracks Labor government and now the Brumby Labor government has treated the elderly and ageing sick in the community with sheer contempt and utter neglect.

The government has stood by and allowed this most vulnerable and defenceless section of the community to be stripped of all dignity, civil and human rights.

The government has allowed the most evil criminal practice of euthanasia to flourish unabated in Victoria.

Medical practitioners (doctors and surgeons) are not held to account for committing these most evil criminal acts and in fact it would appear that they have been unofficially granted impunity.

Make no mistake, euthanasia is murder, that breaches the following:

1. The fifth commandment: thou shalt not kill.

2. The Hippocratic oath: I will give no deadly medicine to anyone if asked, nor suggest any such counsel.

3. The United Nations International Covenant on Civil and Political Rights, part III, article 6 —

    1. Every human being has the inherent right to life. This right shall be protected by law. No-one shall be arbitrarily deprived of his life.

4. Also Australian federal legislation and Victorian legislation.

Euthanasia enable a government to illegally contain and reduce the number of the ageing sick population and also health and welfare expenditure.

I therefore request that the Legislative Assembly of Victoria take immediate action to put a stop to this barbaric practice by:

1. Repealing or amending the Health Professions Registrations Act 2005 which is due to come into force on 1 July 2007.

2. Establishing independent processes of investigating complaints and of hearing and judging complaints against medical practitioners.

3. Legislating that the processes are open, transparent and fair that protect the lives and rights of the community. That is the fundamental responsibility and duty of all members of Parliament.

By Ms BARKER (Oakleigh) (1 signature)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of citizens of the state of Victoria wish to draw attention of the Legislative Assembly of Victoria the proposal to develop a water-carrying pipeline which would take water from the Goulburn River and pump it to Melbourne.

> The petitioners are opposed to the project on the basis that it will effectively transfer the region's wealth to Melbourne, have a negative impact on local government, lead to further water being taken from the region in the future.
>
> The petitioners commit to the principle that water savings which are made in the Murray Darling Basin should remain in the basin.

Your petitioners therefore request that the state government abandons their proposal to pipe water from the Goulburn River to Melbourne, calls on the state government to address Melbourne's water supply needs by investing in recycling, capturing stormwater drains and desalination.

By Mr WALSH (Swan Hill) (176 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray Darling Basin should

remain in the MDB. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Mr WALSH (Swan Hill) (383 signatures)

Tabled.

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

Ordered that petitions presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

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

DOCUMENTS

Tabled by Clerk:

Auditor-General — Program for Students with Disabilities: Program Accountability — Ordered to be printed

Major Events (Aerial Advertising) Act 2007 — Event Order under s. 7.

MEMBERS STATEMENTS

Economy: performance

Mr WELLS (Scoresby) — This statement condemns the Brumby Labor government for running up Victoria's debt and interest bill at a time when record levels of revenue are flooding into state Treasury coffers.

If the Brumby government were to eliminate all state debt, following the lead of the Howard federal government, the yearly interest bill on total non-financial public sector net debt, which includes the general government sector and public non-financial corporations such as Victoria's water authorities — estimated at $795 million for 2007–08 in this year's state budget papers — would be enough to pay for an extra 3425 new police for the front-line over the next four years. The $795 million would be enough to put, as I said, 3425 new police on the front line by 2011, including $145 million in extra capital requirements such as vehicles and equipment.

If the Brumby government wanted to run an economically responsible budget, as the federal government does, and have no debt at all, the interest payments would be freed up to pay for vitally needed front-line police resources and to help tackle head on the violent crime epidemic that Victoria is now facing. Furthermore, the 2007–08 state budget reveals that under Labor the interest bill on Victoria's escalating state debt is set to soar to $1.1 billion in 2011, taking away even more valuable taxpayer money that could be used in Victoria's crime-fighting effort.

John D. Hughes Dhamma Cetiya Meditation Hall and Library

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I wish to congratulate my local Buddhist community and members of the Sangha on the recent opening of the John D. Hughes Dhamma Cetiya Meditation Hall and Library. Guests included representatives from the Burmese, Vietnamese, Sri Lankan, Cambodian and Thai communities, just to name a few, emphasising that in many ways Victoria's Buddhist community stands as a thriving microcosm of our state's diversity. The centre stands as a marvellous testament to the talent and generosity of individuals and groups, many of whom donated their time and expertise voluntarily.

'Thousands of candles can be lit from a single candle', says Buddha. If the enthusiasm at John D. Hughes Dhamma Cetiya Meditation Hall and Library is any guide, that candle of wisdom and compassion carried by John D. Hughes will continue to light the way for generations to come. Congratulations to the directors, Frank and Anita Carter, Evelyn Halls and Lainie Smallwood.

Kilsyth Basketball and Mountain District Association: achievements

Mr MERLINO — Congratulations to the Kilsyth Basketball Association on the proactive and innovative work they are doing for children in the outer east. In partnership with the ANZ Bank, the basketball association runs Kids First, a primary-school-based basketball clinic program targeting over 50 schools in the area promoting physical and financial fitness and awareness.

It is an outstanding reflection on the program's success that in its first year over 12 000 kids have gone through the clinics and over 1300 basketballs have been given away to prep students. Due credit must go to the terrific vision of Kilsyth Basketball and Mountain District Association development manager, Ben Turner, who pioneered this wonderful program. It is also a great

privilege that I have been given the opportunity to be the Kilsyth Cobra's no. 1 ticket-holder for season 2008.

Lowan electorate: government assistance

Mr DELAHUNTY (Lowan) — Since the last sitting of Parliament there have been many issues that are concerning the Lowan electorate, not only the continuing drought conditions.

The need for the state to provide a rescue ambulance helicopter to protect the lives of residents of and visitors to western Victoria has been highlighted by serious accidents on our roads, in our national parks and on our farms. As one letter I received says:

> … the director of nursing at Portland said the average time taken to transfer patients to Melbourne is 5 hours — surely this is unacceptable in this day and age!

The people of western Victoria will not tolerate theirs being the only area of this state not serviced by a rescue ambulance helicopter.

Also on behalf of the St Mary's Primary School, Hamilton, I request that the government reinstate the funding for a supervisor at the Stephen Street crossing to ensure the safety of students. A child dies every week in Australia as a result of pedestrian injuries, and there have been several near misses since the supervisor has been removed.

With permits for overdimensional loads now centralised in Melbourne, many country businesses are experiencing long delays in having permits approved. For continuing economic development in country Victoria, I request that VicRoads develop a computerised system for easy access to information from Powercor, communication companies, VicTrack and other road authorities to assist in the timely approval of overdimensional permits.

Victoria is bigger than Melbourne, and this government will stand condemned if it does not address those important issues affecting western Victoria.

Dental services: funding

Mr ANDREWS (Minister for Health) — One of the first shameful acts of the commonwealth government — the Howard Liberal-National government — was to axe the community dental health program back in 1996, ripping millions of dollars out of annual allocations to this state to improve oral and dental health outcomes for some of the most vulnerable and disadvantaged members of our Victorian community.

When we came to government there was just $60.5 million invested each year by those opposite. In the last eight years we have boosted that to $138 million each year. That is a 128 per cent increase in terms of ongoing funding to support better oral and dental health outcomes for some of the most disadvantaged members of our Victorian community.

What we need in this regard is a commonwealth government in Canberra that, rather than cutting community dental health funding, enters into a true and meaningful partnership to move forward and meet the proper responsibilities which are ours and its together. That is what this government calls for.

I am more than happy to congratulate Nicola Roxon and Kevin Rudd on the announcements they made yesterday — a $290 million policy to see 1 million additional episodes of dental care over a three-year period. That is leadership. That is a true partnership. That is putting in rather than taking out. Families across this state — indeed families across Australia — deserve nothing less.

Crime: Manningham

Mr KOTSIRAS (Bulleen) — There has been a significant and unacceptable increase in violent crime in Manningham. Official crime statistics show a 14.8 per cent increase in violent crimes against the person in Manningham from 2004 to 2007. In particular I am concerned about an 88.9 per cent increase in incidents of rape, a 29.6 per cent increase in sexual assaults and a 31.3 per cent increase in weapons offences in Manningham since 2004. The Brumby government needs to take action and address this issue.

In Manningham the statistics reveal alarming increases: assaults rising from 208 in 2003–04 to 224 in 2006–07; rape going up from 9 in 2003–04 to 17 in 2006–07; weapons going up from 48 in 2003–04 to 63 in 2006–07; damage to property going up from 403 in 2003–04 to 432 in 2006–07; and robbery rising from 16 in 2003–04 to 18 in 2006–07. These statistics reveal that Manningham had at least four assaults and at least one sexual assault each week in 2006–07. These statistics show an increasing problem with sexual assaults and assaults in Manningham, and nothing has been done by this government.

Manningham residents should not be afraid to leave their homes. Parents should feel comfortable and at ease allowing their children to play in the park, and our senior citizens should not fear having to leave their properties.

Waverley art competition for primary schools

Ms MORAND (Minister for Children and Early Childhood Development) — On 29 August I was very pleased to be in Queen's Hall in Parliament House with my parliamentary colleague the Minister for Environment and Climate Change in the other place to present awards to the winning students in the annual Waverley art competition for primary schools. Minister Jennings and I sponsored this very popular primary schools art competition this year, following sponsorship by me and the current Treasurer, John Lenders, in previous years.

The theme for the competition this year was 'Our climate', and the range of entries showed a fantastic diversity of interpretations of the theme. This year we received 456 entries from 15 primary schools in Waverley. Many of the entries reflected the students understanding of the impact of climate change on our environment and showed a real depth of connection with the relationship between our climate and the local environment that these children experience.

I would like to thank local artist Eleanor Griffiths from the Waverley Art Society, who judged the entries and selected the winners for the second time this year. I would also like to thank the art teachers from the 15 participating schools for inspiring and supporting their students. In particular, I congratulate the overall senior winner, Kabir Gill, a grade 6 student from Glen Waverley South Primary School; the overall junior winner, Hamish Eefting, a grade 2 student from Syndal South Primary School; and the Janet McPartlane prizewinner, Benjamin Witney, from Syndal South Primary School. Again I congratulate all the students who participated in this year's Waverley art competition for primary schools.

May I also take the opportunity to wish the member for Yan Yean a happy birthday!

Wandin Yallock and Mount Evelyn primary schools: funding

Mr DIXON (Nepean) — I was recently in the Evelyn electorate, where I visited Wandin Yallock Primary School and Mount Evelyn Primary School. Both schools have been treated appallingly by this government. Despite superhuman efforts by its community, Wandin Yallock Primary School has been left behind. But magically, following the efforts of the member for Evelyn, my visit and the subsequent publicity, and despite a school community being cowed into silence, just last week a call came from the department for the school to begin the planning process for new facilities.

Mount Evelyn Primary School, an incredibly good school, was promised during the election campaign last year that it would receive funding for its next stage this year and that it should expect funding in this year's budget. But as is the case with so many other schools, this government cynically made promises in exchange for votes — and it has failed to deliver this year. Now the line is, 'We meant this term of office'. I am confident the member for Evelyn will keep this government to its spin-based promises.

Schools: speech therapy

Mr DIXON — On another education matter, the level of support provided to our schools for speech therapists is shocking. A good example is Jazmin Paterson. Jazmin has been given a high priority by her speech therapist, but it took until term 2 for her to be first seen by the school speech therapist, and as of late August she had still not started any therapy at all. Almost three-quarters of the year has passed now and vital time has been missed in helping Jazmin begin her therapy. The longer it is delayed, the harder it is and the longer it takes to rectify speech problems.

Norman Williams

Mr ROBINSON (Minister for Gaming) — I note with regret the recent passing, some weeks ago, of a notable Victorian veteran, Mr Norman Williams, aged 92, arguably the best tail gunner of World War II. An *Age* obituary highlights Mr Williams's contribution. He enlisted in the Royal Australian Air Force in May 1941. He was eventually accepted for gunnery school and posted to Britain where he served with the Royal Air Force's No. 10 Squadron and later with the RAF's No. 35 Squadron, firstly with Halifax bombers and then with the elite Pathfinders. The article records the fateful night of 11–12 June 1943 when he was:

> … barely conscious — paralysed down one side below the waist after suffering a cannon-shell wound in his stomach and machine-gun bullet wounds to his legs — and frozen stiff from the cold. But he kept his nerve —

until the attacking German fighter pilot was about 200 metres away before firing a burst from his machine guns —

> which must have killed the pilot because the German's guns stopped firing immediately.

For that outstanding achievement — he had to be cut out of his turret on return to England and spent several months in hospitals — Norman Williams was awarded

the Conspicuous Gallantry Medal by no less than King George at Buckingham Palace. The article records that the two of them later shared a bottle of beer.

Following his service Norman Williams returned home. He is greatly missed.

Water: irrigators

Mr WALSH (Swan Hill) — The Brumby government and the Department of Sustainability and Environment (DSE) have deceived irrigators in the implementation of the controversial unbundling of water rights. Irrigators were promised in the passing of the Water Resources Management Bill 2005 that existing practices would be automatically rolled over into the new water-use licences.

This has not been the case. The water vandals at DSE have shifted the goalposts. Many farmers are now finding their water-use limits have been reduced from those that were previously set under salinity management guidelines. For farmers to challenge this sleight of hand by DSE they must pay $350 with their application for the privilege — $350 to hopefully get back what they were already promised, while filling in yet more paperwork. If DSE has made a mistake or reduced the irrigational area on the water-use licence and farmers want to question this, they must fill out yet more paperwork. In this case a revised irrigation drain management plan must accompany their application. If you add to this the waiting list of over 1000 people who are yet to have the details on their unbundled water shares verified, you can see that DSE and the Brumby government have floundered their way through the unbundling process.

Yet there is more. Some land sales are lapsing because sellers have not had their water share documentation from DSE on time. Other sellers are paying penalty interest because they cannot settle land sales on time. The Brumby government has had two years to get this right and still it has failed. This latest crisis reinforces the view that the Brumby government has failed Victorians in water management.

Coatesville Primary School: arts fiesta

Mr HUDSON (Bentleigh) — Last week I had the pleasure of opening the Coatesville Primary School's arts fiesta. The arts fiesta was a great celebration of the visual arts work in the school. Nearly every form of visual arts work at all grade levels, including weaving, charcoal drawing, paper craft, recycled artworks, collages, sculptures, printmaking, silk paintings, mosaics and pastels, was on display.

The prep classes produced some string prints using string and paint. Grades 1 and 2 focused on Australian art, with some traditional and modern Aboriginal art, the Brighton Beach huts collage and the Ned Kelly series. Grades 3 and 4 produced some wonderful silk printing and felt making. Then there was some beautiful integrated artwork in plasticine and the gifted arts students produced quite complex work with wood and recyclable cork pictures.

Grades 5 and 6 tackled Gaudi, the great Catalan architect and one of the major influences on modern architecture. Gaudi also produced mosaics, so it is fabulous to see the artist in residence, Deborah Amon-Cotter, working with children on mosaic pavers that will be placed around the school.

This is what is wonderful about Coatesville Primary School. Everywhere you go, both indoors and outdoors, there are some wonderful expressions of artistic talent on the buildings, the paths, the fences and around the gardens. Congratulations to the principal, Louise Pearce, the organising committee, the parents, teachers and students. And special congratulations to Camella Gold, who organised the art show and did such a wonderful job.

Lorne: parking meters

Mr MULDER (Polwarth) — I wish to bring to the attention of the house an issue which has been causing angst in coastal communities for some time. The issue relates to the township of Lorne. It is the introduction of parking meters on the Lorne foreshore. Dr Lawrie Baker, the recently resigned chair of the Great Ocean Road Coast Committee (GORCC), makes some interesting points on this issue in a forthright letter in the August edition of the *Lorne Independent* newsletter.

Dr Baker asserts that GORCC was encouraged by the Labor government to pursue user-pays parking options in coastal townships and that when news of this proposal caused community outrage the then Premier, Steve Bracks, announced in the press that Surf Coast residents should not have to pay for parking. The premier's announcement effectively neutered GORCC and ran contrary to the government's previous approval of paid parking at Lorne. Given that GORCC recently announced that the proposal to introduce paid parking in Torquay will not go ahead, it would seem only fair that the same consideration be given to the Lorne community and that Parks Victoria should also be required to remove the parking meters it recently installed on Crown land.

It is apparent that this government will do anything to avoid ensuring that the Surf Coast communities are able to access the Erskine House lease moneys. Access to these funds would allow the ever-increasing demand for infrastructure and maintenance of the Surf Coast to be substantially met and the proposal for paid parking in Lorne to be dropped, as it has been elsewhere.

Belmont Lions Sports Club: premiership

Mr CRUTCHFIELD (South Barwon) — On Saturday I was privileged to watch one of the more moving football games when the Belmont Lions won their first-ever premiership with a 4-point victory over East Geelong. The magnitude of what the club has achieved will not go unnoticed. After being a perennial cellar-dweller and finishing ninth in 2006, the club appointed Haami Williams as senior coach and has never looked back. He has brought a level of commitment and professionalism to the club that has earned the respect of the football community.

I was lucky enough to be watching the game with the president's father, Dick, and brother, Craig. Dick had celebrated his 60th birthday the night before, and when the siren sounded with Belmont in front, Dick said wryly, as only he could, 'I'll have to help the president celebrate this one'. Moments later the president, Mark and wife, Sue, hugged members of their family with tears running down their cheeks. There were many more tears shed and many hugs dished out as the Belmont Lions faithful celebrated madly in the middle of the oval.

Coach Haami won the league's best and fairest, is a league team of the year representative and was best on ground in the grand final. He is a consummate team man who is now coach of the Belmont Lions' first-ever premiership. Congratulations to all at the club, from coach Haami and president Mark Brady to all the players and support staff, loyal supporters, committee people and generous sponsors. These things do not happen by accident. They happen through a lot of individuals pulling in the one direction. To the Belmont Lions Sports Club I say, 'You have not only spelt out the word 'respect' and crossed the 't', you have underlined it. Well done on living the dream!'.

Crime: Sandringham electorate

Mr THOMPSON (Sandringham) — I wish to place on the record the concerns of the residents and citizens of Sandringham about the increasing crime levels in a number of areas within the electorate as part of the overall police service district of Bayside.

It is worth noting that the number of residential burglaries went up from 419 to 540, which represents a 28.9 per cent increase. In the case of aggravated burglary the number went up from 25 to 43, an increase of 72 per cent over a 12-month period. There is also a concerning trend which has affected many young people and those who have an environmental approach to transportation in my electorate. It relates to the theft of bicycles, which has risen from 101 to 131 over the last 12 months. This represents an increase of 29 per cent. There is also the alarming rise in the number of sex (non-rape) offences, which went up from 73 to 119, a statistical increase of 63 per cent over a 12-month period. Finally, there is the rise in weapons/explosives offences, from some 22 to 44 between the 2005–06 year and the 2006–07 year, a 98.8 per cent increase.

Peter Cleeland

Mr HARDMAN (Seymour) — I rise to pay tribute to and to mourn the death of a friend and mentor, Peter Cleeland, who passed away over the weekend. Peter was the first member for the federal electorate of McEwen, and during his time he was chairman of the parliamentary Joint Committee on the National Crime Authority from 1987 to 1990. That committee produced a report entitled *Drugs, Crime and Society*, which is still often cited today. Peter provided great support over the years to aspiring Labor Party candidates. He maintained an active role in assisting local community groups, offering his expertise and experience. I extend my deepest sympathies to his wife, Jan, who I know deeply loved Peter and cared for him throughout his illness. I also extend my sympathies to his children for their loss.

Only one year ago Peter Cleeland launched my election campaign for Seymour. I asked him to do this because I could think of no more appropriate person to launch my fourth campaign. Peter originally encouraged me to stand for Seymour in late 1993. He provided advice on campaign strategy and was generous with his time. He had a knowledge of issues that affected rural communities, particularly in electorates such as Seymour. Peter was proud of the achievements of the Hawke and Keating governments and of his part in their role in securing Australia's economic future through sound economic management and policy implementation.

Peter will be greatly missed by ALP members in the McEwen electorate and across Victoria, and our thoughts are with Jan and their children.

Crime: Brimbank

Mr McINTOSH (Kew) — When you see that crimes against the person in Victoria have increased by 34 per cent since 1999 and compare that with the figure for the city of Brimbank, where in a mere four years crimes against the person have increased some 75 per cent, you realise that this is an appalling indictment of what this government is doing in its own heartland. What is even worse is that when you compare the city of Brimbank, which has a population of 147 000 people, with the city of Whitehorse, which has 145 000 people — so they are similarly sized cities — you find that the impact is even more stark.

Over the last four years, crimes against the person in Whitehorse have fallen from 757 in 2003 to 695 in the last financial year. I am aware that in the city of Whitehorse there has been a concerted campaign by local police, traders, the council and interested citizens to deal with the specific problem of crime in their area, and they must certainly all be congratulated. Four years ago the municipalities of Brimbank and Whitehorse had effectively the same levels of crimes against the person. However, in that four-year period crimes against the person in Brimbank, rather than falling as they have in Whitehorse, increased by two-and-a-half times the level in that municipality.

Peter Cleeland

Ms GREEN (Yan Yean) — It is with profound sadness that I join the member for Seymour in paying my respects to Peter Cleeland, a former Labor member for McEwen, who lost his battle with motor neurone disease, passing away on 16 September. It was a privilege to have known Peter, a compassionate and forthright Labor man who gave me and many other young political aspirants wonderful advice and support. At Peter's testimonial dinner, held only two weeks ago, former Prime Minister Bob Hawke paid tribute to him, describing him as a loyal and straight-as-a-die person who told it like it was.

Peter served the local community with distinction as the member for McEwen from 1984 to 1990 and 1993 to 1996. He was also a councillor with the Shire of Diamond Valley from 1978 to 1985. Far from abandoning his community when defeated in 1996, Peter continued his local advocacy through his work as vice-president of the Epping RSL, board member of Plenty Valley Community Health, and chair of Whittlesea Community Connections, Whittlesea Community Legal Service and the North East Housing Service.

He told his dear friend Cr Pam McLeod the week before he died, 'Mate, I'm proud of what I have done', and so he should be. I offer my sincere condolences to his wife, Jan, his children, Julie, Fiona and Jason, and his grandchildren. I am proud to have known you, Mate.

Mildura electorate: government assistance

Mr CRISP (Mildura) — I rise to draw the attention of the house to the Mildura region's economic outlook. For some time now my community has been preparing for the impacts of drought. The culmination of work by many local organisations has provided us with best and worst case scenarios for water users, and we have prepared measures to alleviate the impact of a worst case scenario. In recent months horticulture groups determined that a 40 per cent water allocation would be a best case scenario in the current circumstances. The worst case was determined to be an allocation of 22 per cent. On Monday we were informed of the worst case scenario — a 5 per cent additional allocation of water — making just 10 per cent this season.

My community is facing a likely scenario of job losses in the thousands and hundreds of millions of dollars worth of lost assets and revenue. The obvious consequence is a social and economic crisis of catastrophic proportions. My community has been proactive in determining solutions for our current worst case scenario realisation. We rally when times are tough. I must commend the Mildura Rural City Council, horticultural and agricultural groups, water authorities and the Sunraysia Mallee Economic Development Board and others for their hard work and fortitude. The work and mitigation strategies determined by these organisations must be implemented now, and the Victorian government must take the lead. The measures must go beyond the farm gate, as the ramifications are being felt throughout all sectors of my community.

Gladstone Park Secondary College: performing arts

Ms BEATTIE (Yuroke) — I rise to congratulate Gladstone Park Secondary College on its excellent work in the performing arts. I recently had the pleasure of attending the college for its outstanding musical production of *Grease*. With a cast of over 50 students, a huge band and a talented production team and backstage crew the performance was fantastic, and everyone involved is to be congratulated. Such a professional production is only possible with the support and enthusiasm of all involved. It was most enjoyable to rock along with the school's principal,

whom I now call Rocking Robert Lamb, and it was great to see the audience singing along with the many well-known tunes. I was particularly pleased to see the exceptional talent of local students showcased in the school's new 300-seat performing arts centre, which provided the perfect venue for a musical production.

I would also like to congratulate the many talented students from the school who participated in the 2007 Rock Eisteddfod Challenge. After six months of preparation, rehearsal and hard work the cast, crew, teachers and parents were rewarded with nine awards for excellence and a spot in the Rock Eisteddfod Challenge open grand final, where they took out another award for lighting. This year has certainly highlighted the great talent of students at Gladstone Park Secondary College. I congratulate all involved, and I am sure we will be seeing a lot more of these talented young performers in the future.

Hospitals: funding

Mr R. SMITH (Warrandyte) — I rise to speak on behalf of all Victorians who are not only fed up with the lack of hospital beds in this state but are now absolutely petrified at the prospect of becoming ill or injured. I visited Maroondah Hospital with some of my colleagues recently to observe firsthand the bed shortage problem, which has reached epidemic proportions. I personally observed corridor after corridor lined with patients on trolleys and adults who are being looked after in the paediatric ward because there is nowhere else to put them. This government refuses to acknowledge that we are in crisis; all it gives us is more spin and more rhetoric. I would like to see the Premier or the Minister for Health explain this spin to the patients in queues in our ambulances who are in dire need of urgent medical care.

In documents released to the *Herald Sun* we find that ambulances were delayed in unloading patients at our overcrowded hospitals at least 78 times in 16 days, and logs kept by the Metropolitan Ambulance Service show that almost all the delays were caused by the lack of hospital beds. The secretary of the Ambulance Employees Association, Mr Steve McGhie, is on record as saying there is no question that if it keeps going in this way, something tragic will happen, and there are just not enough free beds in hospitals or enough ambulance resources to cope.

I ask the Premier: will it require the death of a patient before this government finally admits to the problem and starts implementing longer term strategies to combat this increasing public health issue? I suggest that perhaps the funding which has been going into the excesses of public servants in the Department of Premier and Cabinet and the ongoing costs of this government's dependency on consultants could be better spent on supplying our state with more hospitals beds.

Lyndhurst Secondary College: inquiry centre

Ms GRALEY (Narre Warren South) — I was warmly welcomed by school captain Claire Gillingham and vice-captain David Hurley at the official opening of the inquiry centre at Lyndhurst Secondary College on 12 September. The school, under the outstanding leadership of principal Stephen Phillips, has taken up the challenge of educating year 9 students and keeping them at school by providing them with a new, unique learning environment. As Justin Hill, a year 9 student, said at the opening:

> Well, we know it looks different, but the important thing is it is also a completely different learning experience. To sum it up in a few words, which is actually quite difficult, in the inquiry centre we learn in a more interesting way. Inquiry learning gives us the opportunity to learn about things we are interested in and is set up in a way to really grab our attention and ensure we understand the work we are doing. Our teachers keep us informed about their expectations and make sure our learning is active and caters for our interests and our learning styles.

Led by the enthusiastic Nicola Park, 12 talented teachers work with the students. They all say they are having the most rewarding teaching experience and sing the praises of the new approach to learning. Evidence so far is showing an improvement in learning, and importantly student absenteeism has noticeably decreased.

The opening was followed by the *Night of the Know-It-Alls*. Year 9 students produced posters, information sheets and displays. Parents and community members asked questions of the students, who provided well-prepared and accurate answers with confidence. The students were learning from teaching. Jacob Arnell, Jacob Halloun, Ryan Jones, Jenny Neang, Danielle Doyle, Stephanie Musa, Jenna Corrie and Melissa Kofler are all to be congratulated on teaching their local member a thing or two with their brilliant answers to probing questions. Well done to everyone at Lyndhurst Secondary College for showing the way!

Ashburton soccer clubs: presentation day

Mr STENSHOLT (Burwood) — Last Sunday I attended the presentation days of the Ashburton Junior Soccer Club and the Ashburton Women's Soccer Club. Over 800 people play soccer for the Ashburton soccer

club. It was an excellent presentation day, and it is good to see such participation.

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

Ms Asher — On a point of order, Deputy Speaker, could I raise with you a matter for referral to the Speaker for her guidance to the Parliament. I raise my point of order at the end of members statements, which has been the practice for members taking points of order, and previous presiding officers have provided guidance to the house on this. The practice occurs because it is possible for members to completely take up a 90-second statement on a point of order, thereby denying a member the right to their statement. Even if the clock is stopped, the time set aside for members statements is 30 minutes, so if points of order are taken, someone misses out on their 90-second statement.

Yesterday the member for Melton raised a point of order during the member for Evelyn's 90-second statement, which is not something I have seen for quite some time. I will leave it to you and the Speaker to judge whether the point of order directly related to standing orders or whether in fact it was a spurious point of order. The Chair at the time was the member for Gippsland East, and he quite correctly stopped the clock, but it was at his discretion to stop the clock.

What I am asking for the Speaker's clarification on is that previously presiding officers have provided guidance to the house that points of order should be taken at the end of the period set aside for 90-second statements, because quite frankly if spurious points of order are going to be taken, the whole 90-second statement regime will become unworkable and members of Parliament will be denied their opportunity to raise matters as is their right in this chamber. I ask you to refer that to the Speaker for her guidance on the appropriate time to take points of order concerning members statements.

The DEPUTY SPEAKER — Order! As requested, I will refer it to the Speaker.

Mr McIntosh — On a further point of order, Deputy Speaker, in relation to members statements, I noted that at the conclusion of 20 members making their statements there remained approximately 10 seconds on the clock. I was sitting in the chamber at the time directly next to the member for South-West Coast, who stood to get the call. The previous speaker was a government member, and by rights the call should have gone to the opposition for the remaining 10 seconds rather than being given to the member for Burwood. I would ask you to — —

The DEPUTY SPEAKER — Order! I interrupt the point of order. The way in which the number of speakers is worked out it is in accordance with the numbers of members in the house. The member would have noted that the last two speakers were from the government. That is the way in which members statements are worked out; the last numbers are to the government.

Mr McIntosh — I think the point that is being made is that 20 members had spoken and the 20th person who had spoken was a government member.

The DEPUTY SPEAKER — Order! I am happy to discuss that with the member for Kew. The way in which the call is given from side to side is worked out in accordance with the number of members in the government, the Liberal Party and The Nationals, and the Independent. Each is given a number of speakers. It is the same with matters of public importance and the adjournment debate — that is, The Nationals get a certain number and the Independent will get one from time to time. That is the way in which it is worked out. I am happy to discuss that with the member for Kew or for the Speaker to discuss that with him.

Mr McIntosh — Perhaps the matter could be referred to the Speaker for consideration.

The DEPUTY SPEAKER — Order! I am happy to do that.

Mr Stensholt — Further on the point of order, Deputy Speaker — —

The DEPUTY SPEAKER — Order! I do not wish to hear any more on the point of order. It is a matter that can be discussed outside the chamber. We will get on with the day's program.

MATTER OF PUBLIC IMPORTANCE

Anticorruption commission: establishment

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

> That this house expresses its grave concern at recent acknowledgement by Victoria Police of significant evidence linking police corruption and gangland killings and the limitations on existing agencies investigating these and other allegations of misconduct and corruption and calls on the

> government to heed widespread calls to establish an independent and broadly based anticorruption commission in Victoria.

Mr BAILLIEU (Leader of the Opposition) — What will it take for this government to act to rid Victoria of the stench and to do what almost every expert commentator has recommended and what the editorials of our major newspapers have all demanded? What will it take for the new Premier to honour his own promise to be more decisive, more transparent and more open? What will it take to persuade Labor to give Victorians what they know they need and what they clearly want?

Victoria has a major problem with organised crime, with official misconduct and corruption and with an inability to investigate those matters. But Victoria does not have what other major states have: we do not have an agency to investigate and address these issues. What Victoria needs is an independent, broad-based anticorruption commission, a body to restore faith in the integrity, transparency and public scrutiny of the police force, the government and the public sector. This state needs a standing commission to tackle the blight of corruption.

Last week we heard yet another camel-back-breaking revelation. Last week Victoria Police command finally acknowledged that there was significant and grave evidence linking police corruption to gangland killings. This was not just about the theft of paper clips but about killings — murders! Last week we saw a senior police officer suspended from duty because of those links. We saw evidence allegedly of similar misconduct by other serving and former officers. But none of this was revealed by the police or by the government. This has come to the attention of the public only because of material leaked to the media.

This call for a broad-based commission is not new. It is a call that has been made by a string of commentators for a number of years. In fact, who has not made the call? But it is a call that this government has sought repeatedly to ignore. Indeed just over three years ago the opposition brought a motion to this house calling on the government to 'establish immediately a permanent and independent crime and anticorruption commission'. It was a motion rejected by the government. It was not necessary, Labor claimed. The Premier himself has repeated those views inside and outside this house in recent weeks.

In recent days the upper house has carried a motion asking the Victorian Law Reform Commission to model such a broad-based commission. Again, that was a step rejected by Labor. You have to ask yourself: what does this government have to hide? Over recent years members of the opposition have continued to express their concern. The case for such a commission has been building, and we have said so on many occasions. This call has been echoed by more than 30 significant commentators and, indeed, by the people of Victoria. The *Age* of 17 June 2004 reports that an AC Nielsen *Age* poll found that 81 per cent of Victorians supported such an inquiry. The *Age* of 15 September 2007 reports that the Ceja task force itself called for 'the consideration of a permanent commission equipped with coercive powers'.

In an opinion published in the *Age* of 15 September 2007 Bob Falconer, a former deputy commissioner of police, said:

> Our state should introduce an integrated, standing independent body similar to the successful CCC in Western Australia.

Don Stewart, a former Supreme Court judge and the inaugural head of the National Crime Authority, was quoted in the *Australian* of 11 January 2007 as saying:

> Why the Victoria Police don't want, and the Victorian government will not have, an independent wide-ranging judicial inquiry into police corruption, such as was had in Queensland and NSW, is obvious. They know that it would reveal what they don't want revealed.

Other comments have been made by Darren Palmer, the coordinator of criminology at Deakin University. Barry Beach, QC, was quoted in the *Age* of 1 May 2004 as saying, 'The obvious answer is there should be a crime commission'. Ian Freckleton, a barrister, author and former member of the New South Wales Police Complaints Board, was reported in the *Age* of 1 May 2004 as saying:

> … there needs to be an ongoing authority with powers and accumulated experience to address corruption at all levels.

Mark Le Grand, the former director of the misconduct division of the Criminal Justice Commission, was quoted in June 2004 as saying that 'a properly constituted and fully resourced royal commission is essential'. Other comments have been made by Greg Connellan, a former president of Liberty Victoria, and Phil Dickie. In the *Australian* of 15 September 2007 Noel Newnham is quoted as saying:

> I believe that there is sufficient evidence of ineptness and failure to pursue corrupt members of the police force, whether past or present, to justify a wide-ranging commission of inquiry.

Other comments have been made by Michael Ahrens, the chief executive officer of Transparency International. Bob Bottom was quoted in the *Age* of 23 May 2004 as saying:

> Inexplicable is the continued refusal by the state government to introduce a state crime commission …

The list goes on and includes Robert McClelland, Robert Richter, Matthew Byrne and many, many others.

Despite 27 gangland killings, despite countless serious allegations and despite the experience of other states, Labor has said, 'No, it's not necessary. No, it's too expensive. No, it won't achieve anything. No, we can do it better. No, there's no evidence linking police corruption and gangland killings'.

The government's response has been to cobble together a range of agencies and to cripple them with inadequate mandates, coverage and authority — and to muddle on. What do the experts say about that? There are so many bodies cobbled together: the Ceja task force, the Purana task force, the ethical standards department, the commissioner for law enforcement data security, the Police Integrity Commission, the Office of Police Integrity (OPI), the reconstructed Ombudsman, the special investigations monitor, the inspector of municipal administration and the judicial gaming inspector — and now the Briar task force and the Petra task force.

Gary Crooke, the corruption expert hired by this government to set up the OPI, is quoted in the *Age* of 15 September 2007 as saying:

> The OPI should have been a bold new initiative that was going to be at the forefront of the fight against corruption', he said. 'Instead, it was cobbled together using as much of the inadequate existing legal infrastructure as possible and resorting to different laws rather than a single piece of legislation to make clear its functions and powers.

Some of the agencies have been doing their best, but each has been compromised in one way or another. Even the municipal inspector, Merv Whelan, in his May 2006 report on the misconduct in the Geelong council, said:

> During the investigation I received allegations about breaches by councillors of the conflict-of-interest provisions of the act. My terms of reference did not include examination of breaches of these provisions.

The Ceja and Purana task forces have had some success, and they are to be congratulated. I say again: the vast majority of police in this state are decent, hardworking and dedicated officers — and we will continue to support them. But the OPI cannot investigate the conduct of ministers or their offices, and it is limited in its investigation of other public officials. The Ombudsman and the head of the OPI are one and the same. Asking the Ombudsman to scrutinise the OPI is asking the Ombudsman to scrutinise himself. The OPI continues to use police officers to investigate police officers. There is no parliamentary committee to scrutinise the activities of these bodies, as exists in other states. The multitude of agencies inevitably means that some issues fall between the cracks, overlapping responsibilities can be ignored and some issues simply never get touched or are subject to political influence or the turning of a blind eye.

It is not a pretty picture. Over the last few years Victorians have seen a totally inadequate investigation of the LEAP (law enforcement assistance program) database intrusions. We have seen the leaking of sensitive police files. We have seen inadequate investigations of allegations of corruption and misconduct in local councils, including Geelong, Maribyrnong, Hume, Whitehorse and Frankston. We have seen a useless investigation of widespread taxi fraud. We have seen no investigation or public accounting of contentious urban growth boundary changes and no investigation of the repeated issuing by the planning minister of permits without due process or against government policy, including in Flemington, Parkville, Jolimont, East Melbourne, Kew, Burnley and Tooronga.

We have seen the intimidation of individuals by government agencies — ask Michael Maher, ask the former surveyor-general. We have seen the doctoring of annual reports by agencies. We have seen the continuing systemic resistance of FOI claims by this government, including the Scoresby freeway and Melbourne Water reports.

We have seen no investigation of government MPs providing references for convicted and alleged drug dealers. We have seen no public accounting for dodgy political fundraising and branch-stacking allegations made against government members. We have seen next to no investigation of serious allegations of public tendering misconduct in gaming, ticketing and housing contracts. We have seen no investigation of the secret pre-election deal signed with the police union, details of which the previous and current premiers continue to hide and which has been widely condemned by anticorruption experts.

What have some of the commentators said about this? The *Australian* editorial of 20 February is subtitled 'Secret deal shows need for Victorian police royal commission'. We have seen a chaotic, bungled and stalled investigation of allegations of bullying at the police union. We have seen a paralysed investigation of police misconduct in relation to the bashing of Menachim Vorchheimer. We have seen a totally

inadequate investigation of the so-called Kit Walker affair, which just yesterday saw the minister refusing to answer questions and which has seen the active interference of third parties derail this investigation. We have seen an enterprise bargaining agreement which requires police to lower the perception of crime.

And we have seen now, after years of denial of links between police and corruption and gangland killings, an admission that it is actually the fact. It is an appalling catalogue of a failure to deliver and a failure to govern with probity, transparency and scrutiny.

Other forms of scrutiny have failed this government as well. In the Parliament itself ministers simply do not answer questions. How many times have the Premier, his predecessor and the police minister dodged questions about the details of the secret pre-election deal with police? For all the rhetoric, the government has refused to cooperate with the upper house inquiry on gaming licences. Documents have been withheld, invitations to appear have been rejected, public servants have been gagged, and now it seems that even the Public Accounts and Estimates Committee has been reduced to a marketing arm of the government.

This government has got it wrong, and it has got it wrong badly. The evidence — —

Mr Stensholt — On a point of order, Deputy Speaker, the member for Hawthorn has mentioned the Public Accounts and Estimates Committee, and I assume he is alluding to a report which has not been tabled.

The DEPUTY SPEAKER — Order! The member did not refer to a report. I do not uphold the point of order.

Mr Stensholt — I would ask the Deputy Speaker to ask the Speaker to look into this matter.

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

Mr BAILLIEU — The member for Burwood knows there was an article in the paper this morning, and he ought to get with it.

This government has got it wrong. The evidence from last week alone is compelling. It now appears that the very thing we have for years been assured was not happening is a reality: police corruption and gangland killings are linked. Nothing strikes more at the integrity of the police force and the government than these allegations.

Victoria needs a broad-based independent anticorruption commission. We support the establishment of such bodies. Other major states have them — in Queensland it is the Crime and Misconduct Commission, in New South Wales it is the ICAC (Independent Commission Against Corruption) and in Western Australia it is the Corruption and Crime Commission — and such a body should be permanent but reviewable, have broad jurisdiction, have full powers, be subject to oversight by a parliamentary committee and include the Office of Police Integrity working alongside it, and it should be separate from the role of the Ombudsman.

Who does not want this? Almost everybody does, including the Liberal Party, The Nationals, the Greens, the upper house and the editorials in major newspapers. The *Weekend Australian* of 15 September this year says:

> Corruption has flourished in Victoria so happily and for so long that it will have spread its way into every corner of Victorian society, including the judiciary, the racing industry, the gaming industry, money laundering and the manufacture and trafficking of drugs. It will have reached some level of government, that is certain.
>
> …
>
> We say again: what is needed is a royal commission.

What did the *Weekend Age* of 15 September say? It too reached the same conclusion. It said that the Premier:

> … must establish a fully resourced, purpose-built, independent standing corruption and crime commission with broad powers to investigate corruption not only in the police force, but also in whatever places its destructive tentacles may reach …

The only people who do not want this are this government and this Premier, and what an irony given that in April 2004 the chief commissioner herself advocated, and I quote, 'expanding the Ombudsman's powers as well as perhaps a crime commission'.

Indeed the now Premier, when Leader of the Opposition in 1997, said in a letter to the Australian Civil Liberties Union:

> The state opposition concurs with your sentiments regarding the need for a royal commission into police.

This stinks! This government has got it wrong. We need an independent, broad-based anticorruption commission in this state. This government has failed to deliver on the fundamentals.

Mr HUDSON (Bentleigh) — The opposition talked about its interest in tackling corruption, but of course

now its members are leaving the chamber. Unfortunately — —

An honourable member — Why?

Mr HUDSON — If they stayed to listen they would realise that the Leader of the Opposition is three years too late, because what the government has actually done is establish, in effect, a standing commission to tackle police corruption. It was interesting to note that nearly every one of the quotes that the Leader of the Opposition used in favour of a commission against corruption occurred before the government had passed the legislation establishing — —

Mr Baillieu — On a point of order, Deputy Speaker, the member is absolutely wrong and I invite him — —

The DEPUTY SPEAKER — Order! There is no point of order. The member for Bentleigh to continue.

Mr Baillieu — Many of those quotes were from last weekend — —

The DEPUTY SPEAKER — Order! The member for Hawthorn should sit down.

Mr HUDSON — You had your go, and you got it wrong. You got it wrong because you were quoting people calling for a standing commission against corruption in 2004. That was before the Office of Police Integrity (OPI) was established.

Mr Baillieu interjected.

The DEPUTY SPEAKER — Order! The member for Hawthorn has had his turn, and the member for Bentleigh will direct his remarks through the Chair. The member for Bentleigh to continue — —

Mr Wells interjected.

The DEPUTY SPEAKER — Order! I do not need any advice from the member for Scoresby.

Mr HUDSON — Again, the Leader of the Opposition is a bit slow on this because we have established an Office of Police Integrity with extensive powers to fight police corruption, to fight the links between organised crime and to tackle police corruption. The Office of Police Integrity has robust questioning and investigative powers, and that is the important point we have to make here. We have established a chief examiner with coercive questioning powers who can break the code of silence around organised crime, and that is precisely what the chief examiner and the OPI are doing with those powers. Basically those powers are equivalent to an independent commission against corruption, which is what the Leader of the Opposition is talking about.

Let us have a look at what the Office of Police Integrity can do. Its director can hold hearings; summon witnesses to give evidence under oath and produce documents; obtain warrants to enter and search premises and seize documents and other things; and require a member of the police force to answer questions. When it is in the public interest the director can compel witnesses to provide information or to produce a document or thing which may incriminate a witness. It is not an excuse before the Office of Police Integrity to say, 'I might incriminate myself'. That is not a lawful excuse for not answering a question. The Office of Police Integrity, the director and the chief examiner can force that officer to answer questions. That is precisely what an independent commission against corruption would be able to do.

The Office of Police Integrity can also initiate investigations; it does not have to rely on a complaint. It does not have to rely on some proved level of misconduct by a police officer. It does not have to rely on a member of the police force being implicated in any improper or corrupt activity. It does not have to wait until there is any suspected misconduct; it does not have to wait for that. It has own-motion powers which give it the capacity to start investigations to root out police corruption, and that is precisely what OPI has been doing.

The government has also placed protections around that. We recognise there needs to be some oversight of this system. We recognise that if you have such broad coercive powers you need to make sure there is proper use of those powers, and that is why the government introduced legislation to establish the Special Investigations Monitor who monitors the use of these powers and reports back to this Parliament on the use of those powers. The Special Investigations Monitor is providing this Parliament with relevant information in relation to the use of these coercive powers.

The other things that need to be noted here are the power of coercive questioning and the power to use telephone intercepts, which the Office of Police Integrity has and which incidentally the federal Attorney-General, Philip Ruddock, sought to deny to the Office of Police Integrity. We did not hear anyone from the opposition then saying, 'These powers should be granted'. We did not hear the opposition then saying, 'These powers of telephone interception and surveillance should be provided to the Office of Police Integrity'. We did not see the opposition lifting one finger then to suggest that those powers should be given

to the OPI. It was only because this government was arguing for those powers to be granted that the federal Attorney-General was eventually forced to concede that of course those powers were needed by OPI to investigate police corruption. If the opposition is fair dinkum about tackling police corruption, why was it not fair dinkum about having those powers given to the OPI with the Special Investigations Monitor overseeing the use of those powers?

We know that if police force members refuse to answer questions they can be taken down to the Supreme Court and charged with contempt. They can be taken down there and they can be jailed indefinitely for contempt. These are very strong powers. What the Leader of the Opposition failed to do was to establish in any way that what he is proposing would result in more powers than those that the Office of Policy Integrity actually has. He did not suggest any area at all in which the powers of OPI were deficient in the whole 15-minute speech that he made in support of this motion to establish a new commission with powers. He did not establish any grounds at all that the Office of Police Integrity does not have adequate powers to undertake its work.

Let us have a look at the results that have been achieved by the Office of Police Integrity, because in a way that is the benchmark as to whether this system is working. I listened carefully to what the Leader of the Opposition had to say, and it was interesting to note that he did not refer at all to results. He lambasted OPI; he said it was deficient, but he did not refer to the results. Let us have a look at those results. There have been more than 100 charges — —

Mr Stensholt — How many?

Mr HUDSON — One hundred charges laid against current and former members of the Victorian police force — 100 charges. Over 68 officers have been questioned using those coercive questioning powers, and there have been significant recommendations made for changes to the operations of the police in relation to operational procedures as a result of the work of OPI. Police officers have squealed about these new powers; they have said they do not like them and that they are opposed to them. These powers have been effective.

I challenge the opposition to name any other period in the history of the Victorian police force, any other period following a royal commission into police corruption, when there has been an inquiry into malpractice or misconduct by the Victorian police, including the Beach inquiry or any of those inquiries, and I challenge the opposition to point to any other period in which there have been more successful prosecutions mounted against corrupt police or when there have been more successful operations against the ring of organised crime and any links with organised crime in the police. I bet they cannot produce that. I bet the opposition will not get up today and point to that.

In fact I bet the opposition will not even be able to point to that in relation to any interstate experience, because what the Office of Police Integrity has is not just very significant powers, but it has resources. It has a budget of over $16 million, over 100 staff to undertake its work and very significant resources. It is no wonder that those corrupt officers whom we are on the tail of and who, if they have not already been charged, will be charged are quaking in their boots in relation to what is going to happen to them as a result of the work of the Office of Police Integrity. Even though it is still in its early phases, they know we are after them, that there is nowhere to hide and that they will not escape the net because they will not be able to hide behind the code of silence that has existed in the past.

This body has been incredibly successful. As the deputy commissioner of police, Simon Overland, said on the Jon Faine program on 774 ABC radio on 14 September:

> Royal commissions are great at forming long queues of indemnified witnesses and providing truckloads of inadmissible evidence.

What the OPI has generated is lots of witnesses who have been compelled to appear before it and answer questions for fear of being jailed for contempt. That has resulted in the code of silence being busted; it has resulted in 100 charges being laid; and it has resulted in further investigations where even more police will be charged.

The Leader of the Opposition raised a whole set of furphies. He talked about the investigation into the Geelong council and said that Merv Whelan did not have the powers to properly investigate the council. What Merv Whelan said was that it was outside his terms of reference; he did not say he did not have the powers. That does not mean that the office of local government, in appointing special inspectors, does not have the capacity to give those inspectors the power to conduct any investigations they want.

The Leader of the Opposition was completely wrong when he made the statement in this place that the Office of Police Integrity cannot investigate any criminal activity in relation to a minister's office or the government where that is linked with police corruption. In fact the Office of Police Integrity has the power to do that. It has broad investigative powers: it can investigate

ministers, and it can investigate staff in ministers' offices. He was making the claim that there was corruption, that there were secret deals with the police and that there was misconduct by the government.

He did not produce a shred of evidence to back up that claim, but he made a factual error in saying that the OPI cannot investigate that, because it can. The Office of Police Integrity can investigate allegations of corruption in and links between the police and ministers' offices, which is what the Leader of the Opposition was claiming. It can also investigate the links between any number of members of the police force and ministers' offices. The director has the power to do that.

The Leader of the Opposition made a farrago of allegations about all sorts of things, including that the government is corrupt and that police are corrupt, but he failed to produce a single shred of evidence in the whole 15 minutes. He failed on two counts. Firstly, the Leader of the Opposition failed to point to one single power which he thought this independent commission against corruption should have in investigating police corruption but which the Office of Police Integrity does not have. Secondly, he failed to provide one single piece of evidence to show where he thought such a commission would be more effective than the Office of Police Integrity has been, given the number of charges it has laid. They are very significant levels of charges, and there are more to come.

Despite the bluster and despite the rhetoric, the opposition has not established that the Office of Police Integrity is not effectively tackling police corruption and misconduct within the police force. In fact the Office of Police Integrity is doing a very good job. It is a pity the opposition continues to denigrate it. It is a pity it does not support its work.

Mr RYAN (Leader of The Nationals) — Victoria needs a standing commission on crime and corruption. It does not need a royal commission, because we know we have a problem. We know that within the police force there are a small minority of police officers who are doing what they should not be doing. We know that in the broader underworld community there is activity going on that needs to be investigated in a manner that brings the whole affair under a single umbrella such as would happen if we had a standing commission on crime and corruption.

We have problems in Victoria associated with murder, with the drug trade, with money laundering and with a variety of other such offences, and Victoria requires a standing commission to deal with it. The question is how we ought to go about it. We need something that is separate from the operations of the police force. It is simply not appropriate to have police investigating police regarding the offences about which we hear all too regularly. What that does is strike at public confidence in the force itself in circumstances where, I emphasise again, only a very small minority of police officers are engaging in this sort of conduct. But we need to have a standing commission as the mechanism for conducting investigations.

It is not only a question of fact, of course, it is a question of perception. The public perception of our police force, I believe, is absolutely strong. But what the government is doing is threatening that perception because of its inactivity on this important issue. What we have are some police officers — a limited number of them, thankfully — who are a disgrace to all those others who wear the blue. We have some police officers who are not conducting themselves appropriately, and we need a means of having them investigated, as has been emphasised by recent events. You need only have regard to the way in which the public has viewed the recent commentary from Victoria Police itself about the confirmation again of a link between the murders that have occurred in Melbourne and the police force to see that.

Recent headlines have been replete with commentary such as 'Bent cops linked to gangland murders', 'Corruption "does happen": Overland', 'Nixon denies cover-up amid murder probe', 'Police tied to underworld hit', 'Trouble in the ranks', 'Police chiefs warned of rogue cops' and 'Officer linked to underworld hit suspended'. What do we have at the end of it? 'Brumby rules out probe'. That this issue is not being dealt with represents an absolute failure by the Premier of the day and the government he leads to meet the obligations which rest on them.

The additional pity of all this is that there is nothing new in any of it. This was being talked about by Simon Illingworth on the ABC in 2004. We had the assistant commissioner, Peter Nancarrow, at the same time in the same year talking about the same sorts of problems. We saw this government enable Tony Fitzgerald, QC, to come down here at the ultimate behest of the Ombudsman to assist in the investigations that were being conducted in 2004.

The fact is we should have a commission here in Victoria. We should do what other states in Australia have done. In New South Wales they have a commission. It is a standing commission. It is staffed by 500 plus people and has an annual budget of $60 million. They have similar sorts of structures in Queensland and Western Australia, as opposed to what

we have in Victoria. And what do we have in Victoria? We have a convoluted mess, that is what we have in Victoria. We have officers at all levels doing their very best to cope with what we have visited upon the Victorian community, but it is simply inappropriate to our needs in this contemporary world.

Our Ombudsman, George Brouwer, is acting in that role. I might say I support him in that role; no-one should underestimate the man. But by the same token this government has now appointed him as the director of the Office of Police Integrity. In addition, we have established a special investigations monitor who oversights the activities of the director, police integrity, and reports to this Parliament. We have the ridiculous situation where an Ombudsman, a role which historically is established in any jurisdiction for the purposes of examining the way government departments conduct themselves — essentially that is the role — is in on the other side of the hall acting as the director, police integrity, and is himself subject to investigation and oversight by the Office of the Special Investigations Monitor. The situation in Victoria is untenable and needs to be addressed.

The silly thing is when you hear people like the member for Bentleigh speak about this issue, as he has just done, or you hear other government members commenting upon it. The way they put their case is unbelievable. It is a desperate endeavour to do everything except have the commission which The Nationals have sought to have established for literally years. We hear the government talk repeatedly of these different structures being imbued with the powers of a royal commission, of having the powers of a standing commission. The member for Bentleigh talked about why the federal government was reluctant to empower Victoria with the capacity to have telephone taps. The answer to that is that under the federal telecommunications legislation Victoria simply did not have the appropriate model by way of a standing commission to enable those telephone tap powers to be granted to it in the first instance. That is where it all went wrong.

The government is doing everything it possibly can to avoid establishing a standing commission in circumstances where the overriding public opinion is that that is what should happen. When he took the reins a few weeks ago the Premier said he would be decisive. The Premier has repeatedly commented that he will put his own stamp on the way this government operates. He has not only said it, but he has done it, and that can be seen from his conduct in different ways. I say to the Premier and the government that here is an opportunity to take a new approach from a Victorian perspective to an issue which is so old in its origins. We have a problem here in Victoria. It has been experienced in this state for a long time and it has now reached proportions which can no longer be ignored. It requires a similar approach to what has happened in other states around Australia.

We need to have a standing commission on crime and corruption. If we do not have such a commission, the government of the day is risking sullying the reputation of one of the great police forces in the world. The government's inaction has led to a situation where good, honest serving police officers are increasingly having a slur placed upon their name by those within the police force who conduct themselves in a disgraceful manner. They have to be found, they have to be prosecuted and they have to be dealt with in accordance with the law, and it has to be done in a coordinated manner by an independent commission on crime and corruption, just as happens in other states of Australia.

As opposed to what the member for Bentleigh said, issues in relation to the investigation of ministers do not as such come under the Office of Police Integrity. It is true that it happens if there is an alleged link with police corruption, but insofar as general investigations across all levels of the community are concerned, we need a completely independent commission with its own powers and its own resources to do these things in a coordinated fashion. This needs to happen not only in relation to the police force but also the drug barons — the Mokbels and the like — and those who occupy positions of influence across the community at large. All of them need to be subject to the sort of investigation which is available when you have a commission which stands outside the operations of the current structures in Victoria and which, more importantly, does so on a coordinated basis to ensure we bring together all the various forms of activity now being conducted by different individuals and groups in a rather ad hoc way.

That is now the requirement of the people of Victoria. It is the overwhelming public opinion of Victorians across this state. They have seen enough of what has happened over these past years to ensure that the demand they have been making for a long time should be honoured. The member for Bentleigh asked where is the proof of it. We have had 27 people murdered in the streets of Melbourne over the past few years, and by his own admission 68 police officers have been charged with offences.

I ask the Parliament this in a rhetorical sense: if that has happened on the basis of the convoluted structure we

have now, how would it be if we had a system whereby all the coordinated efforts of the various investigative agencies could be brought together under the one umbrella in the form of a standing commission on crime and corruption which was empowered in the same way as happens in all other states of Australia and which was reflective of the contemporary needs of the state of Victoria? The people of Victoria are crying out for this to be done. A Premier who was truly decisive would commit himself and his government to do it.

Ms GREEN (Yan Yean) — How interesting it is that the opposition should raise this matter as a matter of public importance. The Leader of the Opposition came in here today and said that matters of police corruption in this state are important. Where is he now? He came in here, he made a ridiculous speech that was completely — —

Honourable members interjecting.

Ms GREEN — I beg members' pardon, the Leader of the Opposition has returned to the chamber. However, I see there are almost no other members of the opposition here now to support the ridiculous assertions made by the Leader of the Opposition.

It takes courage to tackle crime, the causes of crime and corruption in any jurisdiction. It takes courage to tackle crime, it takes courage to tackle corruption and it takes courage and political will to resource that in an appropriate manner. Courage is something that is distinctly lacking in this opposition. If its members really thought this was very important, there would be more than four of them in the chamber right now. As soon as the opposition leader sat down, they all walked out of the room. They did not even walk into the room during the recent by-elections. They sent up the white flag. If they truly thought there was a very large matter of public importance and a problem with crime and corruption in this state, they had the opportunity to present an alternative to the people of Albert Park and Williamstown. Did they put their hands up? Did they enter the field? Did they step in the door and actually say what they would do to address these things? No, they did not. No courage, no guts.

Mr Nardella — No backbone.

Ms GREEN — Absolutely no backbone.

In his laughable contribution this morning the Leader of the Opposition showed a complete misunderstanding of the mechanisms we have introduced to deal with corruption in this state. I felt like I had been in a parallel universe. The member often looks like he does not know what is going on when he is sitting vacantly here in the chamber. It is quite obvious that he has taken no notice of the changes we have made and that he does not understand that this government already has an independent body investigating these matters. It has powers and resources — $16 million worth of resources and 100 staff. It has special investigative powers with the strength of a royal commission and some standing powers, but without the disadvantages of a royal commission.

It actually has runs on the board. It is getting results. The Leader of The Nationals talked about the drug trade. Has he been reading the papers? Tony Mokbel has been arrested; he is being returned to this state as we speak. The police have done their job. We are getting results.

We can look at past royal commissions into police corruption. What happened under the Liberal Party's watch in the 1970s, when I was at primary school? The Beach royal commission lasted years, it cost many millions of dollars in today's dollars which were spent on supposedly rooting out police corruption. It did not stop corruption. It produced a secret report, which was eventually leaked to a student newspaper of all places. There was misconduct and very little outcome. The commission did not work, and the opposition wants us to return to that way of dealing with police corruption. It disregards the work done by OPI (Office of Police Integrity). Instead members of the opposition want to put in place a discredited process with no long-term reforms, lots of recommendations, lots of media space and commentary — that is what they love — but they do not want any action.

This state has had to wait for three decades for action to tackle corruption, which was taken by this government through the establishment of the Office of Police Integrity. Royal commissions, as we have seen with the Beach royal commission and in New South Wales, or standing bodies are put in place due to political imperatives. They have limited tenure and are given restricted terms of reference. I would like to put on record my support for the comments made by Deputy Commissioner Simon Overland, who said:

> A royal commission will only generate queues of indemnified witnesses and truckloads of inadmissible evidence.

That is not what we want here. We actually want some action, and royal commissions in the end can be a barrier to getting convictions and dealing with these matters in the long term.

In New South Wales they have had police royal commissions. High-profile people have been named, little action has been taken and there is evidence that

corruption is still endemic. They have cost millions of dollars. They have trashed the name of the police force, and it is unable to get on with its work. That is not what we want to do here in Victoria. What we have done in Victoria is get runs on the board. Sixty-eight people have been questioned and more than 100 charges have been laid against current and former members of the Victorian police force. Deputy Commissioner Overland and his team are rooting out corrupt police officers and jailing Victoria's mobsters and criminals. They are now investigating allegations of corrupt police officers, as was detailed in recent newspaper reports.

The opposition does not even understand these matters. We have the ridiculous allegation that was made by the Leader of the Opposition in relation to the minister's office. The Office of Police Integrity certainly has the ability to investigate this. He was absolutely wrong in saying that only police officers are able to be investigated. If the Leader of the Opposition thinks there is something wrong, he should make the allegation outside this place, but he will not do that because he does not have the courage. The opposition leader absolutely does not have the courage or the evidence, and that is why he does not have his team sitting in here and pursuing this. They know there is nothing in it. This is not a reasonable matter of public importance. The opposition just wants to grandstand on these matters.

When it comes to equipping our community with the ability to fight crime and corruption, Victoria is actually ahead of the game. We are leading with our anticrime and corruption authorities. They are armed with powers as potent and have a capacity as great as any royal commission. The investigation of crime and corruption and the powers that reside in existing authorities will be an ongoing foil to both rogue police officers and organised crime bosses. It is the first time in Victorian history that we have had these sorts of mechanisms.

It was interesting to note from the contribution by the Leader of The Nationals that he did not support the calls by the opposition leader in this matter of public importance to establish an independent, broadly based, anticorruption commission in Victoria; he actually called for a standing committee. In effect that is what we have in operation in this state. Obviously the Leader of The Nationals has some understanding that that is a better mechanism than a royal commission. It is pleasing to see that rather than support the Liberal Party and lie doggo, like they did when in government, he does understand the difference.

What we are doing in this state is resourcing the police. We did not cut police numbers like they did when in government; we have actually increased police numbers. We have the lowest crime rate in Australia, and it is diminishing. But we will not rest on our laurels. We will continue to fight crime and corruption and will have appropriate scrutiny and mechanisms to deal with that, rather than just grandstanding and generating media copy and not getting results, which is what the opposition would want. What this takes to fight is courage. We have the courage; the opposition has none.

Mr WELLS (Scoresby) — I rise to join the debate and support the member for Hawthorn's call for a broad-based, anticorruption commission in Victoria. I would be the first to say that I think Victoria has a great police force. More than 10 000 men and women put their lives on the line on a daily basis to ensure that we in the community are safe. But let me tell you that these hardworking policemen and policewomen are getting fed up with the lack of resources that are available to them. Every time the crime statistics come out they show that violence in this state is at a record level. Violence in this state is at a record level. We need more policemen and policewomen on the front line, because the existing police are getting fed up with the lack of resources.

The statistics show over and over again that violence is on the increase. The problem we have is that the government is unable to grasp the concept that there is corruption in our Victorian police force. As I said, 99.5 per cent, 99.9 per cent of Victorian police do an outstanding job, but we have a responsibility to make sure that the police force has no corruption, to ensure community confidence and to ensure that the integrity of existing police members is well protected. Year after year the Labor police minister, the chief commissioner and the Premier have all said, 'There is no connection between police corruption and the underworld'. Over and over again they have said that, and now all of a sudden they are starting to change their minds.

What did the Labor government do? It set up what was called the OPI (Office of Police Integrity) after a number of changes. It also set up a law enforcement assistance program, a law enforcement data security commissioner, an Ombudsman, an ethical standards department and a special investigations monitor. We have a situation where we do not know which police are investigating what. The police force is confused. They have no clear understanding of who is doing what. The criticism is that the director, police integrity, and the Ombudsman are the same person. It cannot possibly work. At the last state election the Premier said he would not change the system. But a system where

the Ombudsman and the director of the OPI are the same person does not work.

Let me give one small example. There was a breach of information where 200 or 300 pages of confidential police records were sent to a person in country Victoria. That came out of the Office of Police Integrity — 200, 300, it might have even been 400, pages of information. The information ended up with the Liberal Party. To whom do we go to complain about the OPI? We could not go to the OPI because they are the ones who made the mistake. We could not go to the Ombudsman because the Ombudsman and the director of the OPI are the same person. So where do we go? We were stuck. There was no clear process that we could follow to correct this situation. That is why the current system cannot possibly work.

The OPI system would be maintained under our call for setting up an anticorruption commission. The OPI would be expected to work alongside the ACC (Australian Crime Commission).

Is it not interesting that in opposition the now Premier actually called for a royal commission into police corruption in his letter to the Australian Civil Liberties Union secretary, Geoff Muirden, when he said:

> Labor has repeatedly called for a royal commission into police corruption and will continue to do so in the coming budget session of Parliament and beyond —

and beyond; that was a fat lot of good. The now Premier said, when in opposition, 'I will do it', but once Labor got into government, 'No, not a chance'.

Let me also raise a concern about the bullying that took place at the Police Association, which we want the current Minister for Police and Emergency Services to explain. We want him to explain who phoned who in the police minister's office, who took the call and who then passed that call on to the office of the Chief Commissioner of Police. We just want to know what the process was. Who was involved when the police minister knew about it? And why all of a sudden did that investigation go cold? We want to know why the investigation into the Police Association bullying went cold.

It does not stack up, because I have an email from the officer who was investigating the Police Association bullying. In one of the paragraphs he said:

> The preliminary investigation has been finalised — there is clear evidence of a continuing culture of bullying and a continuing concern as to the safety of the Police Association workplace. We identified incidents of physical confrontation as part of the bullying.
>
> In normal circumstances we would deal with this sort of behaviour and concerns through conciliation, management intervention and strategies that address the behaviour of the employees responsible (such as coaching, training, performance management). In this case, we don't have those options available to us, and there is no evidence that the safety of the workplace has improved since the commencement of the investigation.

That was by the officer investigating the bullying at the Police Association. They made it very clear that there was an issue and that the bullying was continuing. That is of grave concern to the Liberal Party, and of course we would want to know about it. If the investigating officer is saying there is ongoing bullying and there was even physical confrontation, then why all of a sudden has the investigation into the Police Association bullying claims just gone cold? My information is that some WorkCover inspectors were sent down for an hour or two to investigate it — and that was it. That does not stack up. Of course the Liberal Party has concerns, and of course we want to know what the police minister knew and what involvement he had in making sure that the investigation into the Police Association bullying claim went dead.

I get back to one of the points I made earlier. The Labor Party was very keen for its police minister to claim that there were no links between the underworld and police corruption. Let me give three examples that we made public at the time. An anticorruption police officer received bullets in his letterbox. Engraved on those bullets were his initials. My information at the time was that these were not ordinary bullets; they were actually police bullets — point no. 1. The wives of anticorruption police officers were being followed to and from kindergarten. That is absolutely disgraceful, that the wife of an anticorruption police officer was being followed to kindergarten by an underworld thug so as to intimidate her. Then there was the situation of an anticorruption police member having to move home a number of times in six months due to his address being leaked. We believe his address was being leaked from the central database out to the underworld.

Is it not ironic that Labor Party members get up and say, 'My goodness, there have been 100 charges.'? One hundred charges! They have been going for three years and there have been 27 murders, addresses being leaked and ongoing threats against police officers. How many of the 100 charges have been sustained? How many people are actually in jail as a result of OPI investigations? They were not forthcoming on that information. How is it that an anticorruption police officer, who was having a drink in the city with some of his mates, was all of a sudden confronted, threatened and told to back off by another police officer and an

underworld thug? They told him to back off — a police officer with an underworld thug threatened an anticorruption police officer. And the Labor Party has the audacity to say the system at the moment is working. It is not working.

To say there have been 100 charges but not to say how many results have been achieved with all the information we have put forward is pathetic. This system has failed the more than 10 000 police officers who are doing a great job. We will continue to push for an anticorruption commission to make sure that the integrity of the police force is paramount. We need to protect those people who are doing a great job to protect us in the community.

Mr STENSHOLT (Burwood) — I welcome the member for Scoresby back on the beat. He seems to be far more confident on this than on economic and fiscal matters. I thought he was actually supplanting the member for Kew in this matter.

I reject the imputations behind the matter of public importance put forward by the member for Hawthorn. There are a number of imputations behind this which need to be exposed and discussed here in the house. In our system in Victoria we have a consistent, ongoing, robust and resolute mechanism for tackling allegations of police corruption. Not only that, we have successful mechanisms for dealing with major crimes here in Victoria. The authorities have search-and-seizure powers, the ability to conduct sting operations, use surveillance devices, intercept phone calls, authorise assumed identities and require self-incriminatory answers from suspected criminals. You can see it here in the act, the Police Regulation Act 1958, which has been successfully amended many times by this government.

What have we got from the opposition? We have merely a mishmash of policy being developed on the run. Every time there is a headline in the *Herald Sun*, the *Age* or even a student newspaper, its members rush in and come up with some sort of commentary calling for royal commissions, appointments of retired judges or retired somebodies and new structures. We have even had members of Parliament call for the Minister for Police and Emergency Services to sack the police commissioner — how great is that? This Parliament has confidence in the police commissioner. Let me say that that particular member of Parliament got it wrong, because under the Police Regulation Act, section 4, the Governor in Council has responsibility for both the appointment and, if necessary, the removal of the Chief Commissioner of Police. These are the sorts of loose statements that members of the opposition make.

We saw these imputations yesterday in an absurd series of questions from the opposition, which virtually said it has no faith in the chief commissioner. The implication is that the chief commissioner was interfered with in some way or allowed herself to be interfered with in some way. The time-honoured tradition here is that there is separation between the executive and the operational arm, which is the police commissioner and the police force. What was done was done properly and is what should have been done. To deny that is to imply a lack of confidence in the police commissioner. This was explained by the Minister for Police and Emergency Services yesterday. I say yet again that the police commissioner and the police force are doing an excellent job. Since Christine Nixon was appointed as police commissioner, she has gone down the path of reform and concerted action. There have been great results.

The member for Scoresby says crime is all over the place here in Victoria. Crime in Victoria has gone down by over 23 per cent since 2000. There are of course far more police. I accept, and I know the police accept, that there have been changes in the incidence of certain crimes. You would actually expect that. If there are more police, they are going to catch more offenders. I know that in one of the municipalities I represent there has been an increase in the incidence of violent assaults. One of the reasons is that they caught somebody who committed serial indecent assaults on a number of people, so there was a huge number of assaults. But they are caught. The police in Victoria are doing a terrific job.

There has been a rise in the number of assaults. There are now new protocols in dealing with domestic disputes, and there are assaults in regard to domestic disputes. More police are tackling more crimes and are catching more criminals. That is what is happening here in Victoria. I know the blinkers and blindfolds are on the opposition, whose members do not want to recognise this. They do not want to recognise the fact that the police force is doing an excellent job. They have forgotten that in the past the party they belong to promised more police and cut their numbers. We are the party here in Victoria that has increased the number of police and supported the police to reduce crime by over 23 per cent. Victoria is a safer place today than it was in the past.

We have put in powerful mechanisms through legislation since 1999, as has been described by other speakers on this side. I have the legislation here. We have replaced the deputy ombudsman (police complaints) with the director, police integrity. We have established a chief examiner and a special

investigations monitor and task force. They are in denial on the other side of the house.

I do not know what side of the bed the member for Hawthorn gets out of in the morning, but he said, 'There have been 27 gangland murders here in Victoria'. There have been 27 murders, but let me tell you what the Purana task force has come up with. It has charged 15 offenders with a total of 27 counts of murder. I reckon that is a 100 per cent success rate. That is terrific. We have a great police force here in Victoria. The offenders are now singing like canaries in jail because of the powerful investigations done by the police here in Victoria.

Since the Purana task force was established in May 2003, 191 offenders have been charged with 549 offences. As I mentioned, 15 offenders have been charged with a total of 27 murders. Three hundred and twenty-one serious drug charges have been laid, and $23 million worth of assets have been restrained. I have no sympathy with the Mokbels who go to court and say, 'I am going to lose my house'. They ought to lose their house. The police are using their investigatory powers and are successfully applying to the courts — and they continue to do so.

There is always more work to be done, and we understand that. Unfortunately human nature means that we will have bad apples in the barrel, and this is what we have here. As the member for Bentleigh mentioned, over 100 charges have been laid and 68 police have been questioned, and this process continues. The powers are there to be used by the police and the Office of Police Integrity. Arrangements have been set up in Victoria to successfully prosecute those who commit crimes and to successfully move against corruption in the police force.

The member for Hawthorn seemed to imply that there was corruption in general in the state of Victoria. I have to categorically reject that. There has been a massive number of improvements in the democratic process here in Victoria, starting with the reform of the upper house, a hallmark in terms of democratic reform. Four-year terms have been introduced as part of that reform, and local government has been included in the constitution.

The day that I received the phone call asking whether I would stand for Parliament I was talking to a group of senior officials from Thailand about the fact that the Director of Public Prosecutions and the Auditor-General had been nobbled in Victoria and a whole court had been dismissed. That was done by the bleating lambs in the opposition when they were in power. This government has introduced parliamentary reform here in Victoria. It enacted a Charter of Human Rights and Responsibilities last year. It has restored the powers of an independent Auditor-General. What folly, what stupidity and what a lack of accountability it was to strip the Auditor-General of virtually all his staff. The opposition did that, and we restored the powers of the Auditor-General and enshrined his rights and the independence of his office in the Victorian constitution.

Access to information has been made much easier than it was in the past. The administration of the public sector has improved with the enactment of the Public Administration Act in 2004. There has also been a revolution in budget transparency. There is always room for improvement, but there has been a revolution in Victoria. We now get four reports a year. That is far more comprehensive than it was under the previous government. The Auditor-General looks over the budget when it is produced. It is the same with government contracts, which are being made publicly available on the internet.

There have been great changes in Victoria in terms of accountability and improvements in the democratic process. I reject, and this house should reject, the imputations in the matter of public importance put forward by the member for Hawthorn, particularly those imputations that reflect on the character and good name of Victoria Police.

Mr CLARK (Box Hill) — When I was a member of the Public Accounts and Estimates Committee (PAEC) before it was destroyed by the man who is now Premier and turned into a rubber stamp under the chairmanship of the member for Burwood, who was his parliamentary secretary, we used to receive deputations and delegations from other commonwealth public accounts and estimates committees.

Ms Green interjected.

Mr CLARK — Their first question on many occasions, as the member for Yan Yean should well remember, was about how we tackled corruption in this state. We used to reply that corruption was not a top priority and was not a major issue in the committee's deliberations. We told them that if instances of corruption came to our attention, there were channels through which we could refer them. But I am starting to fear that the sorts of responses we gave were rather too glib and too self-confident.

Around the world corruption is probably the single greatest cause of human poverty. There is a well-established aspirational slogan which says 'Make

poverty history'. The best way to make poverty history is to make corruption history, and bodies such as Transparency International are growing in stature as they focus on such matters. We can be very smug in this country and say that we do not have anywhere near the problems that emerging democracies and other countries in various parts of the world are facing. That is true, but we must always remember not only that it has been a long and arduous process to get to where we in established Westminster democracies now are but also that what we have achieved can quickly be eroded.

One only needs to read documents such as the diaries of Samuel Pepys to see how just a few hundred years ago in England public officials like Pepys made no secret of the commissions and other payments they received for the issuing of public contracts. If you look back through history, you find the instituting of parliamentary commissions of inquiry, the establishment of auditors-general, the Northcote-Trevelyan reforms and the establishment of an impartial and independent public service. You not only see how all those institutions have been built up over the years, you also recognise how careful you have to be to make sure that all the benefits we have enjoyed are not eroded.

In addressing the issue of corruption we need to recognise that there can be personal corruption in the sense of people being on the take for personal aggrandisement. There can also be institutional corruption where people, for their own organisational ends, subvert the institutions for which they have responsibility. That is a problem not just for the police force but beyond, in other aspects of the public sector. Of course it can be very much a slippery slope which starts with one departure from high standards and ends up much further down the track. It can start with the belief that the end justifies the means — that to ensure a crook is jailed and justice is dispensed to them may involve taking a few shortcuts.

That can lead to a view that you need to protect your mates against outsiders or protect any exposure to shortcuts that they may have taken, which can lead to the view that you need to deal with anybody who dobs in someone who has not been fully complying with what is expected of them. It can lead on to a view that you can trade favours, trade information and trade intelligence with criminals, which of course happens in some instances properly in the course of police investigations in terms of garnering information, but it can very easily lead into something that is highly improper. So you can get a very slippery slope where one weakening leads to the next. In particular, if you have a culture in which you feel that you need to protect your mates, it can lead to very bad results indeed, because it then leads to an institutional structure which does not expose very bad skulduggery and very bad malpractice.

As it happened I was approached, unsolicited, by a constituent just this weekend past, who told me he was a former police officer. He told of how he had reported someone who had been guilty of misappropriation within the police force and how other witnesses had lapses of memory in court. The case of the prosecution of the person he had reported was dismissed. He told how he had subsequently been harassed by other officers, with urine in his coffee and other maltreatment, and ended up leaving the police force. He also remarked to me that there were many instances where officers within the ethical standards division of the police force had their lives made a misery.

There is a really serious range of problems, and those problems are not just ones within the police force. There is corruption or the potential for corruption in a large swathe of the public sector. We have heard of serious allegations of corruption at local government level. There is the issue of what happened with Able Constructions early on in the term of this government, with phone calls being made from ministers' offices. We have had subsequent phone calls to the police minister's office, then calls made to the police force on the basis of that contact. There have been issues about the probity of public tendering processes, and of course we have had the secret deal with the police union. There is a wide range of issues that are a cause of real concern, and we just cannot afford to be complacent.

Some speakers on the government side appear to have misunderstood what we in the opposition are talking about. We are talking about a standing commission along the lines of standing commissions in other states, and we are talking about having a strengthened Office of Police Integrity linked to that standing commission. When you look around other states of Australia you find that there are some common elements in the standing commissions that are being established. You find they have roles of exposure of corrupt conduct, prevention of corrupt conduct and education of the public and public officials about how to strengthen their institutional frameworks in order to avoid corruption and to establish a culture of exposing, reporting and dealing with corruption.

It is also interesting to note that in a speech given in November 2005 the head of the New South Wales ICAC (Independent Commission Against Corruption), talked about the importance of investigating probity around land-use planning in New South Wales. That is certainly an issue that needs attention here in Victoria

as well, given the amounts of money that turn on zoning and other land-use decision making. That is what we believe is needed here in Victoria. It should be a body that is answerable to a parliamentary committee.

Again I refer to the work of the former Public Accounts and Estimates Committee and the report we delivered on independent officers of the Parliament and the need for them to have a working relationship with a parliamentary committee in the same way that the Auditor-General has a working relationship with the Public Accounts and Estimates Committee. The standing commission we are talking about would also have a similar working relationship with a parliamentary committee. The end result should be that an anticorruption commission should become part of the institutional structure of this state alongside other now well-established officers such as the Auditor-General, the Ombudsman and the Victorian Electoral Commissioner, and the accountability should be to the Parliament and certainly not to the executive.

We need to preserve what has been achieved in this nation and through the Westminster system over many hundreds of years of evolution. As I said at the outset, corruption is one of the single greatest causes of poverty and suffering around the world. We need to avoid any suggestion that we might be eroding the high standards that have been built up over many years. We need an anticorruption commission in Victoria so that Victorians can have confidence in a public sector and in public officials who are beyond reproach and deliver services with impartiality, with integrity and with honesty.

Mrs MADDIGAN (Essendon) — I am inclined to say I speak more in sorrow than in anger in relation to this debate, because I was really quite disappointed in the performance put on by the Leader of the Opposition today and by those speakers who followed him. This is a subject that the opposition has chosen to bring to this chamber. It has had three weeks to prepare itself to bring evidence relating to many of the allegations it has made, to bring evidence to support the matter of public importance before the house, yet its response has been quite woeful. I am really not surprised that so many Liberal members left the chamber as soon as the Leader of the Opposition finished his speech. I think they were probably too dejected to stay here any longer, because it really was a pathetic performance.

Listening to the allegations, it makes it a bit difficult for us, because there was actually nothing in the Leader of the Opposition's speech that we could respond to. He spent the first part of his speech giving quotes and — I grant him honesty — at least he acknowledged they came from 2004, which of course was well before the whole process for the Office of Police Integrity was set up. He then made statements that were factually incorrect, and I particularly refer to his claim that the Office of Police Integrity cannot investigate the minister's office. That is totally wrong. In relation to police corruption the Office of Police Integrity can speak to anyone it likes in any minister's office. It can talk to the minister, it can talk to the ministerial advisers, it can talk to public servants and it can even talk to members of the opposition, but they would have to have a bit more substance to their allegations than they have shown in the house this morning.

We then heard speeches which were even more surprising. I was a little bit taken aback by the member for Box Hill, who seemed to suggest that this house had misunderstood the matter that is before the chamber. It actually relates to police corruption. The member for Scoresby considered a huge number of topics, ranging from urban growth boundaries to local government matters. I am not sure if he is suggesting there is police corruption relating to urban growth boundaries or local government matters. If he is, we would welcome the allegations that he brings before this house, but he certainly did not cover any of them today. We have had nothing but wild allegations thrown around and attacks on people, ending with the member for Box Hill.

This morning the opposition has made allegations against the Premier, the minister's office, public servants, the Office of Police Integrity, the police and even the poor old Public Accounts and Estimates Committee (PAEC). Is the opposition suggesting that police corruption is involved in all those bodies? It would seem to me a most extraordinary allegation that it has made in the house this morning. I think we would really have to question the ethics of the opposition if today's performance is the best it can come up with.

Once again the member for Scoresby referred to a number of cases which have already been investigated and gave a strong historical view of things that happened in the past. More humorously, I suppose — although perhaps members of the community would not see it so humorously — one would assume from what he was saying that police corruption in this state started on 18 September 1999, because members have heard a great deal from the opposition about police corruption since then but I do not recall there appearing to be any corruption at all prior to 1999. I think there is a bit of selective forgetting on the part of members of the opposition.

Let us just see how things have changed. With all due respect to the member for Scoresby, for him to get up

and say, 'We need more police', really stands as one of the great hypocrisies of this Parliament. In fact since it was elected to office this government has substantially increased the number of police to far more than that allowed under the previous Liberal government. Let us look at a few of the things we have done since we came to government in 1999 to overcome the situation that existed well before then. These measures include replacing the deputy ombudsman with the director, police integrity (DPI), and giving the new agency, the Office of Police Integrity (OPI), significantly enhanced coercive questioning and covert investigative powers; establishing the role of chief examiner with coercive questioning powers to assist in breaking the code of silence around organised crime; and establishing a special investigations monitor (SIM) to monitor the use of and report to Parliament on the DPI and the chief examiner's use of coercive questioning powers and the law enforcement agencies use of telephone interception and surveillance devices.

I do not know whether members of the Liberal Party disagree with all those. I know that they disagreed with some of them, because they voted against them, but it seems odd that they do not support all those matters. The legislation under which the SIM was established provides also that the SIM will undertake a review of the OPI and chief examiner regimes before the third anniversary of the commencement of each regime.

I then come to some of the claims made that criminals are not being charged. I do not know where this came from, either. The previous speaker for the Liberal Party said how outrageous it was that there had been 27 murders. As the member for Burwood said, we all agree with that. But charges have been laid relating to those 27 murders, so in fact the current system is achieving what is required and what it was set up to achieve. The work of the Purana and Ceja task forces has already resulted in 181 offenders being charged with 549 offences; 15 offenders being charged with a total of 27 counts of murder; 14 offenders being charged with incitement, conspiracy or attempted murder; the laying of 321 serious drug charges; and $23 million worth of assets being restrained.

It is interesting to look at some of the other complaints raised by members of The Nationals and the Liberal Party in terms of standing committees. I quote from an article in the *Criminal Law Journal* by Mr Corns, a senior lecturer at La Trobe University, who wrote about the processes that the government has established. I will not go into all of it because I am running out of time, but it includes the following statement about the chief examiner, who is appointed by the Governor and whose position was set up by the government:

> For the purposes of state criminal law, the office of examiner in Victoria has previously been unknown. The closest analogy would be the office of royal commissioner conducting a royal commission or a commissioner conducting a commission of inquiry … However, at the federal level examiners and 'examinations' are used by the ACC, created by the Australian Crime Commission Act 2002 …

I believe that the Liberal Party was in power then.

> Indeed the terms of employment, functions and powers of the ACC examiners appear to have provided the model for the Victorian regime.

We already have bodies that have similar powers to the bodies that the Liberal Party and The Nationals wish to create, and in fact many of them are based on the powers that a federal Liberal government has given to itself. I am glad to see that at least the state Labor Party and the federal Liberal Party are travelling in the same direction.

As this is an unbiased report, I would like to read from the conclusion of the article that appeared in the *Criminal Law Journal*:

> In any event the legislative initiatives introduced in Victoria in 2004 are likely to be seen historically as representing a new phase in criminal investigation methodologies. Previously hidden and unregulated practices such as 'stings', assumed identities and controlled operations are now more transparent, and the use of examinations and examiners at the federal level has for the first time been incorporated within Victorian state law. While the general approach of using closed hearings and compelling persons to attend and provide evidence is not new within the context of combating organised crime, what is new is the creation of examiners and examinations operating independently from a permanent crime commission. It is suggested that this new element of flexibility and autonomy is the key characteristic of these new legal initiatives, and it is no coincidence that these are also defining characteristics of 'organised crime' as well.

We see here an acknowledgement that the government now understands organised crime and has set up the procedures to deal with it, particularly in relation to police corruption. The recent recommendations from the police force show that it is working. The state government has now put in place an effective regime to ensure that police corruption in this state is dealt with properly. The information provided today by members of the opposition is unfortunately mostly historic; some of it is factually incorrect and some of it is totally irrelevant to the structures used in addressing police corruption. In the debate today brought on by Liberal Party members we have seen that they have a limited understanding of the nature of royal commissions and of the current legislation in the state of Victoria. If they really want to provide some evidence that they are an alternative government, they have a lot more hard work to do than they have done so far.

Mr McINTOSH (Kew) — From the outset can I just say without any equivocation that the vast majority of members of Victoria Police are hardworking police officers who are dedicated to providing community safety and to protecting us against that small number of people who cause so much angst in relation to a variety of crimes in our community.

Can I say also, after considerable discussion with a vast number of police officers since I took over responsibility for this portfolio last year, that the material they refer to in talking about corruption is quite evident. What is also evident from those discussions is that we are talking about a very small minority of police officers who certainly are behaving in a way that could be labelled, at the lowest level, as misconduct if not out-and-out corruption. There is only a very small number that reflects very badly on the police force, on our community and on us as politicians and the way we govern this state. That very small minority needs to be rooted out, and I am sure we are all dedicated to ensuring that it is rooted out. What this matter of public importance is about is establishing the appropriate mechanism for rooting out those corrupt police officers and restoring integrity to Victoria Police, integrity that its officers and certainly the community deserve.

One of the things that has profoundly frustrated the community is the constant denial about the headline issue of corruption — that is, the link between the very small minority of corrupt police and the gangland killings. Indeed what has been terribly frustrating for the community in all this debate is that the government and senior police officers have been in denial about it for a number of years. Now they are finally admitting that there is a link between corrupt police and the gangland killings. We are supposed to be assuaged by all the reassurances from both senior command and the government that everything is in hand and that it will all be okay in the end. The problem is that this is a constant battle, including for the community at large, which has the utmost interest in ensuring that it progresses constantly and vigilantly and that the government and senior command do everything in their power to root out this problem and prevent it recurring in the future.

Can I just say that the essence of this matter of public importance is that the reassurances from senior command and the government that there was no evidentiary link between the gangland killings and corrupt police go to the very thing that they are now saying was not correct. Indeed whatever else occurs, at the very outset the Office of Police Integrity was tied up with that lie. There is no doubt that the timing of the creation of the OPI or its antecedent was tied to the murder of the Hodsons in May 2004. Those murders, of course, caused a great deal of concern in the community, and the government was forced to act. Indeed we assume that because of that, the involvement of Tony Fitzgerald, QC, in the inquiry into those deaths and the subsequent discussions about them — I am certainly not aware of that report being finally made public — the government created a monolith that was cobbled together over some 18 months in a tortuous and bizarre process.

That process went through the transmogrification of an ombudsman creating a police ombudsman, who happened to be also the state Ombudsman, with certain powers. Those powers were then given, including the power to tap telephones. We also know from an answer given by a former police minister in this house that those telephone taps were being used by police officers, notwithstanding the fact that it is not within the legislative prerogative of this place to enable police officers to tap telephones. Indeed it is a prerogative of the federal Parliament and the federal Attorney-General.

One of the problems, of course, is that in this state the person who oversights telephone tapping powers is the state Ombudsman, the very person who was going to exercise this power. Because of that lack of independence the power to tap telephones was held up. It was not until there was a final agreement and the creation of a special investigations monitor, which was another attachment to this particular body, that that power was provided. There were a number of different pieces of legislation. We changed the whole emphasis of it away from ombudsman-based investigative powers to the current OPI.

I have had a number of discussions with the OPI and the director, police integrity, who is the state Ombudsman, George Brouwer. There is no doubt that they are doing a good job in difficult circumstances, but that job in itself is being corrupted by the model that is being created over a stopgap period of some 18 months. Cobbling together such a body was more akin to this government behaving in reaction to bad headlines, rather than dealing with the issue of corruption. That body is central to the issue and the change in stance of this government. The result of a bad headline in the papers was an admission to the lie the government has been living for the last three years.

We now know that the police and the government are admitting that there is a basis for the belief that there is a link between corrupt police officers and the gangland killings. It is that reaction that causes the whole body politic of this state almost universally, with the

exception of senior command and the government itself, to suggest that they need something different. They need a properly resourced independent body that will be able to carry out these sorts of investigations. These difficult, angst-ridden and, to some extent, dangerous investigations need to be carried out in an appropriate fashion.

What is different between the Victorian model and interstate models is very simple: it lacks independence. We have joint operations between Victoria Police and the OPI. We have serving police officers who are seconded to the OPI. If you have a look at New South Wales, you will see that its independent body, the ICAC (Independent Commission Against Corruption), reports to Parliament. It is not responsible to the executive, as the OPI is here, and reports to a dedicated committee of the New South Wales Parliament made up of all parties, and it is responsible to that body. Here we have the OPI, which can report to the Parliament. Like many other executive bodies it has to table an annual report in this place, and it may report to the Parliament, but it is a creature of the executive and it has close links with the Victoria Police.

We need an independent body which could be incorporated with the OPI, but its powers need to go beyond the powers of the current OPI. The OPI is limited in its ability to only investigate Victoria Police. It can talk to other people outside that group, but the body needs to have a broad base that goes beyond Victoria Police to other institutions in this state. We know perfectly well that there has been an inadequate investigation into the Kit Walker affair. It involves Victoria Police, but we also have admissions that it clearly involves the office of the Minister for Police and Emergency Services, and those links certainly need to be investigated.

There has been an inadequate investigation of the WorkCover and bullying allegations at the Police Association. There has also been an inadequate investigation of the police union and its secret deal. The government still refuses to release all of the documents. There is an FOI request in relation to those matters, but no doubt that will go through the tortuous FOI process that goes on in this state. The Victorian people deserve, through this place, answers about that secret deal. It involves not just the police but also the former Premier and the former Minister for Police and Emergency Services — those people that the OPI does not have the power to investigate. We also need to have investigations that might broaden out into local councils. All of these things need to be investigated. There have been a large number of people involved. It was reported recently that even the Ceja task force was calling for an independent body to do these sorts of inquiries, going beyond Victoria Police, and that was tabled and given to the Chief Commissioner of Police some five years ago. There are people such as Bob Falconer and Noel Newman calling for these things. It is appropriate now to have the independent body.

Mr LUPTON (Prahran) — I am pleased to make a contribution to the debate on this matter of public importance and to oppose the statement made by the Leader of the Opposition. One of the first things we should do when looking at matters of public importance is go to the words that form the statement. We need to look at what the opposition is attempting to achieve by submitting the matter for discussion. In essence, the opposition believes that there are limitations on existing agencies investigating certain matters of police corruption and other allegations of misconduct and corruption — all relating to Victoria Police and the administration of justice.

Through the course of this debate today we have heard one opposition speaker after another suggesting there are limitations and suggesting there are things wrong with the way in which these things are investigated in Victoria, but they have not come up with any actual evidence or any examples of ways in which those issues of possible corruption in relation to police are in fact adversely impacted by any limitations on the powers of the existing agencies that are investigating them.

In contrast, what this government is doing is getting on with the job of getting results. What we are doing is making sure that we have an effective and robust framework to investigate allegations of corruption in relation to police, to charge people where there is evidence of wrongdoing and to convict them through the court process where there is corruption. We have set up that robust framework around the Office of Police Integrity (OPI) headed by the director, police integrity, a chief examiner with coercive powers and a special investigations monitor whose task it is to report to Parliament and to oversee the operation of those crime investigating bodies. That is a system that effectively gives appropriate and very strong power to the investigating bodies that are set up and also provides a comprehensive overlay of scrutiny of the way in which those investigative bodies carry on their work so that we can have confidence in the fact that those investigations are being carried out thoroughly, strongly and independently.

It is also important — and this is one thing we are very pleased about in the way these organisations operate in Victoria, particularly the OPI — for them to be flexible and adaptive. One of the things that standing commissions in fact have against them is that they tend to become set in their ways, they become another layer of bureaucracy. We have seen this in other jurisdictions where a long-term standing commission of the sort that appears to be being suggested by the opposition in fact over a period of time proves less and less effective. Through the use of the OPI and through the use of its very strong and coercive powers, what we are seeing here in Victoria is the ability to be flexible and to adapt, because that is in fact what it needs to do in order to work effectively against corruption where it exists. Corrupt officers and underworld figures are going to be able to change their behaviour and come up with new ways of operating. These crime-fighting investigative units need to be able to be very responsive to those kinds of things in order to be effective, and that is what we are seeing in Victoria, and I will get to the results in a little while.

The other thing that we are doing here in Victoria which I think is very important is providing the police with the resources, numbers and powers they need to establish the very successful task forces which have been responsible for so many charges now being laid against people who are believed to be engaging in corrupt practices. What we are seeing, particularly through the work of the Purana and the Ceja task forces, is I think a great success and something we should be very pleased about.

What the opposition has also come into this chamber today and done is really rehash a lot of old material. The Leader of the Opposition started this in his contribution to the debate by quoting a whole lot of newspaper articles and other references from back in 2003 and 2004. Of course we remember back to those days and the reason why some of the things the Leader of the Opposition referred to were occurring, and the government established the appropriate bodies to deal with these corruption and underworld issues. It is no good the opposition simply going back three or four years into the past and saying that the things that were in the public domain at that time should be used as the reason for setting up a particular type of commission here in Victoria now. We need to assess the way in which the OPI and the other investigative bodies have operated over the last three or four years to come to that conclusion, and we believe they have been successful.

The opposition has also come along here with wild and false allegations. The Leader of the Opposition and a number of other opposition members have made false claims about the way the OPI can operate. They have suggested that it cannot do some things when in fact it can and it is well known that it can. The member for Box Hill, in a rather unfortunate display, referred to a conversation he had with a former police officer who obviously had some view about the outcome of a court case. The member for Box Hill referred to a person who was charged and had a hearing in a court and the court acquitted that person of a criminal charge. He referred to that person as being guilty of a crime, yet the court has acquitted him.

In my experience as a barrister over 15 years we often had people who came along to say there was something wrong with this or something wrong with that. What we need to do here is to look at concrete evidence. We need to look at appropriate processes. The whole idea of looking at corruption and crime fighting is not really advanced by members of the opposition coming into this house and making spurious claims and allegations and calling people guilty when in fact they have been found not guilty by a court. What we need to do is to operate on real facts and on real evidence and get to the bottom of these things. Of course that is what the Office of Police Integrity is doing here in Victoria with the powers that it has.

We need to make it clear that it has the powers of a standing royal commission — there is no doubt about that — but it also has the flexibility and the adaptability to work through the very difficult issues that it needs to deal with. The OPI can hold hearings about matters concerning an investigation; it can summon witnesses to attend and give evidence under oath and produce documents; it can obtain warrants to enter and search premises and seize documents; it can require a member of the police force who is under investigation for a possible breach of discipline to answer any relevant question where the failure to answer a question is a breach of discipline under the act; and where the director is of the opinion that it is necessary in the public interest it can issue a certificate to compel a summonsed witness to provide information or to produce a document or thing which may tend to incriminate the witness.

These are significant powers. We also have the office of the chief examiner with coercive questioning powers once a Supreme Court order is obtained, which is important in assisting to break that important code of silence around organised crime. The special investigations monitor monitors and reports to Parliament on the OPI, the director, police integrity, and the chief examiner's use of those coercive powers. We have a full suite of powers, and as a result of those sorts of procedures being put in place in Victoria we have

seen 181 offenders being charged with 549 offences. We have seen 15 offenders being charged with a total of 27 counts of murder — all of the counts of murder the opposition referred to. We have seen 14 offenders being charged with incitement, conspiracy or attempted murder, 321 serious drug charges being laid and $23 million worth of assets restrained.

These are the results that people expect in Victoria. These are the things that we are seeing as a result of the processes that we have set up in this state. They are robust processes. They are designed to make sure that evidence of corruption is dealt with and dealt with appropriately and that we bring people who are potentially corrupt into the courts, convict them and send them to jail. That is where they belong, and that is what this legislation does. Members of the opposition use evidence of success as a reason to criticise. They should be criticised for their approach.

Mr O'BRIEN (Malvern) — This matter of public importance (MPI) debate has so far focused — quite rightly — on the admitted links between certain corrupt elements in Victoria Police and underworld murders. But the MPI goes beyond that. It notes the limitations on existing agencies investigating these and other allegations of misconduct and corruption.

Sadly Victoria under Labor — under a Brumby government — has far more to worry about when it comes to misconduct and corruption than just rogue members of Victoria Police. At present there are certain members of the public who can engage in dodgy conduct but never have to answer for it. This protected class can also use its power to prevent others from telling the truth, and this protected class can use its authority to ensure that documents that could expose the truth about its activities never see the light of day. This protected little cabal of course is made up of the ministers of the Brumby government. Victoria desperately needs an independent and broadly based anticorruption commission because the Brumby government, taking its cue from the arrogance of the man leading it, believes itself answerable to nobody and accountable only to itself.

Let us take yesterday's question time as an example. Yesterday the member for Kew asked the Minister for Police and Emergency Services three questions about the infamous phone call from the Police Association to the minister's office seeking the minister's intervention in relation to an internal police investigation. Three times he asked, three times the minister refused to answer the question and three times the minister failed to be accountable. The government claims its ministers are accountable to the Parliament, but they run like cowards from every parliamentary opportunity to answer for their conduct.

Let us look at the gaming licensing scandal. A democratically elected Legislative Council determined to establish a select inquiry into gaming licensing because the stench of this government's grubby dealing demanded it. When this inquiry sought the attendance of the then Premier, the current Premier, the Minister for Health and the member for Dandenong, what happened? Did this government accept the need for parliamentary scrutiny? No. Showing contempt for this Parliament, the government used its numbers in this house to protect its mates from scrutiny and to prevent Labor ministers from answering for their conduct. This government will not allow itself to be held accountable in the Assembly. It refuses to be accountable in the other place. It acts like it is a law unto itself, and that is why we need a broadly based anticorruption commission here in Victoria.

While that is bad enough, the government's conduct gets even worse. It is not enough for this government to just hide away from the scrutiny of its own ministers, it goes the extra step and gags public servants as well. On the day before the gaming inquiry had its first hearings, the current Minister for Health, who was the then Minister for Gaming, in his final act as Minister for Gaming, issued a directive to senior public servants in the Department of Justice. I note in passing the minister waited until after 5 o'clock on that last day in office before he issued this directive. The Minister for Health obviously prefers to operate under the cover of darkness. That dirty directive required that these public servants refuse to answer any questions on a broad range of matters that go to the very heart of the probity problems that have beset the lotteries licensing process under this government.

Each one of these public servants, from the Secretary of the Department of Justice down, faithfully informed the gaming inquiry, 'I have received a ministerial direction to claim privilege in respect of the matters identified in a certificate'. These public servants were obviously embarrassed by this government gag, as they should have been. The Brumby government is not embarrassed at all about its gagging of public servants, because this is just business as usual. It is just standard operating procedure under the moonlight state that Victoria is rapidly becoming under the arrogance of this government and this Premier.

Beyond hiding from scrutiny and gagging public servants, the government has gone a further step and has withheld crucial documents from the inquiry. I quote from the majority report — not the Labor

report — of the first interim report of the Select Committee of the Legislative Council on Gaming Licensing:

> The committee is concerned at the unilateral intervention of the Attorney-General in applying a wide-ranging claim of executive privilege with respect to documents the committee is seeking from government agencies.
>
> The advice received by the committee from the Clerk of the Legislative Council, and legal opinion received by the Council from Mr Bret Walker, SC, does not endorse the government's wide-ranging claim of executive privilege.
>
> The committee believes that the government's obstruction of the committee's inquiry by withholding key documents, and by failing to produce even uncontested documents in a timely manner, represents direct government interference in the affairs of the Legislative Council.

This government may treat the inquiry with contempt, but it could not treat an Independent Commission Against Corruption with contempt. That is why we desperately need such a body in Victoria. That is why members opposite are so desperate to avoid the establishment of an anticorruption commission, because they know how much they have to hide.

This government's attitude has also set the tone for other members of the ALP. I refer to Monday's evidence before the gaming inquiry of David White, former minister for gaming under the Kirner government and an unabashed, loud and proud Labor lobbyist. Mr White refused to answer questions. Why did he refuse to answer questions? It was because he did not want to. When he was asked about his setting up of a meeting with Tattersall's and the Premier's office, and who he spoke to in the Premier's office, this was his response:

> Mr WHITE — His office.
>
> Mr GUY — Who?
>
> Mr WHITE — His office.
>
> Mr GUY — Tim Pallas or his diary secretary or his adviser on gaming or — —
>
> Mr WHITE — Relevant people in his office to secure an appointment.
>
> Mr GUY — Which ones?
>
> Mr WHITE — Relevant people in his office to secure an appointment.
>
> Mr GUY — Is this a memory lapse because you have not got written notes or — —
>
> Mr WHITE — No, because I am not telling you.

Mr Nardella — On a point of order, Speaker, the honourable member is quoting from a document. I ask that it be tabled for the house.

Mr O'BRIEN — I am delighted to table a document which is found on the Parliament's website. Perhaps the member for Melton might learn a few things if he actually reads this document a little bit more closely. The exchange between Mr White and Mr Guy continued:

> Mr GUY — Is this part of the meeting that is not actually in your iron-trap memory?
>
> Mr WHITE — No, because I am not telling you.
>
> Mr GUY — Why is that?
>
> Mr WHITE — Because I do not wish to …

We have a member of the Labor Party appearing before this public committee refusing to answer questions about his involvement in setting up meetings between Tattersall's and the Premier's office because he does not wish to. That is the sort of contempt that the Labor Party shows this Parliament and parliamentary inquiries.

Mr White also refused to produce documents. He first of all gave evidence that he never made any, and then he claimed he did have them but he shredded them — every single one. Mr White was a lobbyist for Tattersall's for seven years, and he claims he shredded every single document that he had ever made. I have heard the expression 'white lies', but I had never seen it come to life before this Monday's hearing. The only truthful element to Mr White's testimony was his acknowledgement that the day this Labor government falls will be the day that he is out of business. At least he realises that a Baillieu government will have far higher ethical standards than exist under this Brumby government.

Mr White engaged in pre-prepared character assassination of witnesses who dared to tell the truth. Those witnesses told the truth backed up by documentary evidence — documentary evidence that Mr White never had because he shredded every single document he had, as any reputable businessman would do — I think not. Looking at the documentary evidence, these are notes of a meeting David White had with Tattersall's trustees on 26 November 2003. Mr White did not realise that someone was taking notes, and he is very embarrassed because his game plan was caught out. I will refer to one specific point in the very brief time remaining. In talking about the renewal of Tattersall's licences Mr White's advice was:

> The trustees should write some words on a piece of paper as to what we want. This can be handed to Bracks for perusal and acceptance.

Mr Nardella — On a point of order, Acting Speaker, the honourable member is again quoting from a document. I ask him to make that document available.

The ACTING SPEAKER (Mrs Fyffe) — Order! Will the honourable member make the document available?

Mr O'BRIEN — I would be delighted to make it available, Acting Speaker. It goes on:

> Duncan —

meaning Duncan Fischer —

> and David White can present this piece of paper. Nothing official — —

Mr Kotsiras — Ask for it to be incorporated.

Mr O'BRIEN — I ask for this to be incorporated in *Hansard*, Acting Speaker.

The ACTING SPEAKER (Mrs Fyffe) — Order! Has the Speaker cleared the document?

Honourable members interjecting.

Leave refused.

Mr O'BRIEN — Leave is not granted by the Minister for Education, who is at the table, because the government is scared. It is scared of scrutiny. That is why it does not want an ICAC.

The ACTING SPEAKER (Mrs Fyffe) — Order! I advise the honourable member for Malvern that documents have to be cleared by the Speaker before they can be incorporated in *Hansard*.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 2)

Mr KOTSIRAS (Bulleen) — I wish to speak briefly on part 2 of the Public Accounts and Estimates Committee (PAEC) report on the 2007–08 budget estimates as it relates to the youth affairs portfolio.

Mr Nardella interjected.

Mr KOTSIRAS — Would the member for Melton like me to table the report?

Mr Nardella interjected.

Mr KOTSIRAS — On page 2 of the transcript of that hearing the Minister for Sport, Recreation and Youth Affairs is reported as claiming:

> There are 15 regional youth affairs networks that support a collaborative partnership approach to discussing issues that relate to young people in the local area, provide a forum to gain information from young people and provide valuable input to government.

That would have been okay, but this government has treated the networks with contempt. It has not provided the funding they require. It has provided small amounts of money for tea and coffee and biscuits, but when the networks do meet the government ignores their recommendations. What is the point of the minister talking at the PAEC hearing about the 15 regional youth networks at the same time as he is not providing enough funds to make sure the networks operate effectively and the department and the Office for Youth refuse to listen to the networks to ensure that the needs of young people here in Victoria are met?

The minister went on to talk about the Youth Affairs Council of Victoria and the Centre for Multicultural Youth Issues, which he claimed are there to represent 'their views to government and in the wider community'. Once again, while the minister is happy to praise them, he is not providing enough support to these two major organisations to ensure that they are able to carry out their work properly and that they are meeting the needs of young Victorians.

The minister can put out press release after press release, but he is not putting money into the programs and the policies that he is saying are doing a wonderful job in Victoria. If one goes to the webpage of the Office for Youth where it mentions the regional youth affairs networks, one finds that the webpage has not been updated and still has a photo of the previous Minister for Employment and Youth Affairs, the member for Bendigo East. It has not even been updated to make it relevant to today. While the Minister for Sport, Recreation and Youth Affairs claims that he is doing something for young people, unfortunately he is not putting in the resources or the money to make sure these organisations continue to serve the needs of young Victorians by recommending to the government areas that need to be improved.

For that reason I urge the government to provide resources and money to these organisations to make sure young people in Victoria are catered for. I urge the minister to provide the money to ensure these groups function properly and effectively in Victoria.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 2)

Ms GRALEY (Narre Warren South) — It is a pleasure to get up as a member of the PAEC (Public Accounts and Estimates Committee) and speak on part 2 of the committee's report on the budget estimates 2007–08. I would like to commend to the house the evidence provided by all members of the Brumby and Bracks governments. All ministers, including the Premier, attended these hearings.

I would like to draw attention to something that was of great interest to me when the Minister for Industrial Relations appeared before the committee and responded to a question I asked out of concern for the working families in my electorate of Narre Warren South. As most members know, work-life balance and work-community-life balance is a major issue. People are very time poor these days, so getting that balance correct is something that is very important to the hardworking families of Victoria. The Minister for Industrial Relations responded to my question by announcing, as was indicated in the budget, that $730 000 over four years would be used to establish the Working Families Council.

I was very impressed to read recently, I think it was on 25 August, that the Minister for Industrial Relations has put his money where his mouth is and has gone out and established this council. I read that the very impressive Jill Hennessy will be the inaugural chairperson of the state government's Working Families Council, which will aim to develop policies and employment practices to balance work, family and community time. The Working Families Council will comprise 15 members from government, industry organisations, business, academia, community organisations and unions.

They will be advising the government on some policy issues around how we can best make sure that the working families of Victoria get the best possible deal not only for themselves but for their families and their extended families. As we all know, this is a big issue out there. One of the contributing factors to that is the federal government's WorkChoices legislation, which evidence is showing overwhelmingly is disadvantaging women. There is therefore all the more need for such a substantial council to have a look at these issues.

I commend the Minister for Industrial Relations for getting on with the job of doing this. I wish the council, especially the chair, Jill Hennessy, the best of luck in coming up with a set of recommendations or some advice. Indeed I invite her to come out to Narre Warren South and meet the working mums and dads and hear what they have to say in this time of great mortgage stress and often stress in workplaces. As I said, I commend this proposal and wish the council the best of luck.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 2)

Mrs POWELL (Shepparton) — I would like to make some comments on part 2 of the Public Accounts and Estimates Committee report on the 2007–08 budget estimates. I will confine my comments to the public hearing on 29 May 2007 with the Minister for Planning in the other place where he talked about work on Melbourne 2030 and said the audit had commenced. He went on to say that the initial focus would be on a stock take to assess the progress of the delivery of Melbourne 2030 and would not involve a re-examination of the principles and directions of that report. He said $1 million had been committed in the state budget to undertake the audit and that there would also be current departmental resources.

Many people are angry about this, because it was meant to be a review of Melbourne 2030 five years after it was initiated. It has been watered down and is now just an audit. There is a lot of concern about Melbourne 2030 and the fact that there was a lack of consultation. It was rushed together and there are some major problems with it. If we had had a review of Melbourne 2030, I think we might have been able to move into finding the best direction for Melbourne and beyond in the next decade.

One of the areas I would like to speak on is rural zones. At the hearing the minister talked about 80 per cent of councils having automatically transferred from rural zones into farm zones. He said that about 12 councils had not yet transferred over and the government was hoping they would do that shortly. The member for Benalla actually raised a question in that public hearing about the rural zones and the fact that the government had put forward $500 000 in the budget to aid councils with zoning issues. He talked about the problems with the transfer from rural zones to farm zones. While I understand that 12 councils are yet to transfer over to the farm zone, many of those councils have not done so because they want to look at their own municipalities. They want to do land audits and to check whether in fact the land should be in a rural activity zone or a farm zone.

The Nationals put a submission in to the rural zones review and asked the government to allow communities and municipalities to do land audits or land capability studies to ascertain whether their rural land should be in

the rural activity zone rather than the farm zone. This was done before the release of The Nationals planning policy. Although, as I said, 12 councils have yet to change over, there are a number of councils who automatically transferred to the farm zone and are now not happy with that. I know that in my own electorate the City of Greater Shepparton, the Shire of Moira and the Shire of Campaspe are looking to do land audits and are putting the money in themselves. They want to have another look at whether their rural land should be in the farm zone.

I think the rural zones review was hurried through. Councils now have made the decision that they are not happy with land being included in the farm zone. More importantly, people out there who are wanting to build a house or extend some part of their properties are being told that they cannot do it. When they go to the council they are being told they can no longer do what they had intended to do when they bought their land because it has automatically been zoned as a farm zone. This change was made without the person who owns the land being given the opportunity to make a submission to either oppose or support their property being put into the farm zone. This has caused huge conflict with developers and with people who own farms.

The Nationals believe that funding should have been provided originally for councils to do their own capability studies. The government is coming in a number of years later and saying, 'We probably got it wrong, and maybe what we should be doing is giving councils money now'. The reality is that $500 000 will not go far. It will not enable those 12 councils to be able to have a look at their zoning and to put their land in the appropriate zone. More importantly, most councils say that it will cost them much more than $100 000 to do that.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 2)

Ms GREEN (Yan Yean) — It is with great pleasure that I rise to speak on the Public Accounts and Estimates Committee's report on the 2007–08 Budget Estimates (part 2). As a former member of the Public Accounts and Estimates Committee in the previous Parliament I take a great deal of interest in the scrutiny that the budget process is subjected to, which has been common all the way through both the Bracks and the Brumby governments. I was pleased to see again — and I attended a couple of the hearings just for old times' sake — that Premier Bracks and the then Treasurer, now Premier Brumby, attended and subjected themselves to scrutiny, as did every minister. It is an important tenet of the way we do business in this government that ministers subject themselves to detailed questioning through the budget process.

This is in stark contrast to the previous Liberal government in the Kennett era. I know that well, having been a public servant who served in that time. There was then a culture of secrecy, and in fact the Premier of the day never once appeared before the Public Accounts and Estimates Committee. I believe the Treasurer appeared on only one or two occasions, and generally not a lot of information was forthcoming.

I would like to thank the secretariat of the Public Accounts and Estimates Committee. I think that the Parliament gets extremely good value from the secretariat.

I know there is an enormous turnaround in the work they need to do in the preparation of documents. There are also the departmental officials who respond to the questionnaires that are sent out prior to the questioning. I would also like to very much thank the staff involved in that process and also all members on the Public Accounts and Estimates Committee, who undertake a significant role in scrutinising the budget. They have to work extremely hard and spend a lot of time away from their families and their electorates whilst undertaking this very important role on behalf of the Parliament and the Victorian community.

I commend the report by the Public Accounts and Estimates Committee on the budget estimates this year, and commend it to the house.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 2)

Ms WOOLDRIDGE (Doncaster) — I rise to make some brief remarks regarding the Public Accounts and Estimates Committee (PAEC) report on the 2007–08 budget estimates. In doing so I will refer to part 2.

On page 3 of section 4.13 of the transcript of evidence the Minister for Mental Health stated that funding committed over the life of the budget estimates will tackle emerging issues like alcohol and see the development of a Victorian alcohol action plan, or the VAAP. While the issue of alcohol and its misuse — which the minister in her evidence to PAEC called an emerging issue — is as old as Methuselah, members of this house may be unaware that the VAAP has a similarly long history.

Way back in June 2002 the government unveiled its 'Victorian alcohol strategy — stage 1'. The then Minister for Health, Minister Thwaites, said very

clearly that this document initiated the development of a Victorian alcohol action plan as a strategy to lessen the impact of alcohol-related harm on young people. But five years on there is still no plan. While Labor dithers, young people are dying at the rate of one every week as a result of alcohol.

Since 2002 mentions of VAAP have occurred in various places, and on each occasion with a different time line. To the PAEC in 2004 the then Minister for Health, Minister Pike, said there was additional resourcing in that year's budget to develop VAAP. But here we are in 2007 still waiting. In 2006 the Victorian drug strategy said VAAP was currently being finalised. Subsequently the tune was changed when the government stated that over 2006–07 the branch would be developing a draft VAAP.

Then, at long last, after more than five years of procrastination and shifting timetables, we learn that Labor has established a VAAP task force, which met for the first time on 30 July. The task force will make comments that will eventually be incorporated in a draft VAAP, which I hope will in time become the final VAAP in order to fulfil the minister's PAEC commitment on page 3 of section 4.13. This massive level of procrastination and inaction is of course the hallmark of Labor's time in office. Even a cursory examination of Labor's record identifies the overwhelming tendency of this government to do nothing. Then, if pressed for long enough, Labor will finally set up a committee — or two or three — to look into it.

In July this year the new Victorian Drug and Alcohol Prevention Council was charged with developing a four-year alcohol and drug prevention strategy. That sounds a bit familiar. This committee replaces the Premier's Drug Prevention Council. While the committee name has been announced, it has not met yet and the members have not even been appointed. Last year the government also convened the Liquor Control Advisory Council to report on the appropriateness of the regulatory regime for the sale of packaged liquor in contributing to minimising harm from the misuse and abuse of alcohol. Nine months later, in April this year, the committee finally called for submissions.

Five years after a promise to deliver a strategy to prevent alcohol-related harm, instead of initiatives to help solve the problem, we have two councils and a task force looking into it. With a plethora of committees all making contributions to the one strategy I have grave doubts about the coherence and comprehensiveness of the end product. A thorough alcohol policy must address issues around advertising and promotion, licensing, supply, education and treatment. A focus must also be given to important factors such as gender, ethnicity and rural and regional concerns. Unless all these issues are addressed in a systemic and detailed way through the minister's commitment to PAEC, Labor's plan, when we finally see it, will no doubt fail.

Another major concern with Labor's tortuous process is that somewhere along the line young people have fallen off the agenda. VAAP was conceived as a youth alcohol awareness and prevention strategy. But now Labor's rhetoric is simply about a broad alcohol policy.

I have talked a number of times in this chamber about escalating alcohol-related harms, especially among young people, and gross Labor inaction. I welcome the minister's commitment in section 4.13 of the PAEC report to establish VAAP. However, I call on the minister to be true to Labor's 2002 promise and ensure, contrary to recent statements, that young people are the focus of the plan. Given the ongoing weekly deaths of young people due to alcohol, I hope it will not take another five years for Labor to finally put together a policy to turn around Victoria's worsening trend of youth drinking and the associated harms.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 1)

Ms RICHARDSON (Northcote) — I am pleased to have the opportunity to speak on the Public Accounts and Estimates Committee report on the 2007–08 budget estimates. This is the committee's first report for the 56th Parliament. It has been delivered in a timely fashion and has comprehensively covered the topics that were debated at the committee's hearings.

Another outstanding feature of the committee process was that every minister attended — indeed the Premier himself also attended — the committee hearings. I note that the previous Liberal Premier never attended any committee meetings, such was the arrogance of the previous Liberal government. In stark contrast, the Premier at the time, Steve Bracks, at a budget estimates hearing on 3 May 2007, stated:

> … PAEC has a different role and function to other joint parliamentary committees. It is a different function. It ranges over the whole of government. It has an estimates hearing in which ministers make submissions, and it can call in government departments for those submissions as well. It reports to Parliament on the overall estimates, and those recommendations are very important for government activity.

The then Premier also provided additional funding — $360 000 in total — to support the committee's

activities. In all, the regard by the Premier and by the Labor government for this committee is summarised by these actions and statements. The Labor government regards the work of this important committee as integral to its openness and transparency.

The transcripts of the proceedings are included in the report and provided as a summary. The report also summarises the key matters raised at the hearings in the form of the committee's questions and responses from ministers; questions taken on notice by ministers for which written responses were due by specified dates; unasked questions by the committee also referred to ministers for written responses; and documents presented by ministers to the committee at hearings.

I was particularly interested in the exchange, the transcript of which is included in the report, between the then Treasurer, John Brumby, and the member for Scoresby. It starkly highlighted to me the lack of understanding by the member for Scoresby about key accounting procedures. It reminded me of the member for Scoresby's response. I commend the report to the Parliament and look forward to the subsequent reports of the committee.

Sitting suspended 1.01 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Police Association: investigation

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's comments in the house yesterday regarding the conduct of the office of the Minister for Police and Emergency Services in the Kit Walker affair, and I ask: when and in what form was the advice regarding that conduct provided by Deputy Commissioner Simon Overland?

Mr BRUMBY (Premier) — I thought we dealt with this matter yesterday in question time. The fact of the matter is that a call was made to the police minister's office. The information in relation to that call was then transferred, was then related, to the Chief Commissioner of Police. As was indicated yesterday, Simon Overland has said that the behaviour of the police minister and his office was entirely appropriate.

Honourable members interjecting.

Mr BRUMBY — The behaviour of the minister and the minister's office was entirely appropriate. What the Leader of the Opposition is really saying today with this question — —

Mr Baillieu — On a point of order, Speaker, it is a simple question, and the Premier is choosing to debate the question. When and in what form was the advice given?

The SPEAKER — Order! I uphold the point of order. The Premier, to answer the question.

Mr BRUMBY — What this is from the Leader of the Opposition — —

Honourable members interjecting.

The SPEAKER — Order! That constant interjecting of a word that forms part of the question is not needed, and if the Premier is answering the question, he should be given an opportunity to do so.

Mr BRUMBY — We need to be clear about this. What the Leader of the Opposition is doing with this question and with the questions he asked yesterday is impugning the integrity of the Chief Commissioner of Police. That is exactly what he is doing. The question for the Leader of the Opposition — and this morning in another place Mr Bernie Finn attacked the integrity of the chief commissioner — is — —

Honourable members interjecting.

The SPEAKER — Order! I bring the Premier back to the question.

Mr BRUMBY — Speaker, I am answering the question and answering it succinctly. The behaviour of the police minister is entirely appropriate, so this is not a question about the police minister. This is an attack on the Chief Commissioner of Police by the Leader of the Opposition.

Mr Baillieu — On a point of order, Speaker, standing order 58 requires the Premier to be direct, factual and succinct. He has not addressed the question about when and in what form this advice was given. These were remarks made by the Premier. The Premier mentioned Mr Overland yesterday.

Honourable members interjecting.

The SPEAKER — Order! I remind members on the government benches that points of order should be heard in silence. Has the Premier completed his answer?

Honourable members interjecting.

The SPEAKER — Order! I do not think I just heard the member for Bass, but I advise the member for Bass and the member for Geelong that when they are finished with their interjections question time can continue.

Water: Victorian plan

Ms THOMSON (Footscray) — My question is to the Premier. Can the Premier advise the house of the government's progress in delivering water security for Victorians?

Mr BRUMBY (Premier) — I thank the member for Footscray for her question. Earlier this morning I was in Wonthaggi with the Minister for Water opening a new project information office which has been funded by the government to provide more information to the local community about the desalination plant which is planned for that area. The office is open during the week; it is also often open at night so that residents can visit it and find information about the project.

While I was there I also announced, with the minister, the next steps in delivering the government's water plan for our state. It is instructive to recall that we have the Tarrago connection coming online in 2009, which will be 150 billion litres of additional water; we have the Sugarloaf interconnect, which will come online in 2010 and which is an additional 75 gigalitres of water; and in 2011 we will have the desalination plant, which will come online with 150 gigalitres of water.

The thing about these projects is that four of the last five years in Victoria have been extraordinarily dry years. We need to plan ahead — —

Honourable members interjecting.

Mr BRUMBY — We need to plan ahead to ensure that we can create new water.

Ms Asher interjected.

The SPEAKER — Order! I ask for some cooperation from the Deputy Leader of the Opposition.

Mr BRUMBY — That is precisely what these projects do. Obviously the desalination turns sea water into fresh water, and of course the food bowl project — —

Honourable members interjecting.

Mr BRUMBY — We have the Liberal Party and The Nationals in the other place trying to delay these projects by another four months.

This morning I announced with the water minister that we will be delivering the desalination plant as a public-private partnership (PPP). We will ensure it is delivered on time, on schedule and on budget. We are using PPPs because this is a large project. A desalination plant is not a project which a government would typically build. We are keen to get maximum competition between operators overseas and in Australia to drive the most efficient and innovative delivery model and ensure that that water can be delivered on time and on cost to the people of Melbourne and Geelong.

I also announced this morning the release of a report by Monash University on the economic impacts of the desalination plant for our state. This is a big project — $3.1 billion in total — and its economic benefits are quite extraordinary for the state. More than 3000 jobs will be generated during the construction phase. It will add more than $1 billion a year to Victoria's gross domestic product (GDP). It will add 0.2 percentage points to Victoria's GDP and, during construction, will directly employ 920 people on the overall project — and of course many of those people will be employed in the region. People who have been to Horsham can see the significant additional employment and economic activity in that area generated through the Wimmera–Mallee pipeline. A similar result will be seen in the north of the state when the food bowl project gets under way; and as I said earlier, this project will add more than $1 billion a year to Victoria's GDP.

In terms of the local community, I also approved through the Minister for Regional and Rural Development a grant of $370 000 to assist the Bass council with planning, because it is going to see even stronger economic and population growth in that area going forward. I was there with the mayor of the Bass Coast council this morning, and he was delighted that the government had made that commitment of $370 000. The commitments today will ensure that this project can be delivered, as I have said, on time, on schedule and at least cost to taxpayers.

Government: advertising

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a tax invoice from Shannon's Way directed to the Department of Premier and Cabinet for the sum of $403 778.10 for 'costs to produce commercials, dispatch to stations, create internet versions' for the infamous water plan advertisements featuring the former Premier in the red helicopter, and I ask: how can the government justify this outrageous expense, let alone at a time when doctors at Wonthaggi are battling to provide their

services because the local health system is underfunded and when the television advertisements to which this account refers had already been filmed while the present Premier was telling the Victorian Farmers Federation and others that he was negotiating with them in good faith regarding water policy?

Mr BRUMBY (Premier) — It is interesting that the Leader of The Nationals is concerned about an invoice for $400 000, as I heard the question. The federal government has just spent — —

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, the Premier very obviously is debating the issue. What the federal government may or may not be — —

Honourable members interjecting.

The SPEAKER — Order! Members will have their points of order heard in silence.

Mr Ryan — What the federal government may or may not be doing over this issue is of absolutely no relevance to the question that has been asked. It is about an account for $403 000 directed to the Department of Premier and Cabinet here in Victoria, and it is on a Victorian basis regarding Victorian business. The Premier should respond to the question I have asked.

Mr BRUMBY — On the point of order, Speaker, as I heard the question from the Leader of The Nationals, he asked me how I justified government spending on advertising, and that is precisely the question I am answering.

The SPEAKER — Order! I do not uphold the Leader of The Nationals point of order at this point. A simple mention of the federal government does not mean that the Premier has been debating the question. In fact he had only started to answer the question. I believe reference is able to be made to the federal government as it affects state government business. I do, however, suggest to the Premier that the answer needs to respond to and relate to state government business.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte has been warned before!

Mr R. Smith — I didn't say anything!

The SPEAKER — Order! Then the member for Warrandyte is unfortunate in this instance. But all members of the opposition have been warned about constantly making side remarks before the member who has been given the call has had a chance to make a statement. I warn members of the opposition that it is just simply not going to be allowed.

Mr BRUMBY — Earlier this year the government announced $4.9 billion worth of projects. This is a huge investment by the state and by the people of Victoria, and I would have thought that with such an investment it is entirely appropriate to communicate information about that investment to the people of Victoria. Last year when the government produced the Our Water Our Future campaign it was also criticised by the opposition. At the time the Auditor-General said in relation to the previous water campaign:

> We concluded that due to the importance of the message being delivered, it was appropriate that it be delivered by the Premier, and therefore we consider it was an appropriate use of funds.

That appears at page 135 of the Victorian Auditor-General's report on government advertising. I will put this into context, and it is in the context of $4.9 billion worth of projects. As I was remarking before, the federal government has spent more than $100 million on WorkChoices advertising. When I got home the other night and turned on the TV I think I saw in the space of 1 hour three advertisements from the federal government on climate change.

Mr Ryan — On a point of order, Speaker, I renew the point of order.

The SPEAKER — Order! It is difficult for me to rule on a point of order that is not fully enunciated, but I bring the Premier back to the question.

Mr BRUMBY — The reason I mentioned that is that the Leader of The Nationals has referred to a $400 000 issue. The federal government on climate change advertising is spending $23 million two months out from a federal election.

Mr Ryan — On a point of order, Speaker, I renew the point of order.

The SPEAKER — Order! I ask the Premier to relate his answer to state government business.

Mr BRUMBY — If the Leader of The Nationals is truly concerned about water issues, I would refer him to the front page of today's *Weekly Times*. The Liberal Party and The Nationals are working together — —

Mr Ryan — On a point of order, Speaker, in the context of this question the front page of the *Weekly Times* has absolutely no relevance. I have asked a

question about $400 000 worth of expenditure and why the Premier was telling the VFF he was negotiating with it in good faith — —

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

Mr BRUMBY — The biggest issue we have at the moment in relation to water is the federal government's proposal to take water from Victorian irrigators' water allocations this year and put it in a water quality reserve that may or may not be — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to relate his answer to the question.

Mr BRUMBY — It is on water, on which I am answering.

The SPEAKER — Order! I ask the Premier to relate his answer to the question regarding a tax invoice for $403 000.

Mr BRUMBY — We have appropriate arrangements in place. We have $4.9 billion worth of investment which is occurring to make the security and availability of water supplies in this state an economic strength for our state. It is appropriate that Victorians are informed about this. The Nationals may argue about the quantum of government advertising. In the bigger scheme of things, if you look at the $23 million being spent by the federal government on climate change or the $100 million on WorkChoices, this is a modest amount.

Energy: clean coal technology

Ms D'AMBROSIO (Mill Park) — My question is to the Minister for Energy and Resources. Can the minister inform the house of the development of cutting-edge coal drying and combustion technology to generate electricity from Victorian brown coal at the Hazelwood power station?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the honourable member for her question. I know the member for Mill Park is interested in protecting jobs and the environment at the same time, and it is a very appropriate question. Victoria, through the Latrobe Valley, is the repository of one of the largest and most economic sources of energy in the world. There is around 500 years of brown coal in the Latrobe Valley, but to be part of Victoria's future this brown coal needs to be used in a cleaner way when generating electricity.

In essence the Brumby government has set out to look after the Latrobe Valley and to look after industry there and industry generally, and to do that by looking after the environment at the same time. The Labor government here in Victoria has committed over $100 million to research and development and the commercialisation of new clean coal technology, through its energy technology innovation strategy, otherwise known as ETIS. I am pleased to inform the house that this month the government has executed an ETIS contract with International Power. This contract commits $30 million of state government funding to a project of nearly $370 million for drying brown coal in the Latrobe Valley. It is a project that will bring together a demonstration unit for drying brown coal — —

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition and government benchers to lower the level of conversation. If members are more interested in their conversations than they are in the answer to the question, I invite them to leave the house.

Mr BATCHELOR — This is a $30 million commitment by the state of Victoria to a $370 million project to dry brown coal, to use it in an innovative way in the combustion process and to have it carbon capture ready at the Hazelwood power station. The commonwealth government has also contributed to this project. Together with International Power the state-of-the-art technology that will be developed at Hazelwood will cut current greenhouse gas emissions from a converted brown coal generating unit by up to 25 per cent — that is, there will be a cut of up to 25 per cent at one of the units which will be subject to this $370 million upgrade. This will be a world-leading demonstration project of both combustion and the drying of brown coal for a power generating unit in the Latrobe Valley.

Mr Hodgett interjected.

The SPEAKER — Order! The member for Kilsyth will stop interjecting in that manner.

Mr BATCHELOR — Let us not forget that the technology that will be put on demonstration at Hazelwood was developed here in Victoria at Monash University. The project has the potential to transform the 40-year-old 1600-megawatt Hazelwood power station from one of the Latrobe Valley's highest emitters of carbon dioxide to one of its lowest. That is what clean coal technology is all about, and that is why the government is committing some $30 million to this demonstration project. There will also be 350 new jobs

created through the construction stage of this new, exciting project.

More importantly, this demonstration project is designed to show how groundbreaking technology can be applied not only at Hazelwood but also at the other power stations in the Latrobe Valley and potentially at other power stations around the world to reduce greenhouse gas emissions. The successful use of this technology in the Latrobe Valley has the objective of securing our electricity supply and local jobs and helping to boost the economic viability of the Latrobe Valley — and doing all of this in an environmentally responsible way through the generation of electricity through the use of brown coal.

This government is committed to a strategy which will achieve near-zero emissions from the use of brown coal in the Latrobe Valley. It is our brown coal, and we need to make use of it in an environmentally friendly way in a future which is clearly carbon constrained. The signing of this contract is really another significant step forward in the overall plan to cut greenhouse gas emissions from our existing coal-fired power stations in the Latrobe Valley. It will also lead the way to making dramatic improvements in future power generation in the Latrobe Valley. Of course with the requirement for it to be carbon capture ready at the demonstration phase, it leads us one step closer to our near-zero strategic policy of electricity generation in the Latrobe Valley.

I congratulate International Power and those involved in the energy technology innovation strategy for working together in taking this great step forward and helping to protect the environment, jobs and the Latrobe Valley all at the same time.

Police Association: investigation

Mr McINTOSH (Kew) — My question is for the Minister for Police and Emergency Services. I refer the minister to his comments in the house yesterday about the role of the minister's office in the Kit Walker affair, and I ask: what investigations did Deputy Commissioner Overland undertake, who in the minister's office was interviewed, and will the minister now table the advice from Deputy Commissioner Overland?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Kew for his question in relation to a matter that we have discussed in this house earlier, sometime in May. As I advised the house at that time, this was an operational investigative matter, and I will not comment on operational investigative matters. But Victoria Police officers do, and they have made it very clear that my office acted appropriately.

Honourable members interjecting.

Mr CAMERON — Honourable members opposite point out that yesterday I specifically said Simon Overland. He has made this clear.

Honourable members interjecting.

Mr CAMERON — Speaker, do they want an answer or not?

Honourable members interjecting.

Mr CAMERON — There was initially a report in the *Age* of 14 May. My understanding is that at that time Simon Overland said to the *Age* that my office acted appropriately. A week later — that is, the week commencing 21 May — we had sittings of this house. Given that this matter might have been raised during that week, I asked Deputy Commissioner Overland, who at the time was I think the acting chief commissioner, what I should say, given that the matter related to an operational investigative matter. To that end, Deputy Commissioner Overland made it very clear to me that my office acted appropriately. I asked him what I should say and he provided me with a possible parliamentary answer.

Given that it was an operational matter, the advice he gave me was that I should reply along these lines — and I will read to you the reply that he suggested. He said:

> As reported in the *Age* newspaper on Monday, 14 May 2007, the ethical standards department is conducting an investigation into the inappropriate use of its email system by a person using the pseudonym 'Kit Walker'. Investigations into this matter remain active.

Another point was:

> Victoria Police has confirmed that, as reported in the *Age* article, the minister's office was contacted by the secretary of the TPA with respect to the investigation and that the minister's office notified the chief commissioner's office of that contact.

He also said:

> Given the matter remains an active ESD investigation, any further questions should be referred to Victoria Police as it remains an active investigation.

He also said:

> The advice from the minister's office to Victoria Police was entirely appropriate.

They want Simon Overland's advice. I can happily make a copy available.

Mr Baillieu — On a point of order, Speaker, the minister has quoted from a document, and I ask him to table the document.

Honourable members interjecting.

The SPEAKER — Order! Government members will not behave in that manner. The minister has acknowledged that he will make the document available to the house.

Schools: Broadmeadows regeneration project

Ms BEATTIE (Yuroke) — My question is to the Minister for Education, and I ask: can the Minister for Education update the house on how stage 1 of the Broadmeadows schools regeneration project is demonstrating the government's ongoing commitment to education in Victoria?

Ms PIKE (Minister for Education) — I thank the member for Yuroke for her question. Over the last eight years the government has continually sought to improve educational outcomes for Victoria's children, because we know how absolutely crucial a good education is as a foundation for active social participation and satisfaction in life. Those investments really are bearing fruit. We know now that we have the highest retention rate for year 12 students of any state in Australia, and in fact Victoria's children are performing at or above the national averages in numeracy and literacy.

But we also know that education is a dynamic field. It is a changing field, and as our world changes and the challenges change and new skills are sought, we have to respond to those challenges in a very innovative and dynamic way. That is why the government is investing in regeneration projects, because the regeneration of our educational facilities, the regeneration of ways of teaching and learning and the regeneration of leadership are all factors that are really significant and important if we are to meet these new and emerging challenges into the future.

Since 2004 school leaders and staff, community members, local government and the education department have been working together in the Broadmeadows community to talk about how we can improve educational outcomes for young people in the Broadmeadows area. The government has already committed $21.8 million in the 2007–08 budget for stage 1 of the Broadmeadows regeneration project as part of the wider state schools plan.

Ms Asher interjected.

Ms PIKE — The Deputy Leader of the Opposition asks, 'Why was Broadmeadows chosen?'. This is absolutely pertinent — —

The SPEAKER — Order! Interjections should not be acknowledged.

Ms PIKE — This government is committed to good-quality education for children right around our state, but we also know that there are some areas of disadvantage where we have to make an extra special effort, and Broadmeadows is one of those areas.

Mr R. Smith interjected.

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

Ms PIKE — We care about all kids, but we especially care about kids who are disadvantaged, because we want to lift them up and provide excellent opportunities for them so they can enjoy all the good things that our community has to offer. Unlike the federal government, which selectively funds only aspects of our education system, we have a strong and profound commitment to public education, because that is the Labor way and we are proud of it.

This investment will see the construction of a brand-new year 7–9 campus of the newly formed Hume Central Secondary College and a relocated Broadmeadows Primary School on the Blair Street site of the former Broadmeadows Secondary College. The work will also see the commencement on the Dimboola Road site of the former Hillcrest Secondary College with the building of the second year 7–9 campus of the newly formed Hume Central Secondary College on the western side of Broadmeadows.

Everyone in the community is committed to this project. Everyone is working together for the sake of the children in that community, because we want the best possible outcomes so we can genuinely regenerate education and genuinely regenerate the community. This government will continue to be involved in this kind of investment, because this, we know, is absolutely critical to these kids and to the future of our state.

Police Association: pre-election agreement

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Can the Premier assure the house that no member of the government or its staff discussed the Kit Walker affair or the restructuring of

the Office of Police Integrity with representatives of the Police Association prior to signing its secret pre-election deal?

Mr BRUMBY (Premier) — I am not able to be responsible for any discussion that might or might not have taken place in Victoria, in Australia or in the universe in the last year. I would be very surprised if such a discussion took place, and I am certainly not aware of any.

Courts: Moorabbin complex

Ms MUNT (Mordialloc) — My question is for the Deputy Premier. Can the Deputy Premier inform the house of what progress is being made on the development of the Moorabbin court and reactions to this project?

Mr HULLS (Attorney-General) — I thank the honourable member for her question and indeed for her interest in infrastructure facilities in her electorate, in particular the Moorabbin court complex. As a government we have always understood how important courts are. They are a part of local communities. Indeed they need to be at the centre of the local communities that they serve. That is why I am pleased that I will very soon have the privilege of opening yet another — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass should not be encouraging others, and the member for Kilsyth should cease interjecting.

Mr HULLS — I will soon have the privilege of opening yet another state-of-the-art court facility built on the watch of this government. On top of the new courts at Warrnambool and also at Mildura, the Latrobe Valley and Wodonga, the $28.2 million Moorabbin justice centre will serve the Glen Eira, Kingston and Bayside municipalities, with the first hearings scheduled well before Christmas. That will certainly bring justice much closer to the people of the south-east.

We are all about opening courts; that is the Labor way. We believe courts are important. As a multipurpose facility this centre will not only deal with standard Magistrates Court matters but also provide the people of Moorabbin and surrounding areas with the resolution of civil matters, small claims matters, residential tenancy matters, sheriff's matters, Children's Court matters and a whole range of other matters as well. As we know, this will be a six-courtroom facility built on the old Gas and Fuel Corporation site. I am also pleased to advise the house that an open day will be held at this facility on Sunday, 21 October, and I invite all members of the community to attend.

I have to say that most stakeholders have been fully supportive of this court, which will be opened under the Brumby government. I am pleased to say that the Peninsula Community Legal Centre's principal solicitor, Victoria Mullings, said that the East Bentleigh centre's staff were pleased to hear the court would open before expected. She said that most clients would no longer have to travel to Frankston or Melbourne to have their legal issues resolved. We think that is a very good thing, and most stakeholders are fully supportive.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings should stop interjecting in that manner.

Mr HULLS — There was one foolish fellow who suggested quite some time ago that the new court complex would actually attract criminals to the area, which I found fascinating. I know you find this comment laughable, Speaker, and it would be laughable if it were not supported by a particular Sandringham resident who advised locals to 'lock up your cars, lock up your houses and buy a Rottweiler' as a result of the court being built. That Sandringham resident is none other than the honourable member for Sandringham.

Unlike the opposition and unlike the honourable member for Sandringham, we fully support modern, state-of-the-art court facilities. We are very proud of the Moorabbin court complex. The people of Melbourne's south-east corridor certainly deserve a state-of-the-art court facility, and they deserve the best that the law has to offer. Whilst the opposition insults our legal system we are getting on with the job of providing facilities and services that a 21st century justice system demands.

Police Association: investigation

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the minister's previous responses in regard to the conduct of his office in the Kit Walker affair, and I ask: has Deputy Commissioner Simon Overland provided the minister with a draft response to a possible parliamentary question in regard to why the ethical standards department's investigation of the Kit Walker affair was halted after the contact was made by the minister's office to the chief commissioner?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. The question relates to an

entirely internal police operational matter, so of course he has not.

Technical education centres: establishment

Ms BARKER (Oakleigh) — My question is for the Minister for Skills and Workforce Participation. Can the minister update the house on the progress the Brumby government is making in delivering new technical education centres for young Victorians and other proposals for the delivery of vocational education and training in this state?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the member for Oakleigh for her question. As all members of the house know, it has been the Victorian Labor government that has put the education and training of young Victorians at the absolute core of its values since day one.

We continue to back the future of young people by delivering an education and training system that is of the absolutely highest quality. We are also doing it to back the future of the Victorian economy. Since 1999 we have invested an additional $1.1 billion in skills and training because we know the workforce of tomorrow depends on people being trained today, particularly in areas of higher level skills. To support this we are also building the infrastructure to enable people to train to get these higher levels of skills.

We have a terrific example in this state of our four new technical education centres (TECs). I am very pleased to be able to advise the house that just last week I launched the latest technical education centre in Ballarat with the member for Ballarat East. That is now three out of four of our new TECs that are up and running. The doors are open, and we are seeing more than 300 students being provided with a new vocational education and training pathway in Berwick, in Wangaratta and in Ballarat. In Wangaratta the construction of the new facilities will see the local community benefit from $8 million in new infrastructure, and I know the member for Murray Valley has been a very strong supporter of that facility.

The new Berwick TEC facilities will be worth $9.1 million, and Ballarat TEC will have facilities worth $6.9 million. Of course, our fourth TEC, which will be open by mid-2009, is in Heidelberg and will be built at a cost of $8 million. So, Speaker, you can see how our $32 million technical education centres are an excellent example of how the Brumby government is delivering high-quality training for young Victorians in high-quality facilities. Disappointingly another government has chosen to do things a bit differently, particularly in the delivery of vocational education and training.

Today is an auspicious day for a number of reasons, and certainly the member for Yan Yean and I would agree that it is an auspicious day for a number of reasons. Some people in the chamber might be aware that it also happens to be International Talk Like a Pirate Day. It is fitting therefore to contrast the excellent performance of the Brumby government's technical education centres with the pirate-like plundering of the taxpayer purse by the Howard government with its failed Australian technical colleges (ATCs) proposal. Certainly those of us on this side of the house would agree. We always support the Premier, but we particularly supported the Premier when he labelled the ATCs as 'world's worst practice'. They are world's worst practice.

Even the federal government's own independent audit of the proposed Australian technical colleges has highlighted a number of shortcomings, not the least of which is that the federal government has spent $600 million without producing one single graduate — not one single graduate out of a $600 million initiative. Worst of all — —

The SPEAKER — Order! The minister should confine herself to state government business.

Ms ALLAN — Certainly, Speaker. We have seen 300 students enter our new technical education centres in Victoria, but there has not been one single graduate from the federal government's Australian technical colleges. Worst of all, it is at it again. Victoria has grave concerns about the new proposed nursing schools, which are modelled on the failed ATC proposal and which will duplicate the existing state system. They are being developed without consultation with the states and have been slammed by health professionals and universities, who say it is a waste of money that will further crowd hospital wards. Whilst the federal government — —

The SPEAKER — Order! The minister will confine her answer to Victorian state business.

Ms ALLAN — In conclusion, whilst the federal government continues on its path of pillaging the taxpayer purse for wasteful and ineffective initiatives, we will continue to get on with the job. We will continue to invest in the skills infrastructure that this state needs to make Victoria the best place to live, to learn, to work and to raise a family.

ENERGY LEGISLATION FURTHER AMENDMENT BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) 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 Energy Legislation Further Amendment Bill 2007.

In my opinion, the Energy Legislation Further Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Energy Legislation Further Amendment Bill 2007 (the bill) amends the Electricity Industry Act 2000, the Gas Industry Act 2001, the Gas Pipelines Access (Victoria) Act 1998 and the Gas and Fuel Corporation (Heatane Gas) Act 1993 to:

enable the transfer of customer information from a failed energy retailer to improve arrangements for security of supply;

extend the sunsetting of the energy consumer safety net provisions from 31 December 2007 to 31 December 2008 and reduce the publication requirement for retail safety net tariffs from 60 to 30 days;

make amendments consequent to the recent review of the Victorian Energy Networks Corporation (VENCorp);

repeal redundant provisions in relation to the Port Campbell underground gas storage facility;

make minor statute law revisions; and

clarify the effect of an order made under the Gas and Fuel Corporation (Heatane Gas) Act 1993 relating to the transfer of ownership of the Heatane gas pipeline extending from Dandenong to Hastings, Long Island Point and Crib Point.

Human rights issues

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

The bill provides, in certain circumstances, for the transfer of information which includes private information such as a person's name and address. Accordingly, section 13(1) of the Charter of Human Rights and Responsibilities Act 2006, which provides that a person has the right not to have his or her information privacy unlawfully or arbitrarily interfered with, has been considered.

The bill provides that, in the event of a disorderly exit of an energy retailer, the failed retailer or its insolvency official is obliged to transfer information about its customers to a retailer replacing the failed retailer ('a retailer of last resort'). A disorderly exit of an energy retailer would arise where the failed retailer has ceased to be licensed under the Gas Industry Act 2001 or the Electricity Industry Act 2000 or otherwise ceases trading activities. These circumstances would be exceptional and would place at risk the continued supply of the essential service of electricity or gas to the failed retailer's customers. The purpose for which the transfer of information under the bill may occur would be to ensure the continuity of energy supply to a failed retailer's customers.

The scope of information that may be transferred is defined in the bill. This information is confined to that which is necessary to identify a failed retailer's customers and their gas or electricity supply needs and billing details, so that a retailer of last resort may supply gas or electricity to those customers and obtain payment for electricity or gas supplied.

The bill provides for an appropriately transparent process for the transfer of information. A notice issued by either a retailer of last resort or the Essential Services Commission (the independent Victorian regulator of the gas and electricity industries) must specify the information to be transferred and detail the circumstances that give rise to such a notice.

For the reasons outlined I consider that the bill does not unlawfully or arbitrarily interfere with the right to privacy and therefore the bill is compatible with the Charter of Human Rights and Responsibilities.

PETER BATCHELOR, MP
Minister for Energy and Resources

Second reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The government is committed to ensuring an efficient and secure energy system, reliable and safe delivery of energy services and access to energy at affordable prices. As part of the government's commitments, this bill is making miscellaneous amendments to the Electricity Industry Act 2000, Gas Industry Act 2001, the Gas Pipelines Access (Victoria) Act 1998 and the Gas and Fuel Corporation (Heatane Gas) Act 1993.

Parts 2 and 3 of the bill make amendments to the existing Victorian arrangements designed to ensure the continuity of gas and electricity supply to customers following the disorderly exit of a retailer. These arrangements provide for another retailer to replace a failed retailer and are referred to as 'retailer of last resort' schemes. Consistent with recommendations made by the Essential Services Commission following extensive consultation, the bill requires a failed retailer or its insolvency official to provide customer information to the retailer of last resort for the purposes of the retailer of last resort:

performing its supply obligations to its new customers; and

obtaining payment for electricity or gas supplied to those new customers.

Parts 2 and 3 of the bill amend the Electricity Industry Act 2000 and Gas Industry Act 2001 to extend the sunsetting of the energy consumer safety net provisions from 31 December 2007 to 31 December 2008. These amendments preserve the energy consumer safety net provisions for 12 months pending the outcome of the Australian Energy Market Commission's review of competition in the Victorian gas and electricity markets.

To provide energy retailers with greater certainty as to the distribution charges that are to be recovered through their retail tariffs, clauses 12 and 31 of the bill reduce the publication requirement for retail tariffs from 60 to 30 days. This will mean that the retail tariffs applying from January will be those gazetted the previous December based on distribution tariffs submitted by the energy distributors to the Essential Services Commission in mid-November.

The bill also includes amendments with respect to the Victorian Energy Networks Corporation (VENCorp). VENCorp was established in 1997 as a not-for-profit state-owned corporation responsible for planning and operating Victoria's electricity transmission system and operating the principal gas transmission system. In accordance with part 8 of the Gas Industry Act 2001, a review of VENCorp was undertaken in 2006–07. The review found that the Victorian energy industry and the community generally value VENCorp's key current functions and that VENCorp is considered to undertake these functions effectively and efficiently.

The bill makes a series of amendments consequent on the review of VENCorp. In particular, it will recognise VENCorp's not-for-profit status and repeal the requirement for it to present an access arrangement under the national gas pipelines access regime. The bill will also repeal VENCorp's electricity demand management function which the review found was largely unexercised and potentially in conflict with VENCorp's transmission planning function.

As well, the bill repeals redundant provisions in the Gas Industry Act 2001 in relation to the Port Campbell underground gas storage facility and makes other, minor amendments in the nature of statute law revision to that act.

The bill also amends the Gas and Fuel Corporation (Heatane Gas) Act 1993 to clarify that an order made in 1994 under that act transferred ownership of the Heatane gas pipeline extending from Dandenong to Hastings, Long Island Point and Crib Point to Elgas Reticulation Pty Ltd.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Wednesday, 3 October.

BUILDING AMENDMENT 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 Building Amendment Bill 2007.

In my opinion, the Building Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Building Act 1993 to:

clarify and simplify the purposes and objectives of that act;

clarify, simplify and otherwise amend the functions of the Building Commission and the Plumbing Industry Commission under that act; and

make other minor drafting changes to improve the operation of that act.

Human rights issues

The bill does not raise any human rights issues.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

PETER BATCHELOR, MP
Minister for Community Development

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 introduce a number of amendments that:

clarify and simplify the purposes and objectives of the Building Act 1993;

clarify, simplify and otherwise amend the functions of the Building Commission and the Plumbing Industry Commission under the act; and

make other minor drafting changes to improve the operation of the act.

When the Building Act was introduced in 1993 it transformed Victoria's system of building regulation. It has been amended over time to improve its operation. This particular bill is a 'machinery' bill which will strengthen the foundations on which the act is based. It will make matters clearer for all those who deal with the act.

The bill comes about as a result of certain recommendations made by the Victorian Competition and Efficiency Commission in its report *Housing Regulation in Victoria — Building Better Outcomes*, published in 2006. The recommendations upon which this bill is based relate to the purposes and objectives of the Building Act and the functions of the two key regulators under the act.

In its response to the report, the government indicated that it would undertake a review of these aspects of the act. The outcome of that review forms the basis for this bill.

The Victorian Competition and Efficiency Commission found that the purposes and objectives of the Building Act were unclear in several respects. The report pointed out that a system of regulation is more likely to be understood if its objectives are also understood. In this regard, the report recommended that the government simplify and clarify the purposes and objectives of the Building Act, paying particular attention to separating 'objectives', or ends, from 'instruments', or means of achieving those ends.

As a result of the government's review, the new section 4 which is to be substituted by this bill contains a simplified set of objectives for regulating building and plumbing in Victoria. The new section 1 contains a simplified set of 'means' — that is, the particular tools used in the act — for achieving those objectives. This refreshed framework provides a clearer reference point from which to make judgements about regulatory performance. In particular, this bill will give the act's objectives a new relevance by providing that, in the administration of the act, regard should be given to its objectives.

The report also examined the current roles of the regulators under the act and whether they were appropriate. The Victorian Competition and Efficiency Commission expressed the view that regulators need their independence in making day-to-day regulatory decisions, but they must also operate within a clearly defined framework that specifies the outcomes desired by the government and the types of activity in which the regulators should be involved. In particular, the Victorian Competition and Efficiency Commission emphasised that regulators should not be charged with the responsibility of providing policy advice to government in addition to their core responsibilities.

The bill will substitute a new set of functions for the Building Commission and the Plumbing Industry Commission in new sections 196 and 221ZZV respectively. The functions of each of the commissions have been simplified, to make it easier for the commissions to understand what is required of them, and for others to determine how successfully they have performed.

As part of this process, the commissions' core functions will no longer include the provision of policy advice to the government. To support the changes to the commissions' functions, the government is building an improved departmental capacity to deal with building policy matters. The commissions are key stakeholders in building policy and the new Department of Planning and Community Development will consult with them regularly.

The bill will also make some minor drafting changes to improve the operation of the act. It will bring existing provisions into line with modern drafting practice. I give the house the example of section 196, which currently fails to distinguish between the Building Commission's functions and its powers to carry out those functions. The bill will clearly separate the Building Commission's powers from its functions. This will also bring the drafting of the Building Commission's powers in line with those of the Plumbing Industry Commission.

These changes will improve the operation of the act.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Wednesday, 3 October.

TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL

Statement of compatibility

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) 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 ('the charter'), I make this statement of compatibility with respect to the Transport Accident and Accident Compensation Acts Amendment Bill 2007.

In my opinion, the Transport Accident and Accident Compensation Acts Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The proposed bill:

improves benefits under the Transport Accident Act 1986 ('the TA act');

improves the efficiency of the operation of the Transport Accident Commission (TAC) scheme;

ensures that people who suffer permanent spinal injuries in the workplace or in a transport accident are provided with compensation on the basis of their permanent impairment;

confirms that superannuation is not included for the purpose of calculating weekly payments for people injured in the workplace or in a transport accident.

Human rights issues

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

The right not to be deprived of property other than in accordance with law — section 20 of the charter.

The property right protected by the charter is a limited one. There must be some 'property' and it must be deprived other than in accordance with law.

Assessment of permanent impairment

The proposed bill changes the way in which permanent impairment is assessed for injured workers with spinal injuries who have surgery. For some injured workers, the assessment under the new provisions may result in less compensation. For others it may result in more. Property rights could arise by reason of existing entitlements or existing proceedings challenging those entitlements. Insofar as any injured workers could be said to have property rights, the proposed bill does not deprive any person of that property. Injured workers who have already been assessed for compensation for non-economic loss under section 98C of the Accident Compensation Act 1985 will receive compensation in accordance with that assessment, and will have any proceedings disputing the assessment considered under the existing law.

In relation to any injured workers who are yet to have their impairment assessed (as well as all people injured in a transport accident), there is no property to be affected by these amendments.

Accordingly, the provisions do not limit the property right in section 20 of the charter.

Exclusion of employer-paid superannuation from the definition of pre-injury average weekly earnings

This amendment seeks to clarify what has always been the position in Victoria — namely, that for the purposes of assessing the quantum of weekly benefits paid to people injured in the workplace or in a transport accident, employer-paid superannuation is not included. In preserving the status quo, the amendment cannot be said to unlawfully deprive people injured in the workplace or in a transport accident of their property.

People who have legal proceedings on foot challenging the longstanding approach by the VWA or the TAC to the calculation of weekly benefits may be said to have limited property rights in respect of those proceedings. However, any existing legal proceedings seeking the determination of a court on this question will not be captured under the amendment.

Accordingly, the provisions do not limit the property right in section 20 of the charter.

Conclusion

I consider that the proposed bill is compatible with the Charter of Human Rights and Responsibilities. Although it may raise human rights issues, it clearly does not limit any human rights.

TIM HOLDING, MP
Minister for Finance, WorkCover and the Transport Accident Commission

Second reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That this bill be now read a second time.

The main purpose of the bill is to improve the benefits available under the Transport Accident Act 1986. The bill also provides clarity on two important issues relating to Victoria's transport accident and workers compensation schemes.

The changes are consistent with the government's commitment to maintaining fair and financially viable statutory compensation schemes and, where affordable, introducing benefit improvements.

TAC benefit enhancements

The TAC administers a comprehensive and fully funded 'no fault' benefits scheme, providing injured Victorians with the financial support and other assistance they may need as a result of a transport accident.

Since the TAC was established in 1987, the scheme has provided more than $11 billion in compensation on more than 320 000 unique claims. In 2005–06, the TAC helped more than 40 000 injured Victorians, providing them with around $675 million in support and services.

The Brumby government is committed to maintaining and, whenever possible, improving the benefits available under this world-class scheme.

The benefit improvements outlined in this bill are focused primarily on those with severe injuries, and their families.

Family member

The bill contains an expanded definition of the term 'family member', which is included for two important purposes:

first, to ensure that the statutory medical excess applies only once in circumstances where more than one family member is injured in a single transport accident; and

second, to provide for the payment of travel and accommodation expenses to the parents and siblings of those injured in a transport accident. Previously, only partners and dependent children were eligible for this support.

Mobility equipment

The bill also contains a new definition of 'mobility aides', which is included to allow the TAC to fund the cost of replacing or repairing items such as wheelchairs and mobility scooters, should they be damaged in a transport accident.

The Transport Accident Act 1986 currently limits the types of property that can be replaced to items such as glasses, hearing aids and crutches. This amendment recognises that, even in less serious accidents, the loss of essential mobility equipment can be particularly distressing, especially for the elderly and the disabled.

Enabling the TAC to fund the replacement or repair of these essential aids will help clients return to their normal lives more quickly, and with less disruption.

Substitute care

The bill also contains a new benefit to support those who provide care for an elderly or disabled family member. Pursuant to this amendment, the TAC will fund substitute care for up to 12 weeks in circumstances where the person injured in an accident was the primary carer for a disabled or elderly family member.

School travel expenses

The bill also provides for the payment of travel expenses for clients who would otherwise be unable to get to and from school because of their transport accident injuries.

This will provide much-needed assistance to many families, removing what might otherwise be a significant barrier to their child's continuing education.

Employment safety net

The bill includes a new section 54A, which will provide an important safety net for clients who have returned to work after suffering a severe injury, but who subsequently lose their job due to changes such as employer or business insolvency, site closure, restructure or redundancy.

The Victorian government recognises the difficulty people with serious injuries face in returning to work, and the even greater difficulty they experience in finding alternative employment in the event they lose their job.

The TAC will now provide access to income support and vocational assistance to help these seriously injured Victorians find alternative employment.

I should make it clear that the Transport Accident Act 1986 already contains a safety net for TAC clients with severe injuries who are unable to keep working due to an aggravation or worsening of their accident-related injuries.

Daily living cost contribution cap

In 2003, the Transport Accident Act 1986 was amended to confirm that clients living in supported accommodation were required to make a contribution towards their ordinary daily living costs, such as food, rent or utilities.

This remains an important principle, although it should be noted that the requirement to contribute to such costs only takes effect 18 months after a client is discharged from hospital.

Nevertheless, it is important to ensure that these costs remain affordable. Accordingly, the bill provides that a limit be placed on them. This will be done by way of an order in council.

Improving the efficiency of the TAC

The bill contains the following initiatives to improve the efficiency of the TAC scheme, including:

enabling the TAC to make reimbursements to private health insurers where treatment for which the TAC is liable has been claimed through private health insurance;

reducing the need for clients to enter into agreements in relation to home and vehicle modifications by increasing the threshold above which they are required to enter into a formal agreement with the TAC; and

enabling the TAC to enter into bulk payment agreements with the providers of ambulance and hospital services, averting the need for people injured in a transport accident to make a claim where, for example, the only expenses incurred relate to ambulance transportation.

Taylor and superannuation

I turn now to two important emerging issues that the bill seeks to clarify, namely:

the point at which spinal injuries are assessed for the purposes of determining a person's 'permanent impairment'; and

the TAC and VWA's liability for injured Victorians' employer-paid superannuation contributions.

Spinal injuries

The VWA and TAC's longstanding approach to the assessment of spinal injuries arises from their interpretation of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* (fourth edition) ('the AMA guides'). This approach adheres to the principle that the provision of compensation should be based on the impairment the injured person is left with after maximum medical improvement (that is, after all that can be done is done). It is also consistent with the approach taken under the Wrongs Act 1958, and with most comparable schemes in other Australian and overseas jurisdictions.

Using the AMA guides in this way has allowed the two schemes to take into account the positive and the negative effects of any corrective surgery, providing clients with a level of financial support that reflects their level of impairment.

A recent decision of the Victorian Court of Appeal — *Mountain Pine Furniture v. Taylor* — has overthrown the VWA's approach to the assessment of spinal injuries, holding that workers should have their spinal injuries assessed prior to having surgery rather than after surgery.

The court's decision is not only inconsistent with the longstanding principle of providing compensation on the basis of an injured person's permanent impairment, it stands in stark contrast to the leading TAC case in this area (the Bayliss case), which supports a diametrically opposed position to that taken in Taylor.

Fundamentally, the Taylor decision threatens to create significant inequities among those Victorians supported by the TAC and VWA schemes.

It is not fair that a person whose spinal injury improves as a result of surgery be entitled to the same compensation as a person whose injury worsens as a result of the same treatment.

The bill restores a sensible position to this issue.

Although the Taylor case only applies in relation to the VWA scheme, similar amendments to the Transport Accident Act 1986 will ensure a consistent assessment methodology is adopted for both schemes.

The proposed amendment will ensure much-needed clarity in relation to this issue. Importantly, it will also ensure that Victorians injured in the workplace or in a transport accident continue to be appropriately and fairly compensated.

In supporting the court's decision in the Taylor case, some stakeholders have suggested that workers with spinal injuries are currently not adequately compensated under the VWA scheme.

With the reintroduction of common-law rights and successive improvements in statutory benefits, Victorian workers now have some of the most generous support available for the seriously injured across Australia.

These improvements have been implemented without destabilising the workers compensation scheme and have been complemented by reforms to the premium system to make it fairer and simpler.

Notwithstanding this, the government considers that there is some scope to review the impairment benefits

available to those who suffer serious spinal injuries. Accordingly, I will be directing that this issue be considered as part of an upcoming review of the Accident Compensation Act 1985.

Superannuation and Hastings Deering

The second area of the law requiring clarification relates to employer-paid superannuation and the provision of weekly benefits to injured Victorians by the TAC and VWA.

As with all other similar schemes in Australia, it has never been intended that weekly benefits under either the TAC or VWA schemes include any allowance for employer-paid superannuation.

The Northern Territory Court of Appeal in the case of *Hastings Deering v. Smith* has cast some doubt, however, about the position taken by the TAC and VWA in relation to this issue.

There, the court ruled that employer-paid superannuation was remuneration within the meaning of the Northern Territory's Work Health Act 1987, and therefore formed part of 'normal weekly earnings'.

If the Hastings Deering case were to be replicated in Victoria, the costs to the VWA and TAC would be substantial.

For the VWA, preliminary costings suggest the scheme could face an immediate liability in the order of $610 million. It is estimated that there would also be an ongoing liability of $40 million per annum.

The immediate, one-off liability impact to the TAC scheme is estimated to be $126 million, with annual ongoing costs of around $8 million.

It is important that the past and current practice of calculating weekly benefits under both schemes is enshrined in law, putting the issue beyond doubt.

In making this clarification, however, the government recognises that a growing proportion of the population is reliant on the retirement savings generated by their superannuation schemes.

With this in mind, the government will give thorough consideration to the question of whether superannuation could in some way in the future be taken into account when compensating people injured in the workplace or in a transport accident.

This will also be done as part of the upcoming review of the Accident Compensation Act 1985.

Conclusion

This bill delivers further improvements to the benefits available under the TAC scheme, reflecting the government's commitment to introducing benefit improvements where they are affordable and sensible.

The bill is also financially responsible, addressing areas of the law that require clarification to ensure the financial stability of Victoria's statutory compensation schemes.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Wednesday, 3 October.

CRIMES AMENDMENT (RAPE) BILL

Second reading

Debate resumed from 18 September; motion of Mr HULLS (Attorney-General).

Mr HULLS (Attorney-General) — I thank all members for their contribution to this bill. I think most members acknowledge that the Brumby government is certainly committed to improving the response of the criminal justice system to victims of crime — in particular, to victims of rape and other sexual offences. I am pleased that those opposite fully support this very important bill.

Following a request from this government, as we know the Law Reform Commission in 2004 delivered a report on sexual offences, law and procedure. The commission found that there was a high incidence of sexual assault in our community, a low disclosure rate, serious health consequences for victims of sexual assault, and relatively low prosecution and conviction rates. The commission also found that in many cases the criminal justice response to sexual offences actually caused further trauma to victims of sexual assault.

The Chief Commissioner of Police, Christine Nixon, recently commented that sexual assault and rape are vastly underreported and that studies have indicated that this could be as high as 85 per cent. We need to be clear. We certainly want victims of sexual assault to come forward and report these heinous crimes to police. If that means that crime figures for rapes reported actually go up, then that is a good thing. In fact, the chief commissioner has commented that increased reporting of rape indicates a greater confidence among

members of the public to come forward and report these matters to police.

As a government we have undertaken a massive overhaul of the way the criminal justice system responds to sexual assault. I believe these reforms are crucial in building the trust and confidence of victims to take that very brave step of reporting these types of crimes — often in very traumatic circumstances — to police. The message we all have to get out into the community is that sexual assault will not be tolerated — will not be tolerated — by the Victorian community. It is crucial that we update our laws to reflect current community expectations, while of course ensuring fairness to the accused.

As a government we have listened to what the Victorian Law Reform Commission has told us, and I believe we have tackled this problem head on. This government has undertaken a whole range of reforms. The legislative reform has occurred in three stages; this bill we are debating represents the third stage of that reform.

The first series of legislative amendments is contained in the Crimes (Sexual Offences) Act 2006 and responded to the Law Reform Commission's recommendations in relation to children and people with a cognitive impairment. That piece of legislation, amongst other reforms, allows evidence of children and victims with cognitive impairment to be pre-recorded, given by closed circuit television and in the presence of a supportive person; bans the cross-examination of children and other victims with cognitive impairment at committal proceedings; bans accused sex offenders from personally cross-examining their alleged victims; further restricts the admission of evidence about a complainant's sexual history; and further limits access by defence counsel to confidential notes made by the counsel for the complainant.

The second series of amendments was contained in the Crimes (Sexual Offences) (Further Amendment) Act 2006. They focused on improving the experience of adult sexual assault victims and ensuring a greater balance of fairness between accused persons and adult complainants in sexual assault cases. In particular that piece of legislation recognised that all victims of sexual offences deserve the opportunity to give evidence via closed-circuit television with a support person. It set much stricter limits on judges warnings to juries to reflect the fact that many sexual assault victims do not report those offences immediately. It also enshrined the Magistrates Court specialist sexual offences list, which was established and funded under this government.

I am very proud that the government has now introduced a third bill to address more of the Law Reform Commission's recommendations, including those which relate more specifically to the mental element of rape and jury directions given in trials for rape and other sexual offences. As other speakers have already pointed out to the house, this bill will ensure that a person accused of rape cannot avoid a guilty verdict by arguing that they had not considered whether their victim was consenting to sex. It clarifies directions given by judges to juries when they are asked to consider if an accused person was aware that a complainant had not or might not have consented to sex. It also requires judges where relevant to direct juries on the definition of 'consent' and its relevance to the offence of rape.

I think the house should also be aware of the non-legislative initiatives which have also been designed to improve the experience of victims of sexual assault in the criminal justice system. They were funded as part of the 2006–07 budget. In fact we committed $34.2 million to fund a number of very important initiatives because we know that legislative reform on its own will not be enough to fix the problems highlighted by the Victorian Law Reform Commission. We have to try to achieve cultural change right across the criminal justice system. Legislation on its own just will not achieve that cultural change.

Some of the non-legislative initiatives include $6 million to fund multidisciplinary sexual assault centres in Mildura and Frankston which bring together sexual assault police investigation units, forensic services and victim support services. They include $2.7 million to fund the Office of Public Prosecutions specialist sex offences unit. I was very pleased to be at the opening of that unit some time ago. Andrew Demetriou from the AFL (Australian Football League) gave a very compassionate and impassioned speech at the opening of that very important unit.

We gave $4.6 million to fund specialist sexual assault lists in the Magistrates and County courts, including a new County Court judge and a new magistrate to deal with these matters. We gave $1.5 million to appoint new forensic nurses and a nurse coordinator as well as providing special training for further forensic nurses; and we gave $3.2 million to fund Victoria's first child witness service to give specialist support to children, including child victims of sexual assault who are giving evidence in court cases. I was at the official opening of that specialist service recently.

Substantial consultation has been undertaken on these reforms both legislative and non-legislative. Members

of the criminal bar, the judiciary, Legal Aid Victoria, the OPP (Office of Public Prosecutions), victims groups, the Law Institute of Victoria and many others have been consulted. Whilst I acknowledge that there are differing views regarding some of the reforms contained in this bill, I certainly respect those opinions and views. There are always differing views when it comes to major law reform and ensuring that you get the balance right between the needs of the victims of sexual assault on the one hand and ensuring a fair trial for the accused on the other. But the views of all of those consulted were certainly taken into account in finalising this very important piece of legislation.

I think the Law Reform Commission has done an excellent job. This bill will certainly improve the experience of victims in the criminal justice system whilst at the same time maintaining a fair trial for the accused by ensuring that the onus of proof remains at all times with the prosecution.

In concluding can I say that a letter I received from the Victorian Centres Against Sexual Assault (CASA) Forum really sums up the importance of these reforms. The letter is dated 17 September and says:

> Dear Attorney-General,
>
> Crimes Amendment (Rape) Bill
>
> The CASA Forum has recently had a presentation from two of your staff on the proposed changes to the legislation in relation to consent and directions given to juries.
>
> We were impressed at the thought that had gone into the wording of the changes. The forum was unanimous in its support of the more communicative model of consent. We also saw the differentiation between belief and awareness as making it more difficult for alleged offenders to successfully make ludicrous arguments around consent. We have all had clients extremely disappointed with the legal system when the defendant has argued consent in circumstances that no reasonable person would have seen as valid.
>
> The forum was also in support of making jury directions clear for both judges and jurors. We would see this as reducing the number of appeals and retrials as well as clarifying the system for victims who are often very confused with this part of the criminal justice system.
>
> We would hope that these reforms, along with the many other changes taking place, will improve rates of successful prosecutions, reinforce the communicative model of consent and improve victims' experiences of the criminal justice system.

It is that last paragraph, I guess, that we would all agree with. We are hopeful that these changes, both legislative and non-legislative, will improve victims' experiences of the criminal justice system and change the culture. It has been changing over time, but some would say far too slowly in relation to how these matters are dealt with in our courts.

I again thank all members for their contributions to the debate on this very important piece of law reform, and I certainly wish this bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 22 August; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr McINTOSH (Kew) — The opposition will be supporting this legislation because it makes a number of very sensible and acceptable changes to, principally, the Control of Weapons Act but also to the Corrections Act. The opposition, as it usually does, circulated the bill to a number of key stakeholders, and there was little or no concern raised. The only matters of any substance were raised by the Scrutiny of Acts and Regulations Committee (SARC) and by the association of community legal centres, which wrote to me in relation to this bill and another bill that will be debated later. I will deal with those concerns at a later time.

The Control of Weapons Act, which is the first of the two principal bills that are being amended, deals with all weapons that are not firearms. They can be anything from knives through to crossbows and those sorts of things. Three types of weapons are prescribed under that act. There are weapons that are prohibited, and they include things like crossbows, right through to flick-knives. Then there are prohibited weapons such as bows and arrows, which when properly used are inherently dangerous.

There are also those things called 'controlled weapons'. They can be anything from kitchen knives to axes. They clearly have a lawful purpose when used appropriately. For example, if I had been using a kitchen knife you might see a cut on my hand. The member for Richmond may see a cut on my hand now.

That was caused by a kitchen knife. I am not a technician when it comes to knives. A knife in the hands of an expert such as a chef — or in the hands of an amateur if it is being used appropriately — has a lawful purpose that can be justified, therefore those persons are not prevented from using it in those circumstances. An axe used by someone chopping firewood or a woodcutter would obviously have a lawful purpose. But if I am walking down the middle of Bourke Street swinging an axe around my head I might find it a little hard to find a lawful purpose to justify my having it. Indeed swinging a kitchen knife around in Bourke Street or in this chamber would make it hard to justify having the knife for a lawful purpose.

One of the principal changes this bill makes is to bring the penalties relating to controlled weapons into line with those for prohibited weapons and dangerous articles so that all three line up. It is now prohibited to have any of these for an unlawful reason — obviously prohibited and controlled weapons are in a special circumstance. The bill provides for the possession of these articles within 20 metres of a licensed premises to be an aggravating factor in the possible sentencing of a person in relation to their unlawful use. The minister in his second-reading speech makes it perfectly clear that the reason this is being done is to address widespread community concern about the high level of violence in and around licensed premises, particularly in the central business district (CBD).

The community has every right to expect the government to act when in a 12-month period there is a rise in absolute terms of some 45 per cent in weapons-related offences and violent assaults in the vicinity of licensed premises. This is one tranche of the measures recently announced by the Premier to address this matter. Essentially, when there is an aggravating factor the existing penalty for having a prohibited or controlled weapon or a dangerous article can be doubled. Obviously the meaning of 'prohibited' is easy to understand — you cannot have a flick-knife under any circumstances. If it happens to be in a licensed premises, the penalty imposed can be doubled. The situation is similar for controlled weapons and for dangerous articles.

The opposition thinks this is an appropriate response to the crisis that is facing this state. It does not exist just in the CBD. As we know, there has been a significant increase in violent crime elsewhere in Victoria, and those violent crimes manifest themselves in all sorts of different ways such as the increased number of rapes. We have all been particularly disturbed by the rapes of innocent young ladies in Geelong. There have been two or three of those crimes in the last month, which has been a matter of profound concern. In those cases if the rape was associated with carrying a particular weapon, the possibility of a higher penalty under the Control of Weapons Act would be increased.

I think the government is being preventive in relation to a person carrying a prohibited, controlled or dangerous article for which there can be lawful excuse, but it is pretty hard to see why you would need an axe or a kitchen knife on licensed premises. The most important thing is that within licensed premises or within 20 metres of licensed premises it becomes an aggravating factor for which you can get a double penalty. As I said, this is an appropriate response to the crisis that this state is facing involving violent crime that is often associated with weapons.

Last weekend, on both Saturday and Sunday mornings, Victorians woke up to be faced with the news of stabbings associated with the gatecrashing of parties. This legislation cannot address that issue if parties are held on private premises, because they are not licensed premises. I would love to see the government address that matter, because unfortunately there seems to be a substantial increase in crimes, particularly involving young men gatecrashing parties and using weapons such as knives.

I was appalled to see on the weekend a young man displaying his wounds after an incident which was not associated with the one previously mentioned but which occurred about a month ago at Broadmeadows, where some five people were stabbed. Luckily he survived. We are all thankful for that, given that the prognosis at the time was very dim. To see a young man 18 years of age with a gash down the middle of his chest and stomach and about half a dozen other puncture wounds in his body beggars belief.

As I said, one would hope that the government could take note of this issue. While there is an aggravating factor in possessing these sorts of weapons in the vicinity of licensed premises, I think there are other issues that need to be addressed. The legislation could be extended to cover private property when that property is being used to entertain people or for a party or any other purpose and someone makes their way onto that private property. Aggravated burglary, as we know, is also rising in this state. It is a matter of profound concern and needs to be addressed. I can accept the application of the provision being limited to within 20 metres of a licensed premises, but certainly if someone trespasses onto private property and uses or even possesses a weapon, that should be sufficient to constitute an aggravating factor in relation to these matters.

Importantly the act also doubles penalties generally across a range of different offences and not just in relation to the possession of prohibited, controlled or dangerous weapons. It also provides that, in relation to the sale of prohibited weapons generally, there are some circumstances in which you can buy them under an appropriate licensing regime. At the point of sale there are identity checks that have to be conducted, and if they are not conducted either by the vendor or the purchaser, they commit an offence and can be penalised.

The penalties imposed for that offence can range from 60 penalty units to 120 penalty units, demonstrating the concern and outrage of this place in relation to these types of offences. That applies not just to the aggravating factor in and around licensed premises but also to the mere purchase of these articles if the proper process has not been followed. As I said, penalties are being doubled for a range of offences applying not just to the aggravating factor but, as I have just indicated, at the point of sale for both vendor and purchaser. For example, possessing body armour is prohibited, and the penalty for the mere possession of it is being doubled.

Regarding the second tranche the minister says in the second-reading speech that the government is moving forward with the policy it took to the last election to address these matters, but this is the second bill this year where we have had to come back and debate the doubling of penalties generally. I would have thought a more rational response could have been made earlier this year, rather than the government again waiting for the bad headline before it acts. It seems the bad headline came with the release of the terrible statistics in relation to violent crimes and crimes against the person in this state. While the government is saying the trend is generally down, when you look at violent crime and crimes against the person you find they are clearly up around the state, and not just in the central business district (CBD) but generally.

I would have expected the government to have taken a more strategic approach rather than addressing bad headlines in such a higgledy-piggledy way. We can increase penalties and create new offences as much as we like, but at the end of the day unless there is a mechanism for preventing them through an increased police presence or a cultural change in our community, no increased penalties will be effective and no new offences will be effective. They will all come to naught. Raising penalties must be matched with appropriate action.

The government has announced one measure, with the creation of a task force in the Melbourne CBD with 50 police officers. I note that Assistant Commissioner Gary Jamieson, who is the head of region 1, is presently working on that task force, and we await the details with some degree of enthusiasm to see how Victoria Police will tackle that matter. Whether 50 police will be sufficient, given the fact that this will also be linked to other regional centres where there are problems evolving, remains to be seen. We will just wait and see what Assistant Commissioner Jamieson produces in relation to that response.

I will just mention one other matter in relation to the Control of Weapons Act, and that is that self-defence as a justification for carrying a dangerous article does not apply, as I understand, to the carrying of prohibited or controlled articles, but there is a justification that can be used in relation to dangerous articles. Where you have a lawful excuse, self-defence is available. I asked at a briefing from department officers whether they had any specific examples, and they said no. It does create confusion, although I admit I am quite supportive of this. It seems to me to beggar belief that you could walk down Bourke Street swinging an axe and say, 'I am just using it for self-defence'. As I said, this brings that into line with the dangerous and controlled article provisions, and accordingly I think there is some justification for it.

I note that the Scrutiny of Acts and Regulations Committee has picked this up and said that it is a strict liability offence. Yes, it is a strict liability offence, except where, with dangerous articles, you can demonstrate that you have a lawful excuse. Given our concerns about violent crime and the increasing number of weapons-related offences, when you see on TV a young man displaying a bare midriff with appalling, deep wounds as a result of being stabbed at a 21st birthday party in Broadmeadows, I am sure I speak for everybody in this place when I say that removing it as a justification is more than warranted. There can be other justifications — for example, 'I am a chef on my way to work', which is quite legitimate, or, 'I am a woodcutter. I am walking down to Southern Cross station to get on a train to go to Bairnsdale to join my forestry crew to cut wood'. Of course there are appropriate circumstances in which it is justified. All that is being done is the removal of self-defence.

Importantly in this regard self-defence can still be used as a defence in other crimes such as assault right through to murder. The defence to a more serious charge is not being removed; it is just that it cannot be used as a justification. 'Defence' and 'justification' are slightly different concepts: it cannot be used as a justification, but self-defence can still apply. I would hate to think how it would come across as self-defence

if you were swinging an axe going down Bourke Street, but that is an appropriate change.

I move on to the amendments to the Corrections Act, one of which relates to the victims register, which the government created a few years ago. It enables victims to be kept informed and is a voluntary thing. They do not have to participate if they do not want to. If they do, they can be registered on the victims register and kept informed of the movements of a person going through the criminal justice system and particularly, if they are in jail, of the progress of that prisoner, where they are located and the estimated release date — or, if they are eligible for parole, whether they get parole and are released on parole. Of course they are not going to be told other details about where and how they are located, but they can be kept informed of their ultimate release date and when they are released from jail.

It will apply in relation to violent indictable offences and offences under the Drugs, Poisons and Controlled Substances Act. It will also apply to culpable driving offences and dangerous driving offences where that dangerous driving leads to death or injury and to failing to stop or render assistance at an accident where a person has been killed or injured. Unfortunately this is not the first time I have mentioned this matter. I refer of course to the death of James Donnelly in Canterbury, which led to this matter being addressed. After a long time a young man was eventually prosecuted and his parents were prosecuted, and he was jailed for a period of time but was released under the home detention program without any reference to the Donnelly family, who were on the register.

There were a number of other cases, and the government was finally moved to bring the act into line to enable people who unfortunately suffer the trauma of having a family killed by a person who fails to stop and render assistance or who is guilty of culpable driving to be kept informed of the progress through the criminal justice system of that person and whether he is convicted of one of those offences which will be included as prescribed offences. It is entirely appropriate that that occur.

There is no doubt that with other amendments to the Corrections Act we are dealing with the Julian Knight circumstance. Julian Knight is, of course, the Hoddle Street killer, a man who elicits very little sympathy in the community and from this member of Parliament certainly elicits little or none. Having said that, Knight, in exercising his right as a citizen, brought proceedings in the Supreme Court. He is a vexatious litigant, and it is a matter of public record as to why he is. Given that he had issued a whole range of proceedings, as I understand it, in a previous Parliament the Attorney-General made an application to have him declared a vexatious litigant. Again, this member of Parliament was terribly enthusiastic about that application. It was made and the court granted the application.

A vexatious litigant must bring an initial proceeding in which they have to be given leave and that application is not bound to fail. Knight had written to a victim a letter the contents of which are completely irrelevant. The prison governor exercised a right under the legislation, which provides fairly detailed rights for prisoners but retains for the governor the right in certain circumstances to censor or remove a letter and not have that letter delivered.

I should note that one of the things that came to my attention is that as a reward for being of good behaviour — and they do not have an automatic right — a prisoner can be given the liberty to make phone calls. As I understand it, in normal circumstances they can call up to 10 people, but the people they are going to call have to actually consent to the receipt of those phone calls. Obviously they can be family members, close friends and people like that, as long as they are not associated with some other nefarious purpose, and I can understand that.

A prisoner can write as many letters as they wish to write, but in the circumstances set out in the act there is ambiguity as to a victim's right. I think all of us were appalled that Knight proposed to write to a victim. Whether it was right or wrong legally, I think most of us would be supportive of the governor of Barwon prison, I think it was, stopping that letter from being delivered to a victim. Knight then exercised his right to challenge that, first seeking leave. He was given leave, but it was that leave application that caused community concern about that letter being written. Indeed the Premier announced that his government would introduce legislation that would stop that, and the bill is the result.

This legislation does not extinguish Knight's current proceeding, which can still go to court. The bill retrospectively inserts into the Corrections Act a provision that allows one of the criteria that a prison governor can take into account to be whether or not a letter will cause trauma to a victim. Obviously it is a judgement call by a prison governor as to whether he considers that a prisoner's letter to a victim will cause trauma for the victim. Importantly the provision is not limited to a prisoner's victim. He could be writing on behalf of another prisoner or, just out of purely scandalous interest, writing to another prisoner's

victim. The provision is broad enough to cover the victim of another prisoner and is not limited to the victim of a particular prisoner.

I pause at this stage to say that I am concerned about the retrospectivity of this matter, which is dated back to July of last year. That may effectively extinguish Knight's current application, but that is to be played out before the court. As I said, he elicits very little sympathy because of the horrendous nature of his original crime, and his subsequent behaviour certainly has not endeared him to too many people.

As I said, the Federation of Community Legal Centres has written to me under the hand of Hugh de Kretser, raising a number of concerns. He has said that the bill impacts adversely on a prisoner's rights. He raises a number of what I consider to be genuine concerns. A prisoner might be writing, for example, to his wife, who might also be a victim of his crime, about divorce proceedings or something of that nature. The point that Mr de Kretser makes is that anything relating to divorce could be considered distressing to a wife. He also makes the very valid point that there is no specific coverage of those circumstances.

He argues that a victim may actually consent to the writing of a letter, notwithstanding that it may deal with some of the more horrendous aspects of a crime. He also argues that one of the impacts of a move towards restorative justice — whether that is a good or bad thing — is that quite often one might expect victims to be contacted by an offender on the basis that, if the offender offers genuine contrition, it may provide some degree of forgiveness. That forgiveness may be very profound, and victims may actually consent to the writing of such a letter. Again, the particular circumstances are not covered.

As I said, these matters have been addressed by Mr de Kretser in his correspondence to me, and in raising them I do so genuinely. It is a matter the minister perhaps might look at. I do not know whether Mr de Kretser has forwarded a copy to the minister; the only person shown as a recipient is me. Having said that, I would ask the minister to consider the issue. However, when a particular circumstance arises other than these circumstances, I would have thought that would be an instance where representations may be made to the Governor.

A problem Mr de Kretser also mentions is that there is no mechanism under the current regime where a letter is censored or removed from the equation. The prisoner may not actually know that it has been changed. That might also be something the minister could address at a subsequent time or indeed in his summing up. As I said, I would be more than happy to discuss with the minister if there is any appropriate mechanism to deal with a particular circumstance where that arises.

The circumstances announced by the Premier deal with the matter of Julian Knight. Notwithstanding the retrospectivity which has been picked up in detail in the Scrutiny of Acts and Regulations Committee's report and that the minister seeks to address it in the report under the charter of human rights, and notwithstanding that there are still a couple of outstanding matters that have been raised by SARC — and hopefully we will get a response from the minister in due course — in all of those circumstances the issue relating to Julian Knight does not pose that much concern for me and my party. I expect it would raise little concern amongst members of Parliament. As I said, if any practical problems arise from that, perhaps they can be addressed as part of the Governor's discretion, and if there is any appropriate legislative reform that needs to be made we can do it at that stage.

One other matter I want to briefly touch on is that the bill confirms the existing ability of Corrections Victoria officers to use firearms. Again, no particular matter has arisen, so there has been no practical consequence of that which would lead to in effect re-regulating, if you like, or re-endorsing those regulations. Apparently Justice Cummins raised concerns about whether those regulations had been appropriately made. The bill in effect endorses those regulations. No practical consequence has been made, and accordingly the opposition supports those matters.

In my tours thus far of not all but many prisons around Victoria I have been impressed by the management of our prisons. In our prisons it is rare to see firearms on prison officers who are working with prisoners, even in maximum security areas. I have no doubt that they would be readily available in a dangerous situation. I must admit that I have been impressed by the professionalism of our prison officers and the way prisons are run. Firearms are rarely ever seen in our prisons. With those remarks, I indicate that the opposition supports the bill.

Dr SYKES (Benalla) — I rise to speak on behalf of The Nationals on the Justice Legislation Amendment Bill 2007. I would like to commence by thanking the Department of Justice staff for the briefing they gave me. Marisa De Cicco and her team did a very good job.

I follow on from the member for Kew, who has covered many of the aspects of the legislation. Rather than duplicating a lot of that, I will try to approach this

legislation from a country perspective, given that The Nationals represent country Victorians — extremely well, I should add. The Nationals support the intention of this legislation, and as a result we will not be opposing the bill. We consulted a number of groups, including the Crime Victims Support Association and the Police Association, and some of the people consulted have raised specific concerns.

I turn to the purpose of the bill. It amends four pieces of legislation: the Control of Weapons Act 1990, the Corrections Act 1986, the Legal Aid Act 1978 and the Magistrates' Court Act 1989. Under the Control of Weapons Act, which the member for Kew spent some time on, there are changes to prohibit the carrying of dangerous articles with the excuse of self-defence. There is an emphasis on upping the penalties, particularly in relation to the carriage of prohibited weapons in the vicinity of licensed premises.

While much of the focus has been on the incidents in Melbourne's central business district (CBD) and other metropolitan locations and the use of dangerous articles, country communities are not immune from such use and abuse. Recently at a licensed function in the fair city of Benalla, where the majority of our citizens are responsible and we have a good police force, there was an unfortunate incident involving the use of a knife to inflict serious wounds on another person. It happened to be an incident that I witnessed, and it was an interesting exercise watching how the episode played out.

In the first instance, after listening to the person who was subsequently convicted for inflicting an injury with a knife, you would have believed that butter would not have melted in his mouth. He appeared to be totally innocent and you could believe that any action he had taken was in self-defence against the other person. As it turned out, a knife was found and it was established that this person had used the knife. It was also established that this person had form, and he has subsequently been convicted of related offences. He is now, hopefully, safely behind bars. That is an example of where the need for this legislation and the toughening of penalties has been established in country communities as well as in the city.

If we also look at the Corrections Act the particular amendments that are of interest to me include those relating to victims being given certain information, as outlined in clause 15. We are talking about adding offences such as culpable driving causing death and dangerous driving causing death or serious injury. Another offence is failing to stop and render assistance after a motor vehicle accident causing death or serious injury.

We have had firsthand experience of these sorts of situations and the impact they have on the victim and their family. Some 18 months ago we had an example of someone failing to render assistance when a local police officer was knocked down, suffered serious injuries and subsequently died. That caused great trauma to the local community and the police officer's family. In that instance the person who inflicted those injuries and caused his death did not stop. Clearly the family of that police officer would be the sort of family that could be put on the victims register and obtain information about that person.

Interestingly, just last week there was a forum in Benalla organised by year 12 students called Surviving Driving. The students were attempting to highlight the impact of motor vehicle accidents causing death and injury not just on the injured or dead person but on their family and friends. There was a particular lady, Margaret Markovic, who spoke about the death of her son, Daniel, who was killed a couple of years ago by a driver who had a blood alcohol level more than four times the legal limit and who was subsequently convicted of culpable driving. Margaret spoke about the trauma it caused her and her family and about attempting to ensure that justice was done. Again it was clear that Margaret would be particularly interested in being included on a victims register so she can retain awareness of what is happening with the person who caused the death of her son and was found guilty of culpable driving.

In our consultation we received feedback from Noel McNamara from the Crime Victims Support Association. I will just read it to the house, because Noel would be known to many members of Parliament as a very vocal advocate for the association. In his letter he says:

> I have had a good look at the info you sent me, and my main problem relates to culpable driving and hit-run …

He then says:

> … we met with the minister for police Tim Holding some time back —

the then Minister for Police and Emergency Services —

> with parents of children who had been kill by these types of offences, among those present were the Donnelly family whose son had been killed in a hit-run in Canterbury Road, Surrey Hills, now this person received an extremely light sentence.

The Donnellys believed this fellow had been locked up for the time given by the judge, as you would, and I use Mr McNamara's words:

> … only to bump into him free as a bird in town; he was out on home detention. That of course was the reason for our meeting with Tim. Now law is law but this seemed unbelievable —

that he was out on home detention. Clearly we again have a situation where these people would be very interested and would benefit from the legislative changes that are being made.

Another change proposed by the legislation is a further amendment to the Corrections Act concerning firearm training for corrections officers, as I understand it. As the member for Kew mentioned, most times there is no need and it is inappropriate to have firearms being used to ensure the behaviour of prisoners. However, if they are going to be used, it is absolutely critical that the people using them have the proper training. I draw on some of my experiences when I was working in the Northern Territory where we had a campaign to eradicate animal disease which involved shooting a large number of animals from both the ground and from helicopters.

While the officers had undertaken shooting over many years and had often shot hundreds and thousands — even tens of thousands — of animals each year, when I was in charge of that activity up there I saw to it that there was annual training to ensure that the officers had the necessary skills to execute — pardon the pun — the animals with appropriate animal welfare considerations and efficiency. It was interesting that some of the officers who had been considered experienced and capable officers did not pass the training first up, so they needed to upgrade their skills and satisfy the increasingly stringent accuracy requirements to enable them to carry out their duties.

Drawing on that experience, it is clear that it is important that we have appropriate training so that, if people are going to be called upon to use firearms, they are adequately trained for the purpose of using the firearms, which would be to prevent a prisoner from escaping or causing harm to the broader population but without putting the broader population at risk.

Another change to the Corrections Act relates to the ability to censor letters — and again the member for Kew has covered that effectively. There is also the issue of a change to the Legal Aid Act, which as it was explained to me by the Department of Justice staff and as I understand it is a common-sense provision to enable legal aid representatives to be engaged for a period of five years rather than three years. The government has sought to make this part of the legislation retrospective to 1 July 2005, and while there is the issue of retrospectivity its associated intention causes no grief to The Nationals.

Just touching on the issue of retrospectivity, the Control of Weapons Act refers to constraints on the use of armour, which raised the question in The Nationals party room about whether if we had retrospectivity for other pieces of legislation it was appropriate to have retrospectivity for the control of armour perhaps going back pre-1880 so they could have nailed Ned Kelly for another reason. Given that I come from Glenrowan, the home of Kelly country, the jury is still out up our way as to whether Ned Kelly was a hero looking after the downtrodden Irish peasants or whether he was a hardened criminal.

Dr Napthine — Protect your neck!

Dr SYKES — It is walking a tightrope, I can assure you, but I am not going to upset any of our locals in either camp.

The other issue that again the member for Kew touched on is the point that this bill, which provides for the tightening up of existing legislation and for tougher penalties, needs to be put in the context of a bigger package of measures to ensure that our community safety is protected. In fact, if we look at the closing remarks in the second-reading speech, the minister makes the claim that:

> This bill demonstrates the government's continuing commitment to strengthening community safety and protecting victims of crimes and their families from further trauma and distress.

The other parts of the package that should not be lost sight of include ensuring that we have adequate police numbers, particularly in our country communities where it seems to be increasingly difficult to recruit and retain police. Moyhu police station, which is a single-person station, is a really good facility that is close to Wangaratta and the fantastic area of north-east Victoria, but the fact is that they have not been able to recruit a police officer there. That means you can have all the penalties and legislative powers there, but if you do not have a policeman or a policewoman to administer the legislation, then you are not going to achieve the outcome you are looking for. It comes down to the fact that there must be police on the beat, not just on the books.

Part of the issue of ensuring that we can attract police to country Victoria is to ensure there is adequate

accommodation. Whilst I commend the government for upgrading a considerable number of police stations in my area over the term that I have been in Parliament, there is a need for substantial upgrades of police stations at Benalla, Euroa and Mount Buller.

Another interesting issue is police in schools. Without dwelling on it too much and straying from the bill, the reality is that if you have police in schools you build a trusting relationship between the police and young people. That then serves to protect community safety and avoids people moving off the rails. Because police become respected as part of the broader community and young people develop confidence in interacting with them, there is the opportunity to nip antisocial behaviour in the bud. Equally we have the Neighbourhood Watch program in which so many people in the community participate and take a lead role in being the extended eyes and ears of law enforcement.

The Nationals see merit in the alterations that are proposed in the bill. Provided these measures are considered in the context of being part of a broader provision of adequate police services and police in the right places, not just on the books but on the beat, The Nationals will not be opposing the bill.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Justice Legislation Amendment Bill. I am pleased to see the Liberal Party and The Nationals are supporting this bill as well, as they should. The bill amends three acts — namely, the Control of Weapons Act, the Corrections Act and the Legal Aid Act.

I will begin my contribution with remarks on the Control of Weapons Act. Last year, before the November state election, the Labor Party's community safety policy committed to a zero tolerance approach to weapons offences. I am pleased to see that this is the second piece of legislation in relation to that. The first piece of legislation doubled the penalties for the unlawful possession, carriage or use of prohibited and controlled weapons, and those penalties took effect on 1 July this year. This current package goes further than that to implement the balance of the government's election commitments. I am pleased to say that the most recent crime data shows that the number of recorded offences involving weapons such as knives has fallen by 23 per cent in the last four years. However, we as a government always want to go further and ensure that further reforms can take place to ensure that the rate of violent crime involving weapons continues to decrease.

My community has welcomed the announcement by the government on the introduction of this bill some weeks ago that there will be an increase in the penalties for the possession, carrying or use of weapons or dangerous articles in circumstances where this conduct occurs immediately outside licensed venues. I represent an electorate with a very young population, and as the mother of two young sons, one of whom is old enough to attend licensed premises and another who will turn 18 in January and who will certainly be around licensed premises, I am very concerned to know, like all parents, that patrons attending venues can do so in a safe manner. We all greeted with horror that dreadful crime a couple of years ago in South Yarra when some young men lost their lives following their attendance at a nightclub.

It is pleasing to see that these amendments will double the existing penalties for this sort of conduct when it takes place in licensed premises such as pubs, hotels and clubs or in a public place immediately outside such premises. The increased penalties will apply to the following categories of licensed premises which are considered to present the highest levels of risk: general licensed pubs, hotels and taverns; licensed clubs, including those with gaming facilities and on-premises licensed restaurants; bars and cafes. It will apply to the three categories of weapons outlined in the Control of Weapons Act being prohibited weapons, controlled weapons and dangerous articles. The bill also increases other penalties that are covered by the act such as failing to comply with specific requirements when selling prohibited weapons, carrying controlled weapons in an unsafe manner or unlawfully carrying, possessing or using body armour.

The bill deals with removal of self-defence as a lawful excuse. It really does send a message that it is not appropriate for people to carry everyday objects solely with the intention of using them for self-defence, particularly when such items could cause serious injury or death. There is no intention to impact adversely on people who are forced to defend themselves when attacked. This legislation would not prohibit, for example, a carpenter carrying a screwdriver, or anything legitimate like that, for work purposes and who is then attacked. But I think in terms of a measure for promoting overall community safety, these amendments should be supported.

In relation to the Corrections Act, the bill makes some changes to clarify that victims of culpable driving, dangerous driving causing death or serious injury, or failing to render assistance after a motor vehicle accident causing death or serious injury, are entitled to be placed on the victims register. This is something that the community certainly has an expectation of. As a Country Fire Association volunteer, and having

attended a number of quite serious accidents, I think that this is something the community will very much support. The bill also makes some changes in relation to clarifying the use of firearms by prison officers in an escort situation. This follows a court case of recent times, and is also something that should be supported.

Other speakers have mentioned a particular criminal who is serving a life sentence for committing the Hoddle Street murders some 20 years ago. I will make the choice of not mentioning that criminal's name because I think he gets quite a lot of enjoyment from the continued mention of his name. The amendments propose to stop criminals such as this man writing letters to their victims, and there were numerous victims on that day. I consider myself and my family extremely lucky because we drove through Hoddle Street a matter of seconds before that occurred. I will never forget travelling to the city on the train the next morning.

I will live with that slow train journey through that horrible crime scene for the rest of my life. I have been touched in only a very small way; I cannot imagine the feelings of those who lost loved ones on that day and people who suffered serious injuries and continue to suffer the consequences. I cannot believe that that man seems to exhibit no remorse. I am really pleased to see that this bill will give additional protection so he cannot harass and cause additional trauma to the victims of that terrible crime.

The bill also makes some minor amendments to the Legal Aid Act, which I should have mentioned earlier. They extend the maximum period for which a practitioner may be included on a specialist period under section 29A of the Legal Aid Act 1973 from three to five years. There is no limit on the number of practitioners who may be accepted on to any of these panels, and in practice the current arrangements mean that the panels must be reconvened every three years to add names to establish any panel at any time. The proposed extension of time will reduce this administrative burden, benefiting Victoria Legal Aid as well as the panel practitioners.

In conclusion, I am very pleased to be public in my support for another progressive piece of justice legislation from this government. We are very committed to community safety and to a progressive regime of justice, resourcing the system, providing support and additional protections to victims, increasing penalties in the violent crime area and ensuring that our community can go about its business in a safe manner. I commend the bill to the house.

Mr MORRIS (Mornington) — It is a pleasure to be able to make a contribution to the discussion on the Justice Legislation Amendment Bill this afternoon. The background to the discussion is one of rising violence. Statewide almost 2000 more assaults occurred in 2006–07 than in the previous year. Thankfully homicides and kidnaps were down. Two years ago the rate of crimes against the person was 778.8 per 100 000; it is now 815.8. In other words, the rate of crimes against the person has risen by 4.7 per cent — almost 5 per cent. No wonder people are unhappy.

On the Mornington Peninsula the assault rate has risen by 12.3 per cent in the last 12 months. The rape rate has risen by 67.7 per cent and the murder rate by 200 per cent. Clearly the murder rate started off at a very low base, but a threefold increase is still not good. To suggest that the crime rate is down is simply nonsense. Not only is it nonsense, it is very dangerous. This bill is a welcome initiative in the justice area.

The bill seeks to amend four principal acts. It amends the Control of Weapons Act 1990 in an attempt to stop the carrying of potential weapons, to deter the carrying of weapons near licensed premises and to increase the penalties for those offences. The bill amends the Corrections Act 1986 to enable offenders involved in certain driving offences to be added to the victims register, to give authority to the governor of a prison to stop or censor letters distressing to a victim and to make such an action on behalf of a prisoner an offence. It will enable the making of regulations to control the use of guns by prison escort officers, amend the Legal Aid Act in a relatively minor way and make some consequential amendments to the Magistrates' Court Act.

While I note that clauses 16 and 17 of the bill — that is, the provisions that relate to prisoners' letters — are retrospective, with all the difficulties that retrospectivity involves, in this particular instance I think these provisions are worth supporting. Of course there is nothing in these provisions to stop any legal action, now or in the future, by a prisoner against a governor for the discharge of their duties. I would be interested to hear the Minister for Police and Emergency Services comment on that issue when he winds up, because it seemed to be implied in the second-reading speech that perhaps that might be the case.

Turning to the detail of the bill, as time is obviously limited I want to concentrate on two main provisions. I want to talk about the changes to the Control of Weapons Act and the changes to the Corrections Act. Clause 4 of the bill seeks to amend the Control of Weapons Act so that you may not possess a prohibited

weapon in the vicinity of licensed premises — that is, as defined by the amended act, within 20 metres of licensed premises. I would invite the minister to indicate in closing, although I think the member for Yan Yean did explain to some extent, why the 20 metres was chosen and not a much higher figure. I make that point because, as I have said, the assault figures on the Mornington Peninsula are very high. For the last couple of years Main Street in Mornington has had the sad distinction of being one of the centres of assault on the peninsula.

The commercial stretch of Main Street, where most of the licensed premises are concentrated, is about 1 kilometre long, and the premises are strung out along that street. It is very easy to be between two licensed premises and more than 20 metres from either of them. Similarly, it is quite possible to stand in the car park of a licensed premises and still be beyond the 20-metre mark. I simply make the point that prohibited weapons should be just that. Why not simply extend the penalties to all the offences under section 5(1) of the Control of Weapons Act? The additional penalties proposed by this bill are welcome, but why not simply make it statewide? The member for Kew raised the issue of functions involving alcohol on private premises. I think a similar justification applies.

Clause 5 of the bill proposes to increase the penalties for failing to require identification (ID) of a potential purchaser of a prohibited weapon. Those penalties are tripled. The penalty for selling a prohibited weapon without requiring ID has tripled. The penalty for providing a false ID has doubled. I welcome those increases. Clause 6 applies basically the same changes as mentioned above to controlled weapons. I simply make the same point with regard to the 20-metre rule; I really do not see why it should not apply statewide. Clause 6(2) of the bill doubles the penalty for not carrying a controlled weapon in a safe and secure manner. I support that increase as well. Clause 7 of the bill extends similar controls to those discussed above to the use of dangerous articles. I think the same comments apply.

Given the time constraints I will skip over the remaining weapons clauses and move to the corrections clauses of the bill. Clause 15 of the bill seeks to make amendments to the Corrections Act to extend the application of the victims register to offences under the Crimes Act involving the use of motor vehicles and to offences under the Road Safety Act. These extensions are necessary, as we have noted, because we live in an increasingly violent society and in an era of road rage, which can so easily have a tragic end. We also live in an era in which people are apparently increasingly insensitive to their impact on others. Often people simply do not seem to be prepared to take into consideration the impact of their actions on others. Sadly we need sanctions to emphasise that these sorts of actions are not acceptable, and I welcome those provisions.

Clause 16 of the bill relates to letters to and from prisoners. Like the member for Yan Yean, I refuse to mention the name of the person who probably inspired this clause. Let me simply say that victims need the support of the Parliament and the support of society. We simply cannot allow offenders to compound their crimes, and that is what happens with this action. It escalates the trauma, and it escalates the distress that has already been inflicted on victims and their families. As a civil society we cannot allow that to continue. Despite the misgivings that I mentioned earlier about the retrospective elements of the bill, in this instance I can comfortably put those aside and support the provision because in my view it is essential.

We are, as I have said, debating this bill against the background of an increasingly violent society. Sadly the statistics confirm that. It is the responsibility of all of us in this place to fight it. As the member for Benalla noted, we need more police on the streets to prevent offences, we need a 21st century approach to technology to assist our police in both preventing crime and solving crime, and we need to be in tune with societal and criminal trends. Without those things a continuing rise in violence is inevitable. This bill goes some small way towards improving the legislation. I certainly welcome the changes that are proposed, and for those reasons I will certainly be supporting the bill.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Justice Legislation Amendment Bill. These amendments give effect to commitments made by the government in the last election campaign to amend the Control of Weapons Act 1990 in order to further strengthen the provisions relating to the use of controlled and prohibited weapons. I think it is worth noting that this government, immediately following the state election in November 2006, moved to implement its commitment to double the penalties for the unlawful possession, carriage or use of prohibited and controlled weapons and to introduce legislation which increased those penalties, effective from 1 July 2007.

What this bill does is give effect to the remainder of our election commitments in relation to weapons. The amendments will apply to all three categories of weapons outlined in the Control of Weapons Act, which are obviously prohibited weapons, controlled weapons and dangerous articles. I think it is worth

reflecting as a Parliament on the progress we have made in dealing with dangerous objects in the community. The act covers a range of objects such as prohibited weapons, which include things like flick-knives, butterfly knives and knuckledusters. It covers controlled weapons such as kitchen knives, batons and spear guns, and it covers dangerous articles that can be adopted or used as weapons, such as scissors, syringes or broken bottles.

This act is sending a powerful message to the community, that carrying around these objects to use either as a weapon or as self-defence in any circumstance is not something which is condoned by the community. It is also worth noting, notwithstanding the opposition pointing to a rise in crimes against the person, a most pertinent fact, which is this: in the last four years there has been a 23 per cent drop in the number of recorded offences involving weapons such as knives. That is an important outcome. It indicates we are having an impact on this problem and that we are reducing the level of threat to the community that arises as a result of the carrying of these kinds of weapons. However, it is clear that there is more to be done.

It is clear that there has been an increase in violent crimes involving weapons around licensed premises. This bill goes directly to that point, and to the question of effectively punishing and deterring those who would carry weapons like this in and around licensed premises for the purposes of creating trouble and creating a danger to the community. These licensed premises — whether they are pubs, hotels, bars, clubs or taverns — are the kinds of places where alcohol is being consumed and where there may even be drug-fuelled behaviour. We know that not only are people's social inhibitions lowered but that in circumstances of altercation often the level of aggression is raised, particularly among young people in crowds.

There is a bravado and a sense of the gang and the need — they believe — to take things into their own hands and use weapons against other groups they have come across whom they do not like or who they feel have in some way slighted them in those kinds of places. That clearly poses an unacceptable risk to public safety. That is why we need to make sure that that behaviour is not only punished, but effectively deterred. Over the past seven years the penalties for these kinds of offences have not increased, which has probably meant that some of the deterrent impact has been lost.

Today we are doubling the penalties to reflect the seriousness with which we regard those offences in the community. We not only do not condone them but we want to see them stamped out as much as possible. With this bill we are doubling the penalties for carrying a weapon in or near licensed venues to a period of up to four years imprisonment or a $52 857 fine. That is not the only thing we can do. We need to be constantly educating our young people about the fact that there is no value in carrying these kinds of weapons. And of course we need to tackle the rationale that is so often developed of, 'I carry these weapons for self-defence'. Another important element in this bill removes self-defence as a lawful excuse for carrying dangerous articles. While we have had a very big impact on dangerous articles, clearly young people are now also carrying scissors, broken bottles or other articles that they can use as weapons. We have to demonstrate to them that this is a zero sum game.

We need only look at a place like the United States of America, where over 60 million people carry over 200 million firearms which have resulted in over 15 000 murders a year, and where large numbers of people say, 'I carry these weapons in self-defence', to realise that this is an ultimately futile exercise. It will not lead to increased safety in the community; it will lead to greater threats to public safety. They have a particular problem. That problem is that the right to bear arms is enshrined in the constitution. We do not have that problem here.

I would like to give credit where credit is due to Prime Minister Howard for taking the action he did in cooperating with the state premiers to remove the numbers of firearms we have in the community. There was a lot of resistance to it at the time, but the premiers and the Prime Minister were resolute. I believe it has made us a safer community. Today people accept that as a result of the removal of firearms and handguns and other weapons we are on the path to being a safer community. Likewise, this legislation will take us down the path to being a safer community, and it is important legislation for us to bring in.

We need to effect that cultural change. We need to get across that carrying these kinds of dangerous articles for self-defence will only lead to an escalation of violence and is something that we do not support as a community. Of course that does not mean that people will not be able to defend themselves if they are attacked. If someone is attacked and they grab or are carrying a legitimate object which they use to defend themself, in the circumstances of course that will not be regarded as a dangerous article. But they will not be able to carry the prescribed dangerous article for the sole purpose of self-defence.

Finally, I want to applaud the amendments to the Corrections Act which relate to Julian Knight and

which will prevent him from writing to his victims. I would like to join with other members in indicating that obviously the Hoddle Street killings were an horrific set of acts which shook Melbourne to its core. It shook me to my core, because at that time I lived within about a kilometre of that railway station, and that night I travelled along Hoddle Street just prior to the rampage. The helicopters were over my house searching for Julian Knight along the Merri Creek. It was a very frightening experience. I can imagine that the memories of that night will live much longer in the minds of the victims, and it is important that we prevent someone like Julian Knight reminding them of such an event by being able to write to them.

Mr R. SMITH (Warrandyte) — I rise to speak on the Justice Legislation Amendment Bill. The major changes this bill introduces are: increased penalties for the sale of prohibited weapons; increased penalties for purchasing prohibited weapons; making it an offence for a person to possess, carry or use a prohibited weapon in licensed premises or in a public place in the immediate vicinity of licensed premises; and making it an offence for a prisoner to send or attempt to send a letter to a victim.

In relation to the amendments to the Control of Weapons Act 1990, I wonder why we are here again only seven months after debating the other amendments to this act in this house. I am not sure why the government could not put its collective mind to all the issues pertaining to the act and present the appropriate amendments to this house all at once. It demonstrates a government that is disorganised — and I echo the words of the member for Kew in saying that it seems to just react to newspaper headlines on some occasions.

This government has shown that it is soft on crime. I believe it is high time that we actually saw people being prosecuted to the full extent of the law, especially with the introduction of higher penalties. The public strongly believes that is not always the case, and when introducing laws such as this we have to make sure that the judiciary has the will to impose these sentences on the perpetrators of the crimes.

The government likes to bandy around the crime statistics that suit its political agenda. Recently, when the Victoria Police crime statistics 2006–07 were released, much was made of the overall drop in crime. The Premier announced that Victoria's crime rate had fallen and he was spruiking the government's successes in fighting crime around the state. But little was said at the time about the 3.6 per cent rise in Victoria of violent crime against a person. I would like to highlight some other statistics which paint a rather different picture to the Premier's fantasy world.

Assaults in metropolitan Melbourne area have increased by 17.4 per cent in the past year. Assaults committed in streets, lanes and footpaths are up 10.9 per cent, and overall assaults in the state are up by 5.2 per cent. Rape offences have risen by l3.9 per cent. These figures translate to an assault every 17 minutes, a crime against property every 10 minutes and crime with a weapon every 80 minutes.

In my electorate of Warrandyte these same statistics paint a fairly different story to the one the Premier and his police minister like to convey. In Maroondah rape is up by 14.3 per cent, non-rape sexual offences are up by 33.3 per cent and weapons offences are up by 33.8 per cent. In Manningham, which is in my electorate, rape is up by 6.3 per cent, aggravated burglaries are up by 111 per cent and weapons offences are up by 53.7 per cent. I agree that this does not sound as rosy as the Premier's carefully orchestrated media sound bite, but these are the facts of the matter. These are the statistics that Victoria Police is showing us.

I would also like to express my concern that the office of the chief commissioner seems to have become highly politicised of late. It seems rare nowadays for the chief commissioner to actually make any statement that is not a mirror of the government's own statements. Statements made at the time of the release of these particular statistics are testimony to this observation.

The member for Scoresby made the following statement during the debate on the Victims' Charter Bill in August last year:

> We say it is a bit rich for the government to come in and say we are going to have a Victims Charter Bill. That is a fat lot of good when you are increasing the number of victims. That is the point we are trying to make.

I mention this quote because the sentiments mirror my own. The government seems to be learning nothing as violent crimes rise. I say it is a fat lot of good increasing penalties when you are failing to address the core problems. That is the point we are trying to make on this side of the house. Law and order issues are multifaceted. We must introduce these sort of laws, which increase penalties, but for these laws to be effective we must have three things in place. We must have a higher police presence, the resources for the police to do their jobs and a judicial system with the will to impose heavier penalties. The government has to do more than just raise penalties, because criminals and the public both strongly feel that maximum penalties are rarely given.

I would like to draw the house's attention to one clause I have concerns about, and that is clause 7, which removes self-defence as a lawful excuse for possessing or carrying a dangerous article within the vicinity of a licensed premises. This causes me concern, and I will give an example of why. Say for the sake of the argument a young woman is walking back to her car after leaving a pub and observes a group of men coming towards her. She may suddenly perceive herself to be threatened and may take up a discarded broken bottle or rock with which to defend herself should the need arise, even if the need does not actually arise. By picking up that broken bottle or rock she is breaking the letter of the law by carrying a dangerous weapon for self-defence.

I would have to say that this particular clause potentially breaches section 21(1) of the human rights charter, which states that a person has the right to security. In other words, by removing a person's right to secure their own self it is potentially in breach of the charter, and I would like the minister to address this issue in his summing up. It is something that the Scrutiny of Acts and Regulations Committee brought up in its deliberations as being of concern.

I would like to finish with some comments about the amendments to the Corrections Act 1986. I raise a query about the process of communication between prisoners and other people. Phone rights are currently a privilege which can be taken away at the governor's discretion. Receivers of the phone calls that are made by prisoners are always asked first whether they want to receive the calls. I just wonder why that particular process does not also apply to communication by way of letter. I am hoping that the minister could also refer to that in his summing up. In closing, I indicate that I support the bill.

Ms D'AMBROSIO (Mill Park) — I also rise to support the Justice Legislation Amendment Bill. Each time that I have risen in this house to speak on a bill related to justice I have talked about the track record of this government on community safety. On this occasion I do not intend to deviate from my approach, because the track record is a solid one and we are committed to community safety. We are certainly delivering on our commitments, and the results have proved to be quite successful to date. We have been doing that since 1999. At the last state election we released our community safety platform, which committed us to a zero-tolerance approach to weapons offences. Since then we have enacted some of those commitments by way of doubling the penalties for the unlawful possession, carriage and use of prohibited and controlled weapons and dangerous articles.

The story we can tell generally is a positive one. Crime figures show a significant decrease in recorded offences involving weapons. In the last four years the recorded numbers have decreased by 23 per cent. Certainly there are matters with respect to recorded offences against the person that are less pleasing. I suggest that careful consideration be given to the significant policy strategy of this government on family violence. The necessary outcome of that strategy will inevitably see an increase in the number of recorded offences. It is inevitable when you take family violence issues out of the home and put them into the public domain so that they can be treated and the offenders prosecuted. That is something we do not shy away from as a government. So let us be very careful when we seek to interpret statistics, because often the spin that is put on them by members of the other side belies the story and belies the policy strategy that has been successfully adopted by this government to bring about prosecutions of domestic and family violence.

The bill will further increase penalties for the possession, carriage and use of dangerous weapons or articles where that conduct occurs in or immediately outside licensed venues. That is very important. Of course we need to be mindful of what we mean when we talk about weapons or articles. Almost anything can be fashioned into a dangerous weapon or article, and it is important for us to know that the intentions behind their use remain the same. What we are dealing with here is giving greater weight to the penalties that apply and need to apply to such offences. This is because the community demands it.

As I have said, this bill will further increase these penalties. We have already seen a doubling in the penalties related to offences involving weapons from 1 July this year. In recent times we have been told in great detail several stories of sad and violent occurrences involving a mixture of nightclub activities, weapons, alcohol and young people. Some of these incidents have involved weapons or dangerous articles, and the results have been extremely traumatic and life changing. We cannot turn back the clock, but governments need to act — and they do. We are doing that now as another step in dealing with weapons-related crimes.

We are especially keen to address problem areas where alcohol is involved. Previous speakers have described the violent acts that often evolve from an unhealthy mix of nightclubbing, alcohol and early-morning gang-related activities. The penalties proposed in this bill, in conjunction with the last increases effective from 1 July, are a response to the increase in concern in the community.

I also want to comment on the amendment to the Corrections Act 1986, which enhances a prison governor's power to intercept or censor letters. Part of the job performed by our justice system is delivering punishments when convictions are secured and, of course, supporting victims. A recent court case where a prisoner intended to cause a so-called apology to be delivered to a victim has prompted this government, like the rest of the community, to respond with due concern. The bill proposes to extend the powers of a prison governor so that even under the guise of a so-called apology an offender is not afforded the opportunity to further torment a victim through correspondence. The definition of 'victim' will also include a family member. A prison governor will have the further discretion to consider whether the material contained in a letter from a prisoner may cause distress or trauma to a victim. The bill also proposes to enable victims or family members to address any further distress or trauma that is caused by seeking the prosecution of a prisoner.

The matters before us are clear. The bill tells the story of this government's commitment to community safety where it involves the carriage or use of controlled weapons, prohibited weapons and dangerous articles. There has been a lot of discussion and consultation in arriving at this point. Some of this discussion has been played out through the media. We have seen very sad stories about the violent outcomes that have befallen people who have had weapons used against them in altercations. This government does not drag its feet on dealing with that and delivering good community safety measures so that we afford protection to victims and attempt, in the best way any government can, to prevent violent behaviour. We are doing that by measures such as increasing penalties and extending the authority of prison governors to prohibit further trauma to victims of crime. We are very pleased that this bill continues to deliver on our platform. I commend the bill to the house, and I wish it a speedy passage.

Mr INGRAM (Gippsland East) — I too rise with pleasure to speak on the Justice Legislation Amendment Bill. This bill makes important changes to a number of pieces of legislation, and I will touch on some of them.

In relation of the carriage of weapons there has been a number of high-profile incidents in and around our metropolitan area which have led not only to the death of some people but also to extremely concerning injuries to others. It is extremely disappointing that young people and others within the community believe they have a right to carry knives and other violent weapons such as knuckle-dusters which are designed to inflict serious injury on their fellow human beings. That is one of the concerns of many members of my community and other communities around the state. It worries them to see our society deteriorating to the extent that these issues are played out within the media. Sometimes it may not be the increase in the number of these incidents as much as the fact that we have the media streaming into everyone's houses with replays of incidents captured on security videos and so on.

A mix of drugs and alcohol in these types of incidents around nightclub areas has been on the increase, and that is concerning. I make the point that recently we have seen in my home town of Bairnsdale some extremely concerning incidents. In one case police were set upon outside a licensed premises and suffered quite a significant assault from a number of patrons leaving a nightclub. There seems to be a breakdown in respect for law enforcement officers particularly in and around licensed premises, and that is a concern in the community. When people who have consumed too much alcohol leave licensed premises they are committing violent acts against venue operators or the police who are trying to deal with them.

The downside of the incident in my local area was that the police made a number of concerted efforts to stop some of the violent acts in the community, and that has been played out in the local media. It is very disturbing for the local community. I know personally one of the people who manages one of these nightclubs, and rarely does a weekend go past without some violent incident occurring in or around the clubs. When I was a younger person I used to go out on a regular basis, but this behaviour is not what most of us would have regarded as acceptable. There appears to be a real deterioration in the behaviour associated with alcohol consumption, and as I said before, the carrying of weapons and the increase in violence mixed in with that is quite a concern.

A number of members have made comments about the provision in the bill which restricts prisoners from causing continuous distress to their victims by being able to contact them. Like other members, I am not going to comment on the individual who may have been the reason for this legislation, but I believe one of our roles as a Parliament and as a community is to protect victims. There are a number of ways of doing that, but unfortunately there are people in our society, and hopefully most of them are in prison, who I think get a kick out of continuing to cause ongoing distress to their victims. We must protect victims as a community, and this Parliament must do all it can to do that. I do not have any qualms about making changes to the types of provisions that may protect victims and remove them

from the risk of having issues associated with the violent incidents that occurred to them revisited and causing them further distress.

There are a number of other issues regarding this bill, and I think the majority of the amendments have the support of all members of the Parliament, particularly those that tidy up some aspects of the law that may not necessarily have been clear. An important one is the one that relates to a prison governor's pleasure to ensure that prisoners cannot contact their victims or other family members. The bill also looks at the issue of the responsibility of prison officers to carry weapons. That is an important provision, and we need to make sure the lack of clarity around that piece of legislation is cleared up.

I would like to support the bill. As other members of this place have said, there are a lot of things we can do. Many members have commented on the level of policing. Coming from a regional community, I think most people understand and support the work that police officers do. There are some incredible concerns about the level of staffing in some regional areas, and Bairnsdale, Lakes Entrance and some other places in my electorate have been mentioned. A number of officers have been on stress or other leave, which has meant there has been a fairly low number of police officers available for duty. Hopefully, now that the police officers' pay dispute has been resolved, maybe we can get more police officers back on the beat, because that public presence in the community and the visual nature of policing are important ways of not only reducing crime but also allowing communities to feel more comfortable that the law is being enforced. I support the bill and wish it a speedy passage.

Mr CARLI (Brunswick) — I rise to support the Justice Legislation Amendment Bill, which is in part an omnibus bill with a number of different elements. The first part is the issue of weapons offences and the zero tolerance of this government to weapons offences. It is very clear from the statistics that there has been a reduction in offences that involve knives. In fact in the last four years there has been a 23 per cent reduction in the number of offences where knives have been used.

This bill adds to previous legislation which particularly stamps down on knives but also on other dangerous weapons. Part of what the bill does is provide new offences for the possession of weapons in the immediate vicinity of licensed premises. As other speakers have said, there can be very tense situations in some of those premises involving groups of young people in particular. We have seen some terrible incidents and injuries and even deaths as a result of the use of dangerous weapons.

Clearly this bill is part of what has been a longstanding strategy of this government to reduce dangerous weapons, and part of that is to take away the use of self-defence as an argument in terms of carrying a dangerous article. With sharpened scissors, broken bottles and other things, we have heard the excuse that people are carrying them for self-defence. Clearly that is an argument that has been used to carry very dangerous weapons and potentially create injury and violent situations. It is very important that we see that change.

Some of those issues were considered by the Scrutiny of Acts and Regulations Committee (SARC) at its last meeting, including whether the balance between the right to security, which includes the right to self-defence, and the right to safety in terms of people's ability to move around and be involved in community life has been reached. Certainly there is still an ability to defend yourself if you are under attack. Previous speakers have spoken about the use of everyday items for self-defence, and that is clearly acceptable.

The Scrutiny of Acts and Regulations Committee had some issues around someone picking up what is deemed to be a dangerous item when there is an immediate fear of attack and whether that is considered not acceptable and not allowed under the law. SARC chose to write to the minister and raise that issue, and it is now seeking a response from the minister. There is a right to security, and obviously there is a right to self-defence, but it is equally critical that we do not allow that to create situations where people walk around with dangerous items and use them aggressively as weapons. We want to take away the opportunity for people to use self-defence as the reason they are carrying around a dangerous item. There is some level of concern about what that means in the immediate case of danger and what happens if someone picks up something that may be deemed not to be an everyday item but a dangerous article.

In terms of the ability of prison governors to censor correspondence that a victim would find distressing or traumatic, there is certainly a right of prisoners to correspondence and to be able to communicate, but there have always been restrictions on that. There have been restrictions on the basis of security and for a whole lot of reasons that have been specified to limit the right to correspondence.

This bill provides further for prison governors or their delegates to censor correspondence in regard to distress

or trauma to victims. It is important to recognise that as of next year prison governors or their delegates will, in doing that, have to do it while respecting the charter of human rights, which obviously includes the right to communicate and the right of people to express their views. It is again a balancing act. We have to recognise the huge importance that this Parliament has in protecting victims and the potential for that to go awry. Equally we have to recognise that it must be a very limited ability to censor because we do not want to take away the important right of all people to correspond with others.

As I said, the bill has a number of different components. One that has caused a fair bit of discussion today relates to the insertion by clause 20 of provisions giving force and effect to a regulation in the Corrections Regulations 1998. That is an important element to ensure that the regulation is given full force and full effect. It is important to note also that since all the regulations in this state sunset after 10 years those regulations will sunset next year and will be reviewed. Again, in the work of the Scrutiny of Acts and Regulations Committee there was a fairly interesting debate about what you do when you rewrite a regulation. Regulation 10 provides a number of other constraints before a person can discharge their firearm. They include avoiding dangers to others, giving oral warnings if practicable, and shooting only as a last resort. There is also training for prison officers to ensure that they use firearms in a way that reduces risks.

Another issue that came up in the work of the Scrutiny of Acts and Regulations Committee was that under the international law of human rights people obviously are permitted to use force on escaping prisoners but that permission is strictly limited to a force that is proportionate to the threat that that prisoner poses to others. The question really is: what do you use? Do you discharge a firearm on a prisoner who potentially presents little danger or poses very little threat? In rewriting the regulations, that issue should be cleared up.

That was indicated by the minister, who in his second-reading speech said that when the regulations are rewritten next year the issue of proportionality in the use of force will be considered so that a firearm can be discharged by an escort officer only when he believes on reasonable grounds that a prisoner poses a significant threat of injury or death to others so that it is proportionate to the threat posed by that prisoner. It is obviously a great issue in human rights, and a fair bit of work has been done in that area. There is quite a deal of jurisprudence in the international law on human rights. Again, the Scrutiny of Acts and Regulations Committee has written to the minister outlining those issues in terms of ensuring that as the work proceeds to update the corrections regulations as they sunset those things are taken into consideration.

Obviously some delicate issues in terms of human rights are posed by this legislation. It was a piece of work which the Scrutiny of Acts and Regulations Committee took a lot of time and effort to look at and scrutinise. Clearly whenever you deal with human rights issues you have issues of balance. This is an important piece of legislation in that it is very much about protecting people — that is, about protecting victims and public safety. It is important to do that in a way that is proportionate and that ensures that we do not overuse measures such as firearms or other things. With that short contribution, I wish this bill swift passage.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the debate on the Justice Legislation Amendment Bill 2007. As previous speakers have alluded to, there are certainly many different components and elements to this particular bill. The main purpose of the bill is to amend the Control of Weapons Act 1990 in part to prohibit the carrying of dangerous articles for the purpose of self-defence, to provide for new offences for the possession of weapons in and in the immediate vicinity of licensed premises, and to increase certain penalties for existing offences under that act. As I said, there are a few other elements to it.

I want to make some comments on the incidence of violence in and around entertainment precincts. In recent times we have seen much media coverage of a number of violent incidents occurring in the metropolitan region. As the member for Benalla quite rightly pointed out, unfortunately these incidents do occur in regional areas as well; we are not immune from them. I can say from experience in my own electorate of Morwell that we do suffer the same consequences, unfortunately.

In part the second-reading speech says:

> … the amendments will clamp down on crimes involving weapons in and around licensed venues such as hotels, clubs, bars and restaurants. Excessive consumption of alcohol by persons carrying weapons is often a contributing factor to the aggressive use of such weapons. The presence of weapons in or near licensed venues, where alcohol-related aggression is more likely to flare, significantly increases the threat of serious injury or death resulting from the use of weapons and puts public safety at risk.

> To deter alcohol-related violence at such venues and make existing sanctions more effective, the penalties for unlawfully possessing, carrying or using weapons or dangerous articles in and around licensed premises will be doubled.

I think that is a good thing. Previous speakers have also alluded to the fact that as members of Parliament we have an obligation to protect the community. I am sure this bill will go some way to doing that.

I relay some sentiments that appeared as front-page news in the *Traralgon Journal* of Tuesday, 11 September. We have a great initiative that has been conducted by what is called the CBD (central business district) safety committee. It is made up of a number of interested stakeholders, including the licensed venue operators, the police, local government, the taxi directorate and a number of others. They identified that there were a number of issues arising from alcohol-related violence in and around the Traralgon entertainment precinct, and in particular the Traralgon taxi rank. They got together and formed this committee and decide to do what I think is a logical thing to do, and that is provide local solutions for local issues. It was very important that they did that. They trialled one security guard being on duty at the taxi rank. The trial took place from December 2006 until June 2007. Once it was complete the committee confirmed that the strategy was a great success and was looking to continue that for some time.

During the trial period a security guard was essentially funded by the nine licensed venues and Latrobe City Council. It aimed to move patrons more quickly away from the taxi rank where people congregated at the end of having an evening out. One of the problems was that the strategy could not be implemented long term purely and simply because funding was not available. I am happy to announce that in recent times the federal government has come to the rescue and has allocated $150 000 to Latrobe city in part to help with these initiatives — that is, to improve safety around the entertainment precinct within Latrobe city. It is a fantastic initiative, and I congratulate the federal member for Gippsland, Mr Peter McGauran, for releasing these funds. The aim is to reinstate night security at the Seymour Street taxi rank in Traralgon. As I said, Traralgon is probably the entertainment precinct within the Latrobe Valley. We find more and more people are coming in from outside the region to attend nightclubs and, in general, wanting to have a good time.

At this point I would also like to commend Latrobe city for taking this matter seriously to assist the police, and I commend the Victorian Taxi Directorate for putting these initiatives together. There are some other strategies that will also go in part towards helping the licensed venues with the promotion of the responsible serving of alcohol and to combat under-age drinking and the like. I think all members of Parliament could take a look at what is being conducted down in the Latrobe Valley, in the Morwell electorate, and see whether it may possibly be repeated in other areas. It certainly has been a great initiative for the community. Negotiations with the taxi operators within Latrobe city have also allowed taxi operators from other suburbs such as Morwell and Churchill to operate out of the Traralgon taxi rank to jointly move people away from that area as quickly as possible. I commend the federal government and Mr McGauran for doing that.

I commend the government for initiating the amendment to the legislation, but whilst doing that I also point out the obvious issue of the lack of police resources. In the same edition of the *Traralgon Journal*, on the third page, an article headed ‘Police resources are stretched to the limit’ reports Senior Sergeant Brendan Scully, whom I have had many conversations with, stating that the staffing levels at the Traralgon police station have decreased in his 17 years of being there. That is despite the fact that the most recent Australian Bureau of Statistics data shows that Traralgon has had an increase in population of 2.7 per cent. The onset of various nightclubs in the township on Friday and Saturday evenings sees a great influx of visitors to the region. Unfortunately the reduction in police numbers has a major impact on other services, such as Neighbourhood Watch and the like.

The same newspaper article refers to comments made by Paul Mullett to the effect that in 2003 Latrobe Valley police stations were 28 officers short. It is a common problem. The article also reports the Latrobe police service area inspector, Chris Major, commenting on the same issue and outlining that in regional areas it is difficult to attract police numbers. He certainly understands that we need to alleviate pressure with police numbers, particularly on Friday and Saturday nights. That is why we have come up with the solution of employing security guards rather than police officers to patrol some of the major areas that have experienced violence over time. I commend the CBD safety committee for what it has done so far in regard to this good work, and I congratulate the federal government and Mr Peter McGauran for allocating funding to ensure that this service continues.

I return to the bill — time permitting, of course — and a couple of other elements that I wish to mention. The bill will extend the application of a victims register to the offence of failing to stop and render assistance after a motor vehicle accident causing death and will confirm

its application to the offences of culpable driving causing death and dangerous driving causing death or serious injury. The most important part of that is that the measure recognises the profound effects of such crimes on the victim's surviving family members, and that is important. Most speakers have alluded to the fact that we need to recognise the victims in crimes such as this and protect them. This is a good way of doing that.

Much has been said about prisoners being able to write letters to their victims. I will not name the person, as obviously he is the subject of this bill. The amendment is a sensible and proactive thing to do, and again it is to protect the victims of crime. At the end of the day we need to ensure that we protect them. The last thing we want to see is people receiving letters in the mail, no matter what their content. I commend the bill.

Mr WELLS (Scoresby) — I would like to make a few comments on the Justice Legislation Amendment Bill, and in particular on the amendment to the Control of Weapons Act 1990 which creates new offences at the point of sale of prohibited weapons that will incur penalties of up to between 60 and 120 penalty units and doubles the penalties for a number of other offences — for example, possessing body armour, for which the penalty is up to between 60 and 120 penalty units.

I am not sure how this fixes the problem of having weapons in our community. It seems that every couple of years we are back here making another amendment to the Control of Weapons Act. I think the issue is that, if you just increase penalties, it does not really fix the problem. Most of us are fed up with the amount of violence in the community. It seems to be on the weekends. On Monday mornings we read the newspapers and find that there has been another stabbing and there has been more violence. There is also the issue of prohibited weapons around the nightclub precincts such as King Street and those sorts of areas. People are fed up. We also want to know that the government is looking at having more police on the front line to address this issue, especially in the central business district (CBD). I notice with interest that the latest crime statistics show that assaults in the CBD are up by about 17.5 per cent. Once again we would say that it is a matter of policing — that is, having police out on the beat.

The amendments to the Correction Act 1986 are welcome. I cannot imagine being in the situation of James Donnelly's family, who believed the person who committed the offence was still in jail. For some reason the parents of James were not notified, and they found that this person had been released. I am pleased that this part of the legislation has been tightened up. I am also pleased that victims can make a submission to the Adult Parole Board, because the people on that board must be able to take into consideration the views of the victims. Having made those couple of points, I indicate that the opposition is supporting this bill.

Ms NEVILLE (Minister for Mental Health) — As many members have pointed out the Justice Legislation Amendment Bill is about ensuring that Victoria continues to be the safest state in the country. That has been reflected in our crime statistics and has been achieved by having very strong legislation which is about improving community safety. This bill is a fundamental component of our continuing to do that. It is also very important in that it provides even further protection for victims of crime here in Victoria, which has been another strength of this government as we have moved forward.

With those very brief comments I would like to acknowledge the contributions that have been made by members on both sides of the house, and I look forward to this chamber's support for the bill.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

FISHERIES AMENDMENT BILL

Second reading

Debate resumed from 18 September; motion of Mr HELPER (Minister for Agriculture).

Mr BROOKS (Bundoora) — It is a great pleasure to rise in support of the Fisheries Amendment Bill, which essentially does two things, if I can break it into two parts. It deals with a ban on commercial netting in Western Port, which I will come to. It also makes minor amendments to clarify and improve some matters in the principal act that have been identified in the conduct of a review of the Fisheries Regulations 1998, which are due to sunset on 1 April 2008.

In relation to the banning of commercial netting in Western Port, I was interested in the contributions by the lead speakers from the Liberals and The Nationals during the debate on this bill yesterday. The one item they chose to overlook is the benefit that this bill presents for recreational fishing in Victoria. As

someone who loves to go fishing — my only confession is that I do not get out enough to fish — I am among about 500 000 other Victorians who go fishing at some stage each year. That half a million people and the other people who recognise the benefits of recreational fishing — people who run businesses that are tailored to the tourism benefits of recreational fishing, and people in the boating industry — all see these sorts of initiatives by the government as very positive.

When the announcement was made in November last year that this change to the fisheries legislation would be made and that commercial netting in Western Port would be banned, there was a very strong and positive reaction from the recreational fishing community. I have here, and I am happy to make it available to the house, an article from the *Frankston Standard/Hastings Leader* of 20 November 2006 which says:

> Fishing charter operators in Hastings are rubbing their hands with glee over Steve Bracks's plan to ban commercial net fishing in Western Port bay.
>
> 'Absolutely magnificent', said Rob Gray, who runs Western Port and Peninsula Fishing Charters. 'It gives Western Port back to the people'.

Further in the article he says:

> 'The local guys, they're no problems. It's the blow-ins who are the real problem. Last year they hammered this bay. They can wipe out a fish run in two days'.

He is obviously referring to the operators of commercial netting and the impact they can have on a bay such as Western Port, or Port Phillip Bay for that matter. At the time the announcement was made in November last year, the peak recreational fishing bodies issued a joint media release, and again I am happy to make that available to the house. The release included the Rex Hunt Futurefish Foundation, VRFish and the Australian Fishing and Tackle Association. Under the heading 'Bracks declares ban on commercial netting in Western Port …' it states:

> VRFish, Futurefish and AFTA commend the government's decision to act favourably on behalf of Victoria's recreational fishers.

It also states:

> Rex Hunt, founder of the Rex Hunt Futurefish Foundation, said 'he was delighted with the Premier's announcement and looks forward to the rebirth of Western Port and the return of the existing recreational fishing that it was once renowned for'. 'This is a great day for Victorian fishing', Hunt said.

I think we recognise that Rex Hunt is not a staunch Labor supporter, so it is great to have that endorsement from him. The press release includes comments by Bob Pearce, the chairman of Victoria's recreational fishing peak body, VRFish:

> 'This is a tremendous win for Victoria's recreational fishers and it represents the success of the strong voice of recreational fishers working together as one to achieve such an excellent outcome. Western Port will again become one of Australia's truly great recreational fisheries as a result of the Bracks government's decision', he said.
>
> This decision endorses the government's appreciation of the many millions of dollars that recreational fishing and boating delivers to the economy of this state. It is a great win for us all', Pearce said.

You have a situation where around half a million Victorians love to go fishing. You also have the peak bodies representing Victorian anglers absolutely endorsing the decision of the then Premier, and then this government, to pull netting out of Western Port so that those other industries can thrive and so that people can enjoy better fishing in Western Port.

As we heard yesterday, at that stage of the process — back in November — The Nationals came out and opposed the decision, and they again opposed this legislation in the house yesterday. I thought I would have a look at The Nationals position on recreational fishing as outlined in their policy documents in the lead-up to the last election. To tell you the truth, it was a bit of a struggle. I looked through the different policy documents that are on the library website, and the only one I could find is entitled *The Victorian Nationals Plan for Resource Management*, which talks about commercial fishing, mentions recreational fishing and makes some motherhood statements. Other than that I was not able to find a clear policy direction from The Nationals.

Of course, yesterday we heard the Liberals saying they would support the legislation, but their lead speaker was very negative about the way in which the government had brought this bill in. I thought I would have a look at the Liberal Party's policy documents in the run-up to the last election. The policy document titled *A Liberal Government Plan for Victorian Fisheries* is the one that I thought would set out such a manifesto or policy position, but surprisingly there is no mention of Western Port or Port Philip Bay in this policy document. Again the Liberals ran up the white flag and did not put forward a strong policy position in regard to this matter.

The only policy document I found which mentions Western Port is called *A Liberal Government Plan for Victoria's First Major Water Desalination Plant*. To people who enjoy fishing on Western Port the Liberals

were saying before the election, and I quote from the first page:

> To these we add a commitment to build a 50 000 megalitre a year water desalination plant on either Western Port bay or to the west of Melbourne.

While the Liberals are critical of the government's decision to ban commercial netting, before the election they were planning to build a desalination plant, which would have discharged salty brine into the bay. Of course we know their position on the federal government's push to have nuclear power plants built in Victoria, and we know that independent advice has indicated that Western Port would be a likely location for a nuclear power plant. From the opposition parties we have had proposals for desalination plants and nuclear power plants, but they are very concerned about the impact of removing commercial netting from Western Port.

It was heartening to hear the lead speaker from the opposition yesterday say that he had received a copy of the information booklet dated August 2007 from the Minister for Agriculture's office, which relates to the licence and surrender relocation program. I have read through that document, and I would agree that it sets out in detail how this scheme would work. I think it would give people in the commercial fishing industry a degree of comfort that the relocation and surrender process will be a fair one, and that the government is committed to making sure that those people can adjust to the changes that are proposed under this legislation.

In conclusion I want to say again that, as a person who enjoys recreational fishing, I think this is a great bill. The great benefit here will be for people around Victoria. There are some half a million people who enjoy going out and fishing when they can. It is a great sport and a leisurely pursuit for families. I think that is what was indicated when Premier Bracks made the announcement in the run-up to the last election. It is about encouraging families to go out and enjoy the sport of fishing. This is a great outcome for Victoria. I am very happy to support the legislation.

Mr BURGESS (Hastings) — The Fisheries Amendment Bill deals with a topic that is very dear to the residents in an area that I represent, the picturesque and beautiful Western Port. This bill removes the entitlement from Westernport/Port Phillip Bay fishery access licence-holders to undertake commercial net fishing in Western Port and Port Phillip Bay, and provides for compensation schemes for those people.

It is estimated that over 500 000 people across Victoria enjoy recreational fishing annually. An example of local recreational fishing popularity can be found at the Westernport Angling Club. Founded in 1974, it has a membership base of 60 families. It is a family-oriented club that endeavours to look after the conservation issues that affect our bays and waterways and to keep recreational fishing a viable and sustainable option on the Mornington Peninsula.

Recreational fishing, as everybody knows, is a valuable contributor to the social network of our community. It certainly contributes to the recreational enjoyment of families and allows another outlet for those endeavours. I am a fishermen myself. I was born in Melbourne, but I was brought up in Tocumwal on the Murray River, so a lot of time during that period was spent fishing on the Murray. I thoroughly enjoyed it. Obviously it is very much an occupation that the family can participate in. I am interested in ensuring that fishing stocks remain sustainable and that the opportunity for Victorians is always protected.

As well as supporting a thriving recreational fishing industry, Western Port has historically supported commercial fishing. That has been the case right up until last year. Tim Mirabella's family is an example of a fisher-family. They have supplied local and fresh fish to the Mornington Peninsula since the 1860s. In fact the business was a local institution. Underprivileged, unemployed and low-income families have historically relied on Mr Mirabella's family for affordable and fresh local fish.

Tim Mirabella is a fifth-generation commercial fisherman. For more than 20 years he has also operated a small-scale retail outlet in Hastings. The catch he sells provides a unique supply of fresh local fish to the Mornington Peninsula. Mr Mirabella was an inaugural member of the Victorian Fisheries Co-Management Council, which is the ministerially appointed, expertise-based body providing independent advice on fisheries matters. Included in his numerous representative roles was a three-year term as chairman of Seafood Industry Victoria and a directorship of the former Australian Seafood Industry Council.

In 2000 Mr Mirabella instigated the formation of the Victorian Bay and Inlet Fisheries Association with the primary objective of securing the long-term future of Victoria's bay and inlet fishermen. One of the key strategies adopted by this organisation was developing and strengthening links with other key stakeholders through the development of an environmental management system.

In 2003 Mr Mirabella received sponsorship from the Fisheries Research and Development Corporation

(FRDC) to participate in the Australian rural leadership program, which, among other things, gave him an insight into some of the challenges faced by other rural industries, and how those challenges were tackled. Mr Mirabella is equally passionate about the rights of individual fishermen and the wider community's entitlement to maintain access to sustainable local fish resources.

The Mirabella business was a local stopping place for fresh local fish and local families will miss the convenience and affordability of purchasing fresh fish, whose origins were known to them. The announcement of the policy contained in this bill was made just two weeks before the last state election. That announcement closed the Mirabella business and ended that run of history. With the closing of the commercial fishing industry in Mallacoota Inlet and Lake Tyers — and again fishing locations and associated families and communities were affected prior to an election — and now Western Port, local fresh fish sales will become a rarity. Interstate and overseas fish will now become the prominent feature in many people's homes.

It must be understood that these particular commercial fishermen were the equivalent of the best farmers of the land. These people were the farmers of the sea. They had undertaken research and adopted methods that placed them at the pinnacle of sustainability with respect to the preservation of fish stocks. The cynical nature of what the Bracks government did to those people can be better understood against a background of what happened in the period leading up to the announcement of the policy contained within this bill.

In 2004 Tim Mirabella was awarded a Victorian coastal award for excellence for his work to ensure the sustainability of indigenous fish stocks in our local waters. This was an award from the state government presented by the then Minister for Agriculture to a person who, less than three years later, the government legislated out of business on the basis of protecting the fish stocks — which was the same basis on which it granted Mr Mirabella's original award.

In November 2005 the then Premier, Steve Bracks, wrote to Mr Mirabella assuring him that the Labor government had no intention of ending commercial fishing in Western Port and that if it intended at any stage to change that position it would consult with Mr Mirabella and other people affected by the decision. Less than 12 months later, with no consultation and not coincidentally just two weeks before the last state election, Steve Bracks turned up unannounced on the opposite side of the bay to where Mr Mirabella lives and announced an end to commercial fishing in Western Port and an end to Mr Mirabella's business. This is precisely what he had promised not to do.

These types of politically motivated actions must be stopped. This should never be allowed to happen again. Proper and effective community consultation must be the order of the day. It must take place before these sorts of decisions are made. They interfere with our natural resources, and our natural resources are too precious to be treated as election fodder. A government should not deny the community access to fresh local fish. A government should not treat local businesses and communities with such contempt.

Mr SCOTT (Preston) — It gives me pleasure to rise to support the Fisheries Amendment Bill 2007 for a couple of reasons. I will start on a personal note. My family has a close bond with the Western Port area. My grandfather lived on Phillip Island for many years, and parts of his family came from Phillip Island. For many years as a child I holidayed in Balnarring, and for many years I fished in Western Port, mostly unsuccessfully. If most fishermen were like me as a child there would be no need for any act because it would not have mattered how many fish there were! Fishing was essentially a social activity for my father and brothers. If I have any talents, they do not lie in fishing. I will happily concede that to the house.

Dr Sykes interjected.

Mr SCOTT — The member for Benalla mentioned tinnies. I was a bit young, and I would hope that parents who take out small children such as I was at that time would not indulge in drinking tinnies.

Mr Burgess — Tinnies are small boats.

Mr SCOTT — I do understand the distinction! I must say it is hard sometimes, when you are dealing with a bill that relates to childhood memories, not to become nostalgic for a time that has passed. However, it is a beautiful area of Victoria and certainly a place that holds a special place in my heart.

The bill seeks to enhance and encourage recreational fishing in Western Port by removing commercial netting in the bay. I understand the Liberals are in favour of the bill. The member for Hastings gave an impassioned speech, somewhat at variance I would say with what was enunciated by earlier speakers from his party. However, it was an impassioned speech on behalf of his constituents. These sort of issues are always complex. Balancing the use of any natural resource which is of a limited nature among different users is always a complex exercise. I am not glibly dismissing the member for Hastings's speech, because

these are always complex matters and there is more than one side to the story.

However, as I said I am pleased to rise and support the bill. As has been noted by previous speakers, over 500 000 people participate in recreational fishing, and a number of recreational fishing peak bodies have endorsed the actions of the government and support the bill. I note that The Nationals are opposed to this bill. I wonder whether the member for Hastings will consider his position vis-a-vis that party: on this issue he seems to have something in common with it.

The bill removes the entitlement of Westernport/Port Phillip Bay fishery access licence-holders to undertake commercial net fishing in Western Port and provides for a compensation scheme for affected fishers. The compensation scheme falls into two main categories. One involves the payment of financial adjustment assistance and the other involves voluntary licence buybacks. Compensation by way of financial adjustment assistance is dependent on a person having actively fished in Western Port over the last seven years.

In debating the bill I would like to turn to the statement of compatibility with the Charter of Human Rights and Responsibilities Act, which is a very important addition to understanding the legislation this government brings into this place. This bill touches on section 20 of the charter relating to property rights. It is an important section, because property rights are the cornerstone of our society. I read from the statement of compatibility:

> Section 20 establishes a right for an individual not to be deprived of his or her property other than in accordance with law. This right ensures that the institution of property is recognised and acknowledges that the state of Victoria is a market economy that depends on the institution of private property.

A key aspect of this section of the charter is ensuring that any removal of property rights is not of an arbitrary nature. Arbitrary in this context may mean capriciously, unpredictably or inconsistently — in other words, lacking in reason or proper policy justification. That is clearly not the case here. This is a clearly thought-through policy which was taken to the people. It is seeking to provide better access to recreational fishing in Western Port and thus in no way is arbitrary. Furthermore, I note that there is a well-funded and properly thought-through compensation scheme, which, if memory serves me well, the member for South-West Coast noted was satisfactory to some of the licence-holders in question. Again, I would argue that the removal of property rights is not arbitrary. However, I would say that any removal of property rights is a serious matter that should be taken seriously by the Parliament and should be done only in a considered manner. Of course the Brumby government has done this in a considered manner and has dealt with that issue successfully.

I believe this is an important reform which will provide better access to recreational fishing in Western Port. I only hope that those recreational fishermen and fisherwomen have greater success than I did over the years. As I stated earlier, the bill would be an irrelevance if I were a fisherman heading out, because I was spectacularly unsuccessful in that particular aspect of my childhood. I am sure I would continue in that vein if I were to return to fish in Western Port. I commend the bill to the house.

Mr K. SMITH (Bass) — I have great concern about what has occurred with regard to this closure of Western Port to netters. I should say that our party will not oppose this bill, although we are not happy with the way it has happened. This is a continuation of the closure of fishing in bays and inlets to commercial fishermen.

We know the government has closed Mallacoota, Tamboon Inlet, and Andersons Inlet, and now it has closed Western Port. We know it is looking at the closure of Corio Bay and Lakes Entrance in the future. This is at the behest of Rex Hunt and his merry group of recreational fishermen. There are roughly 500 000 recreational fishermen, but only 235 000 of them are actually licensed fishermen. However, 500 000 recreational fishermen are about 10 per cent of the total population of Victoria. That means that 90 per cent of us are relying on getting our fish from a fish shop or fish and chip shop, or from somebody who is marketing fresh fish or cooked fish because we do not have the time or the opportunity to catch our own fish.

One has to try and understand why this was done on the eve of the last election. It is not as if this had not been planned. I have an email here from David Kramer, who is with VRFish. It reads in part:

> I attended a meeting with Rex Hunt, Merv McGuire, Andy Evans, all from Futurefish, Pat Washington, Bob Pearce from VRFish, and Bill Classon from AFTA. All these guys met with Steve Bracks at their last meeting and had a verbal commitment on the compulsory buyback.

That would have been all right if it had been a couple of weeks before the election, but this was on 13 October 2005. In fact you could probably say that close to 12 months out from the election this had been planned between the recreational fishermen and the government. You can only look at this as being a very

cynical vote-buying exercise that has been carried out by former Premier Bracks. We can probably also say it is another broken promise, because as we heard earlier from the member for Hastings, Steve Bracks had given an undertaking to Tim Mirabella that there would not be any closure of the commercial fisheries in Western Port.

When we had our briefing the advisers said it was okay and the commercial fishermen will be able to longline if they wish to. Longlining is not going to give them a feed. For a start, longlining is a closed season. In fact the season only runs for a period of about six months, which means that they would not be able to fish for six months. In that time they would not be able to fish if the weather was bad or if the tide was out or on a Saturday or a Sunday, because commercial fishermen are limited in the time they are allowed to fish.

What the government has virtually said to the commercial fishermen is, 'We are going to close you down. You will not be able to net'. They can longline, but longlining will not enable them to catch the fish that the people want down there. Let me say that I did not see anything in the agreement so far as compensation was concerned for the fish shops that operate around Western Port and now buy fresh fish from the fishermen. Tim Mirabella at Hastings had his own shop where he was selling fresh fish. He would go out and catch them overnight, come in and set them up in the display in his shop. He was able to sell them. They were still rattling in the boxes, because that is how fresh the fish were. People are not going to be able to buy that anymore.

The fish and chip shop down at Rhyll is renowned for its great fish and chips, and people travel from all over the Bass Coast to buy them. They used to get their fish from the fishermen down there; they will not be able to do that anymore. Fishermen will not be able to net for bait. That is an important thing. People will not be able to buy fresh bait caught by some of the fishermen down there because you cannot catch bait on a longline. That is not the way it actually works.

The co-op at San Remo has been under extreme pressure from this government because of the amount of fishing that has been closed down. Commercial fishermen rely on the co-op and the co-op relies on the commercial fishermen who bring fish in and bring people down to the area. Let me say quite honestly that I know every one of the fishermen down there. I have dealt with all of the fishermen over in the Hastings area — the Tim Mirabellas. I have known Tim for probably 30 years or more, and I know how dedicated he is to looking after the people in his area and being able to supply fresh fish for them. John Gazon is another fisherman. There are seven of them who will be put out of business and their families deprived.

I think the statement of compatibility with the Charter of Human Rights and Responsibilities in regard to this is just a joke. The rights of these fishermen are being ripped off them by this government. Yet it has the cheek to put this rubbish on the front of the second-reading speech it is offering to us, saying that the bill is compatible with human rights. It is not. There are seven families, along with other people who live in that area and who can get fresh fish now but will not be able to after 1 December, who will have to have fish sent down from Victoria market to the fishing grounds in Western Port. They will have to buy fish that have spent at least a couple of days moving backwards and forwards from Melbourne. They will not be as I described the local fish earlier: coming out of the box on the boat still wriggling because they are alive and are so fresh. That is what the government is doing: it is taking away these fishermen's rights.

I have mentioned some of the inlets that have been closed. The catch from the bay and inlet fisheries was around $10 million worth. I think in 1999–2000, 3838 tonnes of fish were caught Victoria wide. The figures have come in for last year, 2005–06 — these are government figures — and only 2762 tonnes of fish have been caught. This has come about because of the closure of the other fishing grounds. The closure of the bays and inlets is depriving Victorian people of fresh fish. What happens when the government closes Corner Inlet, which is one of the grounds where most of the good whiting comes from? Now that Western Port has been closed down, who will go and catch the whiting? Who will catch the rock flathead, which you cannot catch with a rod and hook? It does not work that way. You can catch only shark and snapper on longlines. You cannot go out and catch rock flathead, which most people go for when they go down that way, because they are all caught by the fishermen with their nets. It is not as if it is depriving recreational fishermen of the right to be able to catch those fish — they do not catch them now.

Two per cent of Victoria's total catch comes out of Western Port. This government is going to deprive seven families, maybe eight families, of the right to go out and fish commercially to sell their catch in local areas. This is a dirty deal that was done by the government before the election with Rex Hunt and his recreational fishing people. It is a dirty deal that is typical of the sorts of things we have learnt to expect, since the election, that the Bracks government did before the election. Twelve months before the election

it had already agreed with VRFish, the Rex Hunt Futurefish Foundation and the Australian Fishing Tackle Association that it would bring about a compulsory closure of net fishing in Western Port. It told the fishermen that it would not close the bay. The fact is that it has — and it is wrong.

We will not be opposing this, although it results from a dirty deal that has been done by this government to buy cheap votes from recreational fishermen here in Victoria. I do not believe the recreational fishermen think this is a fair thing either. Some of them will be happy, but some will not.

Mr SEITZ (Keilor) — I rise to support the Fisheries Amendment Bill 2007 because it is a further step in developing our recreational fishing industry and supporting the stock in the bays and inlets of the Western Port area. The government has allocated funds to compensate people in the fishing industry. We heard from the previous speaker that he thinks there are about seven or eight people with licences who are left in the net fishing area there.

The reduction of fisheries in Victorian-controlled waters, particularly in the bays and inlets, has been on the cards for quite a long time. When I was on the committee that did the inquiry on the Fisheries Co-Management Council and fishing allocations, we met with the various fishing industry sectors and the fishermen in the various regions. The issue was quite plain then: there would be restrictions coming up. We set up our marine national parks, which included restrictions. We have compensated people all the way through. In this case the funds will not come from the fishing industry as a levy, but will be paid from consolidated revenue, which is a plus in the situation.

The assessment of the amount of compensation that will be paid will be done by the minister and the Treasurer. That will be a fair assessment of the business value and the loss of that industry to those people and their families. But they have had quite some time to make adjustments, because everybody has known that these steps would be taken. Whether now or in two or three years time, it was quite on the cards, because it is not sustainable to have commercial net fishing in that area mixing with recreational fishing. Recreational fishing is a big industry that contributes to tourism in the region. In that sense it contributes to the whole area financially, so it is important that we encourage and preserve recreational fishing and that people catch a fish every now and then. There are stricter controls in this legislation on the bag limits allocated for the various species.

In Port Phillip Bay since a lot of the licences were bought back and the scallop dredging was removed, the snapper fishery has now improved and is booming. Port Phillip Bay was threatened in the past, when all the scallop dredging was going on from Portarlington right across. When the people from Lakes Entrance came across with their boats they churned up the whole bay. It was a big campaign and there were big arguments, but the government of the day had buyback schemes, as was done with the abalone fishing industry. A two-for-one buyback was implemented by the government at the time. I have heard that the same situation will occur in this case and there will be opportunities for people to readjust, reassess and have a look.

Talking about supply, only a small amount of fish is supplied to the market in Melbourne, but sometimes the supply never reaches Melbourne or the region. As we heard a previous speaker say, the way the fishermen and truck drivers operate is that, if they get a better price from the fish market in Sydney, a semitrailer goes up to the Sydney fish market and not to the Melbourne fish market with their catch. With modern technology and communications, diversions are quite easily carried out. When I was involved in the inquiry and the report on the fishing industry it became quite clear that if fishermen got a better price from another market in another state, that is where their nice catch of fresh fish finished up.

It is not a case of people here being denied fresh fish, because the industry has been selling the fish to wherever it gets the top price at a particular time. I do not agree with the argument that the region or Melbourne will miss out on the fresh fish supply. We get fish coming in from Sydney, Adelaide and different places. With crays, Melbourne and Victoria have different standards and different size requirements from other states. Our crayfish have to be bigger than the ones in South Australia, and cross-border trading goes on all the time with all that seafood.

For the aquaculture industry further controls are provided in this legislation. In particular there is consideration of the merits of growth in aquaculture in Western Port. A lot of people have licences and permits to grow crayfish in the Western Port region. They put them in big containers, cut holes in the containers and let the crayfish grow in the bay. There are alternative industries that some of the people in the fishing industry want to look at, and they will still be able to longline in the area. This legislation also controls other fishing industry activities, in particular where fish can be taken, where fish should not be restocked and the sizes, so that our native fish do not get eaten up by

introduced species. There are further controls on that. As an example, trout, which is an introduced species, is endangering the native fish in our cold river waters.

This bill is a balanced bill, and there is a fund of $5 million to compensate people. They need to look at that and assess it. I am sure that the Treasurer and the minister will be fair in the assessments they make for those people who decide to get out of the industry and believe they cannot make a living just out of longline fishing without the net fishing. I wish the bill a speedy passage through the house.

Mr WELLER (Rodney) — It is with great concern that I rise to speak on the Fisheries Amendment Bill. We Nationals have indicated that we are opposing it. I am speaking against the bill because there are some very concerning things in it for the fisheries industry and for the multiple use of our natural resources in Victoria. The bill follows a review of the Fisheries Regulations 1988, which sunset on 1 April 2008. It amends the Fisheries Act 1993 to give effect to the government's 2006 recreational fishing and boating policy statement in order to ban commercial net fishing in Western Port from 1 December and to encourage greater family-friendly fishing.

We have a problem with the banning of net fishing in Western Port from 1 December 2007, because there is no science behind this decision. Part of the reasoning that the government has put up is that it will make it more friendly for recreational fishers. The facts are that in 2000, 62 tonnes of fish were caught in Western Port. In 2006, seven years later, 56 tonnes were caught there — and people are saying the science says that we have to reduce commercial fishing. If you compare that with Port Phillip Bay, where we are not going to reduce netting — and I am not advocating that we should — the actual commercial catch there has halved over the same time. We would suggest that net fishing in Western Port is actually sustainable and should continue.

We heard the government say it is going to compensate fishers. If we read the minister's second-reading speech we see that there is going to be a voluntary buyback scheme. I have not had a look at my dictionary to see what 'voluntary' means, but I always thought it meant that you put up your hand and you volunteer. If you cannot net after 1 December 2007, it is not what you could call voluntary. It is mandatory that you accept the buyout. It is not a voluntary buyout at all. The government should say what it is exactly and say there is no choice for the fishermen — they are gone from Western Port and there is a compensation package but not a voluntary one.

In the second-reading speech the minister says:

> The government's vision for developing our recreational fisheries resources can be simply described as 'family-friendly fishing' — encouraging increased participation in fishing by women and children as well as traditional male anglers, young and old, and improving the recreational fishing experience through improved skills and better fishing opportunities.

I remember back to the last Saturday in November when the then Premier was re-elected. He said he was re-elected for the whole of Victoria. What about my seat? Up along the Murray we have some very good fishing — it is some of the best Murray cod fishing in the world. As this government keeps pointing out, there is more we could do. This bill does not go far enough to help improve the fishing in regional parts of Victoria.

In my seat we are suffering from a severe drought and there are difficulties in employing people. One of the good projects this government could have brought in at this time is a program to eradicate carp. Carp is known as a pest fish and the government quite clearly acknowledges that. A project to eradicate the carp would provide gainful employment for many of the farmers and small business people who are becoming redundant through this severe drought which lingers in my seat. Reducing carp numbers would improve recreational fishing in my seat.

There are other programs that could also be used to improve recreational fishing in rural Victoria. There is the daughterless carp project where carp have been bred that only have sons. That means they eventually breed themselves out because there will be no females. This is a project that should be released to help eradicate carp. If the government were fair dinkum on improving recreational fishing right across Victoria, we would have seen in this bill objectives about reducing carp numbers and improving recreational fishing in northern Victoria.

There are several problems with the bill. There is no science, as I have already mentioned. We will have to buy imported fish to replace fish that were provided by these very good fishermen in Western Port. We all know that imported fish and other products from other countries do not have the same high standards of hygiene and quality as we have here in Victoria. The fishermen of Western Port are no exception — their fish is the highest quality we could get from anywhere. If we go to imported fish, there are no guarantees that they will not contain antibiotics or have heavy metals at levels unacceptable to the health standards of Australia. We have seen this in many things that we have imported. We should not risk it. We have a sustainable

fishing industry in Western Port producing the highest quality fish that we have had here in Victoria, and we should not risk bringing in substandard fish from other countries.

I used to enjoy recreational fishing prior to becoming involved in public life. Since being in public life I have not had the time to go recreational fishing, but I still enjoy a feed of fish. If I know that now I have to buy imported fish rather than fish caught here in the pristine waters of Victoria, with its high standards, I might have to go back to eating solely red meat.

An honourable member interjected.

Mr WELLER — I might indeed! I might have to go back to eating solely red meat because I would be assured that the farmers of Victoria produce the highest quality as have our net fishermen from Western Port.

Let me summarise our position. We Nationals have always taken the position that we should allow multiple uses of our natural resources in a sustainable manner. Indeed the Western Port fishermen have been producing the highest quality fish from that area in a sustainable manner. Recreational fishers have also had opportunities down there. There can be co-existence between net fishermen, commercial fishermen and recreational fishermen.

As this bill takes away the sustainable commercial use of the resource, we cannot support it. But the bill does not cover all of Victoria. There are recreational fishermen in rural Victoria, as well as down along the coast, for whom recreational fishing should be improved.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Fisheries Amendment Bill to clarify a few of the issues associated with the bill and then to relate some of those issues to my electorate of Ballarat East, which of course is some distance from Western Port. What the bill is really about is supporting the recreational fishing opportunities of people across this state, recognising that there are more than 500 000 people who annually fish recreationally in our rivers, in our lakes and in our marine environment in places around the state of Victoria. Clearly recreational fishing provides a great range of social opportunities for people and their friends and parents with children to share, and it is a healthy pursuit to encourage.

The member for Rodney, who spoke before me, seems to misunderstand the nature of this bill. He asked, 'Where is the science that this bill is based upon?'. The government makes no bones about the fact that this bill is about achieving a balance between recreational fishing and commercial fishing, and recognising that there is no sustainability issue as such that we are concerned about in Western Port. What we are concerned about is ensuring that there are opportunities for recreational fishers to fish in an environment where there is not going to be a conflict with commercial fishing. This is a resource allocation issue which will see Western Port being designated as a recreational fishing resource. We know this is going to prevent commercial netting taking place in Western Port, and the government has, as it advised it would, allocated $5 million to compensate commercial fishers to enable them either to move to other commercial fishing sites or to reskill in other areas of employment.

It is interesting to note that the Liberals are not voting against this piece of legislation, although they have made some very confused statements about it. I note that John Vogels, a member for Western Victoria Region in the other place, appears to be very supportive of this bill, because he said in the appropriation debate in the other place:

> Before the election the Bracks government promised to buy out commercial fishing licences in Western Port to increase recreational fishing opportunities. True to its word, it has made available $5 million to carry out that promise.

John Vogels recognises that the government has been true to its promise ahead of the election. This is something that, before the election last year, it promised people it would do, and it is now following through on that promise.

Obviously Western Port is some distance from my electorate, but what I want to talk about is the value of recreational fishing in my electorate. I note that VRFish is very active in my region, as it is in other parts of Victoria, as is Rex Hunt's Futurefish Foundation. I am very pleased to see that money from fishing licences and other allocations from this government has gone to support and enhance fishing and other recreational opportunities around my electorate. I note, for example, the fish stocking in Lake Wendouree and in numerous other lakes across my electorate as far away as Daylesford, Jubilee Lake, Hepburn Lagoon and right across to Kyneton, which is in my electorate. That is also occurring in Lauriston Reservoir, another area where I have assisted in releasing fish to enhance people's opportunities to go fishing.

Of course we know that the drought of recent years has severely challenged fish stocking, but there have also been great educational programs undertaken in my electorate. I went to Stony Creek Reservoir some years ago with the Minister for Environment and Conservation at the time, Sherryl Garbutt. We were

there as part of a joint promotion with the Rex Hunt Futurefish Foundation. A very good educational area has been set up at Stony Creek Reservoir, which is in another part of my electorate. We have stocked that area with fish and provided great educational opportunities for young people to go there and gain a greater appreciation of the opportunities provided by recreational fishing.

This government continues to support those sorts of projects, and I am very pleased to see them taking place. I did not mention the number of jetties and the provision of better access to fishing sites around my electorate. I have been really pleased to go out to those sites with some of our own recreational fishers and show them how the money from fishing licences and other state government allocations is being used to support them by enhancing fishing opportunities around this state.

I am very pleased to support this bill, but I also reflect that the Brumby government has worked well to provide fishing opportunities for recreational fishers across my electorate, as well as in Western Port. I commend this bill to the house.

The ACTING SPEAKER (Ms Beattie) — Order! Now is an appropriate time to break for dinner, where I am sure there is fish on the menu!

Sitting suspended 6.30 p.m. until 8.01 p.m.

Mr MORRIS (Mornington) — I am delighted to have the opportunity to contribute to the debate on the Fisheries Amendment Bill 2007. Let me say at the outset I endorse entirely and without reservation the comments made by the member for Bass before the dinner break with regard to those families we are about to put out of business. I agree entirely with that particular aspect of his contribution.

This is a significant issue that we are discussing this evening. The future of the fishing industry itself is of course significant. Also raised in this debate is the issue of the wider use of our abundant natural resources, the balance of recreation interests versus public access to product via supermarket shelves and through the people who gather the natural resources, and most importantly what sort of future we want for Western Port. The purpose of the bill, as identified in clause 1, is to eliminate commercial netting in Western Port, to define recreational fishing equipment and to amend the principal act in a number of other ways. It also amends the framework for subordinate legislation relating to the act.

I have a particular interest in the bill not only because it affects the fishing industry, and Mornington has a relatively long boundary down the eastern shore of Port Phillip Bay, but I have also spent quite a bit of time dealing with matters relating to Western Port. For six years I was a member of the Western Port regional planning committee, I was the chair of a community consultative committee when Shell-Mobil sought to reintroduce the import of crude oil into Western Port and I have also chaired on behalf of state, federal and local governments a review of the implementation of the Western Port strategy, the strategy for the bay.

The continued health of the bay is very important to me, and it is also very important for the state. It is affected of course by the long-term plans for the growth areas, most of which drain to the bay, but probably this debate also raises the wider issues of how many people we can afford to feed in this state; how many people we can keep in water, which is a subject we seem to be addressing, appropriately, every day; and how many people we can effectively carry in this state and continue to enjoy the lifestyle we do and continue to enjoy adequate access to the sorts of recreational opportunities for fishing et cetera that we are talking about. All these are important considerations.

In this debate unfortunately complexity also seems to creep into even the name of the bay. I am not having a crack at the minister here, I am simply making the point as an example of the ongoing confusion over what this bay is called. The second-reading speech refers to ‘Western Port bay’, three words, and also refers to ‘Westernport bay’, two words, but the vast majority of the time it is three words. It is not a new debate, it has been going on for at least 30 years to my knowledge, and I would like to think we could finally get it right. Thankfully clause 13, which inserts new section 153C into the act, mostly gets it right in subsection (5). The name is Western Port; there is no ‘bay’ in the name. Unfortunately the second part of subsection 153C(5) then reverts to ‘Westernport’, one word, and continues the confusion.

Moving past the dispute over place names, which is really not all that important in terms of the significance of this bill, one asks whether the implementation of the bill is good public policy. Does it comply with the election commitments made by the Australian Labor Party and should it be supported? As the member for South-West Coast noted last night, the policy announcement of this was made prior to the election, so it was in effect tested by the electors. There were concerns at the time, particularly relating to compensation. It appears that those details have now been received and were incorporated last night into

Hansard, and it also appears that those details are in fact satisfactory to the majority of those businesses that we are about to wipe out.

I remain personally concerned about the lack of science, although I know at least one speaker from the government side essentially said, 'We are not concerned about the science, we are concerned about making sure recreational fishing works in Western Port'. But we have also not addressed at all the environmental impact. That is made as a serious comment, because we do have environmental impacts when we start doing things, but we also have environmental impacts when we stop doing things, and we do not really know what the impact of this is going to be. I suspect it will be good, but I do not know.

Emeritus Professor Tor Hundloe, AM, who is an expert in this field, said in an open letter to then Premier Bracks written prior to the election that this decision was not justified on environmental grounds because the bay and inlet fisheries were the first in Australia to be given an award by the government for their strong environmental performance. I suggest that the absence of commercial fishers will make it very difficult to assess the continued health of the water. As Peter Appleford, executive director of Fisheries Victoria, wrote in August last year:

> Catch and effort data submitted by the licence/permit-holder is a critical source of information on the health of the fishery and provides a basic indicator on the relative abundance of key target species in the fishery. This information is essential for the sustainable management of the fishery in line with the objectives of the Fisheries Act …

Of course, with the elimination of the commercial enterprises in the bay, that information is simply not available.

I also want to comment briefly that the Liberal Party was a pioneer in this area. The Liberal Party took the very difficult decision back in 1996 to remove scallop boats from Port Phillip Bay. I can tell you from personal experience and from the experience of so many of my constituents that that effort worked and worked very well. We all know how good the snapper has been since the scallopers went out. It was a hard decision, but it was a decision that had to be taken, and I certainly hope this legislation can generate similar benefits both for the environment and for the community.

Unfortunately time does not permit me to run through the details of the bill, so I just want to make a few very quick comments. I expressed some concern with the definition of recreational fishing equipment and the fact that essentially this means that the definition of recreational fishing equipment will be transferred to the regulations. I believe this is wrong. I believe it is an abuse of the process, and I think the Parliament should be very concerned about it.

I also want to raise clause 9 for perhaps an explanation from the minister as he winds up. Clause 9 appears to allow under the general permit issued by the secretary the opportunity to take or possess fish beyond the catch limit for that species, to take small fish or oversized fish, to take fish in a closed season and to land, process, sell or possess fish of a species that is prohibited from being similarly taken, landed et cetera. Perhaps the minister will give a brief explanation of those issues in winding up. Members on this side have also raised concern about the levies, as addressed in clause 10. It is a concern I share, but unfortunately time does not permit me to explore the issue fully. The other changes, to the regulations et cetera, are essentially technical.

This bill probably deals satisfactorily with the issue of fishing in Western Port, but it is a one-off. It does nothing for process, and as we continue to grow and have more and more people in the state of Victoria — which is the avowed intention of most players — we need a framework that will address the effective and sustainable use of our natural resources, whether it be water, timber or fish or access to our parks and state forests. There continues to be conflict because the government continues to make arbitrary decisions and to generate winners and losers — and members know of one very obvious case in point on that. Thankfully in this case we have a rare outcome that is acceptable to most people.

I urge the government to take a leaf out of its own book and establish a process so that we can deal with the conflict and continue to enjoy our resources and a sustainable future.

Dr SYKES (Benalla) — I rise to speak on the Fisheries Amendment Bill 2007. I wish to make a brief contribution, focusing on two aspects: firstly, the lack of a factual basis for the decision to ban commercial fishing in Western Port; and secondly, the failure of the legislation to live up to the government's mantra of 'there's much more to be done', in that the government has neglected rural Victorians, particularly those in north-east Victoria.

I commend the member for Rodney on his eloquent presentation, which focused primarily on these two issues. I will recap briefly on what the member for Rodney said. He highlighted the lack of a factual basis and pointed out that in the year 2000 the commercial fish harvest from Western Port was about 62 tonnes and

in 2006 it was 56 tonnes — in other words, it was sustainable. In comparison, the harvest yields from commercial fishing in Port Phillip during the same time halved. On those basic figures there is an absence of a factual basis for banning commercial fishing in Western Port.

Looking at the other issue, the failure to consider recreational fishing in other parts of Victoria, I draw on the example of Lake Mokoan, which is a noted fishing haunt for recreational fishermen looking for cod, redfin and yellow belly — and I notice a few yellow belly in here tonight.

Mr Nardella interjected.

Dr SYKES — There is also some commercial fishing in Lake Mokoan, albeit illegal at times. The government's way of addressing commercial fishing in Lake Mokoan was to pull the plug on the lake — to decommission the lake — with an absolute lack of concern for the recreational fishermen who come from throughout Victoria, including from the electorate of Melton, to enjoy the fishing in sunny north-eastern Victoria.

Fortunately we have a new Minister for Water, who it appears is going to genuinely consider an alternative to the decommissioning of Lake Mokoan to ensure that we see the retention of recreational fishing whilst achieving water savings — and real water savings, not the Clayton's ones that underpin the government's decision to run the north–south pipeline from the Goulburn Valley into Melbourne and steal water that it is not appropriate to take. The proposal to not decommission Lake Mokoan would result in lower costs, increased security of supply to irrigators, flood protection for Benalla, protection of Aboriginal heritage and, coming back to the bill, retention of the fantastic recreational fishing and sailing opportunities that are currently there.

In summary, I support The Nationals opposition to this bill on the two basic premises that, first of all, there is a lack of a factual basis for banning commercial fishing in Western Port, and secondly, the government has failed to look after the rest of Victoria, particularly the people in north-eastern Victoria who so much appreciate Lake Mokoan.

Mr INGRAM (Gippsland East) — I will try to stay a little bit closer to the bill than the previous speaker. Natural resource reallocations, as are proposed in the Fisheries Amendment Bill 2007, are always potentially controversial and often inspire some interesting debates within the community between industry sectors and particularly in the Parliament. I have been through a number of those. For those members who are not aware of it, I have a history in fisheries management through my involvement in the commercial fishing industry and also through the Australian Maritime College in Tasmania, where I studied fisheries management. As I said, these are always difficult decisions.

The genesis of this piece of legislation is an election commitment by the Labor Party prior to the last election. I make the comment that election announcements do not always end up as they are planned. I think this was probably one of those. There was a pre-election commitment, basically with Rex Hunt and the previous Premier making a statement that the government was going to remove commercial fishing from Western Port. I note the lack of endorsement by Rex Hunt, who, although he endorsed this policy, did not necessarily endorse the Labor Party at the time.

There is a long history of conflict in the allocation of resources between commercials and recreationals in bays and estuaries along our coastline. In my time in Parliament we have seen the introduction of the fund that has been used to compensate commercial fishermen in the buyout. We have seen a number of voluntary exits in places such as Tamboon Inlet and the Gippsland Lakes, and at Mallacoota and Lake Tyers there were compulsory closures. Previous speakers have discussed the scallop buyout that was undertaken prior to my time. I will touch on a few of those decisions.

The previous speaker said that it was in 1996 that the scallop buyout in Port Phillip Bay occurred. We are still suffering the impact of that decision now — but not in Port Phillip Bay. I think most people would acknowledge that the buyout in Port Phillip Bay was successful in doing what it was designed to do, and that is return some of the ecological habitat to the bay. When that decision was made it shifted effort from the scallop fishery. The scallop fishermen at the time were given money to move their effort, and that effort was put into Bass Strait. Since that time we have seen major problems with the sustainability of the fishery in Bass Strait.

Basically what occurs is that you then have to readjust the commercial fishery in Victorian, commonwealth and Tasmanian waters, because that effort is just shifted into other areas. This is a problem with natural resource management: you need to make sure that there is not a shift of effort. One of the disappointing points I would make is that it appears the effort in this area is being shifted back into Port Phillip Bay, where we already

have a full allocation. There are very few underallocated natural resources in this country. Basically we have historically used and abused our natural resources. Water and timber are classic examples. Nearly all our natural resources are used to their full capacity. When we make natural resource readjustments there is always pressure to do it at the least cost or with the least impact to the licence-holders.

That is one of the challenges with this, and I would question it. If we are attempting to move the industry into Port Phillip Bay when there is an increase in interest in recreational angling and we do not really account for the amount of recreational catch out of Port Phillip Bay, there is a potential that we will actually impact on the sustainability of the resource in Port Phillip Bay. We might create some great recreational angling opportunities in Western Port. One of the biggest threats to recreational angling in our bays and estuaries is the threat to natural processes and sustainability, given the other environmental impacts that there are in the system.

There have been some successes. I note that the minister is in the chamber. I recently had the pleasure of sharing a day with the minister, showing him around Mallacoota. Whilst the debate in this chamber at that time was very controversial and there was a lot of opposition to the compulsory buyout, I do not think there is anyone in Mallacoota — apart from a couple of fishermen who are still bitter about that decision — who does not believe that that decision was the right one and that it was also very successful. The increased number of recreational fishermen, the success and enjoyment of those fishermen and the tourism dollars that come out of all that are quite extraordinary.

The minister and I had the pleasure of being in a boat with Bushy, who is a renowned angler. His praise of the process using recreational fishing dollars and management plans in both Lake Tyers and Mallacoota really highlights that you can get these things right if you actually put in the money and put the management plans in place.

When the new phenomenon of soft plastic lures came in, recreational anglers were seriously impacting on the sustainability of some of the flathead stocks. I was at the forefront of making sure that we lowered the bag limit for dusky flathead in some of those systems, because there was a threat to the stock. We have to be on top of these decisions and realise that recreational fishermen still have the potential to seriously impact on the sustainability of the resource. It has to be managed, and it has to be done properly. Lake Tyers and Mallacoota, I believe, are successes.

There is often a misplaced perception about the level of support for buyouts, and there are a couple of issues I would like to raise on that score. One of the things that I do as a member of Parliament is ask my constituents about the level of support for particular actions. There is a lot of pressure on the government to remove commercial fishing from the Gippsland Lakes. Twice I have asked the question, 'Do you believe the number of commercial fishing licences in the Gippsland Lakes should remain the same, be reduced, be removed or "other"?'. I put on the record the fact that between 2003 and 2005 I did two surveys of my constituents. In the last survey 30 per cent believed that the number of commercial fishermen should remain the same, 31 per cent believed that the number should be reduced but not removed, and only 18 per cent believed that they should be removed. There was a fairly high level of uncertainty in that response, because people did not know enough about it.

I asked the same questions in 2003. At that time 40 per cent believed that the number of commercial fishermen should remain the same, 28 per cent believed that the number should be reduced, and 22 per cent believed that they should be removed. These debates are often fairly contentious, and although the perception is that the majority of people believe commercial fishing should be removed, it is probably a minority view, even in my community, where this debate is probably strongest. That said, I think voluntary reductions and the management of the system are very important.

Governments need to get these things right, because a large amount of recreational fishing dollars go into these buyouts. In the last effort the money was not quarantined adequately enough, because a commercial fisherman with a high catch history got a larger payout than other fishermen and then leased one of his relations' licences and re-entered the fishery at a much reduced cost. He basically took the package, and a month later was back in the fishery doing the same amount on a licence which did not have any catch history. These issues must be addressed if we are going to deal with these situations. We do not want taxpayers or recreational fishing money wasted on these types of efforts.

As I said, I believe the government arguably has a mandate to implement this. Whilst there probably is some opposition, I also think the government needs to make a clear statement that it supports the commercial fishing industry into the future, because the majority of Victorians who do not fish recreationally still have a right to access good-quality seafood in the market. With those words, I support the legislation.

Mr THOMPSON (Sandringham) — Arguably the Victorian coastline is one of the greatest coastlines in the world. Included along the coastline are Port Phillip Bay and Western Port, which have a greater biodiversity than the Great Barrier Reef.

They include areas of seagrass, great kelp beds, a diversity of marine life and the mangrove areas of Western Port. In addition Port Phillip Bay and Western Port are the destinations for migratory species such as the red-necked stint, which travel to Australia from Siberia and China and some of which stop off on one side of Port Phillip Bay. It is also a place where one can marvel at the spectacle of cormorant birds streaking across the water. The biodiversity of the area is quite magnificent.

However, a careful ecological balance needs to be maintained and preserved. Overseas we have seen the cod industry in Newfoundland collapse due to the overuse of the resource and the attendant depletion of stock. Victoria has one of the last sustainable supplies of natural abalone in the world. That has seen an abalone licence travel in value from $100 or less, going back 40 years, to something in the region of $6 million to $7 million now. Victoria is a supplier of that resource to the world. It is a heavily regulated industry, and there have been recent concerns regarding the viability of the Victorian industry in the face of significant concerns regarding disease.

It is against that greater backdrop that one can examine the Fisheries Amendment Bill, which has a number of purposes. They include the prohibition of commercial net fishing in Western Port, the provision of up to $5 million compensation for those affected and the definition of certain recreational fishing equipment. Going back to 1996, it was a Liberal government that abolished scallop dredging in Port Phillip Bay, and that had an immediate impact on the development of fish stock within the bay. Many recreational anglers attribute the success of subsequent whiting and snapper seasons to the abolition of scallop dredging.

There are also issues that relate to the quality of water in the bay. Over 400 rivers, creeks, canals and drains make their way into Port Phillip Bay carrying the urban effluent or discharge from the stormwater drains from the Port Phillip Bay and Western Port catchment management areas, which is a vast hinterland covering more than 10 000 square kilometres.

There are a number of concerns in relation to the bill which I will outline. I point out that the Bracks government made a commitment in the November 2006 election campaign to cease commercial net fishing in Western Port, setting up a $5 million compensation scheme for affected stakeholders. I understand some 48 licences are affected. However, according to Department of Primary Industries data only eight licence-holders have caught more than 30 per cent of their total value of catch out of Western Port over the past seven years.

I do not understand why in the second-reading speech there is mention of the word ‘compensation’ when it is not expressly mentioned in the bill. The total professional catch from Western Port at market in 2004–05 was recorded at some $270 000, and that included all forms of professional fishing, not just netting.

A submission was made to a number of members of Parliament by the Port Phillip and Westernport Bay Professional Fishermen’s Association. They were assisted in the preparation of their remarks by David Fitzpatrick of Fitzpatrick Legal, a Melbourne law firm that specialises in fishing licence issues. The firm has some considerable expertise in this area of legal practice and legislative analysis. The association’s memorandum states:

> The effect of clause 13 of the bill is to prohibit the use of any fishing net in Western Port bay on and from 1 December 2007. This means that the rights authorised under the licence under regulation 225 —

of the 1998 fisheries regulations —

> are taken away.

This is of concern to members of the association. The memorandum continues:

> The association objects in that its members are being deprived of property other than in accordance with proper principles of law when property or a proprietary right is taken away from a citizen.

That is a quote from a legal opinion by David Fitzpatrick. Fitzpatrick further notes:

> Furthermore the amendments in so far as they relate to the taking away of property are arbitrary in that there is no proper mechanism for payment of compensation. Clearly governments can make laws (be they right or wrong); however, when a person’s property is taken away there should be proper compensation paid. This in our view is inconsistent with the Charter of Human Rights and Responsibilities.

In debating other bills before the house I have spoken about the importance of compensation on just terms. This is part of the theme of the film *The Castle*, where Darryl Kerrigan took his case to the High Court based upon his sense of justice, but that is a theme I will leave for another time to further develop in this chamber.

In addition to the importance of maintaining a strong fishery stock in this state for consumption and sale to Victorian households, both through commercial catch and that caught by recreational anglers, a number of wider issues affect recreational angling. One is the adequacy of boat ramps, their maintenance and their accessibility. In the Sandringham electorate there is high demand for boat ramps, particularly down at the Black Rock Half Moon Bay launching ramp where, owing to the tidal movement, it is sometimes impossible to launch a boat or bring a boat in. Many a car or trailer has been submerged owing to the fluctuation in the tidal pattern; and conversely, many a boat has been marooned at sea waiting for the tide to rise.

Other issues relate to the littoral movement of sand along the foreshore, which heavily contributes to coastal erosion, and the failure of the then Bracks government between 1999 and 2002 to commit to a program of regular beach renourishment along the coastline and around Port Phillip Bay.

Another significant issue with an impact on fish stocks in the bay relates to the Northern Pacific sea star — asterias amurensis — which at different stages is guesstimated to have proliferated in Port Phillip Bay to the volume of some 100 million sea stars. They ate the bay floor clean of all available food sources, and it was felt that that particular by-product of the carriage of ballast water may have destroyed the viability of fishing in the bay. In addition there is the issue of pollution, and in relation to Western Port it is thought that the development of the Koo Wee Rup channels may mean that the channels have taken away from the aquifers water which otherwise kept the life in the mangrove areas of Western Port, and that could perhaps have impacted on the breeding areas and the general health and water quality.

There are a range of issues relating to the bill. The chief objective of this legislature in this instance is to ensure the ongoing viability of the fish stock and of the commercial fishing industry, which is a valuable resource for Victoria, and in particular the abalone industry, as well as supporting recreational anglers in this state. Tourism, recreational boating and recreational angling are very significant industries in this state. We have some of the best boatbuilding industries in Australia, and we export our boats to the world. The bill before the house will go some way towards ensuring that there is an ongoing availability of recreational fishing stock for Victorian anglers without that stock being depleted by the use of nets at different stages.

Mr NORTHE (Morwell) — It gives me great pleasure to comment on the Fisheries Amendment Bill 2007. Firstly, let me thank the minister's office and in particular Michael, John and Chris, who were able to elaborate on particular areas of the bill for us.

The purpose of the bill is to amend the Fisheries Act 1995 to prohibit commercial net fishing in Western Port, which is proposed to take effect on 1 December 2007, to define recreational fishing equipment and to make other miscellaneous amendments to the act. The main component of the bill relates to the prohibition of commercial net fishing in Western Port. The Nationals have expressed concern over the abolition of these commercial fishing licences and the impact it will have on many of the small businesses associated with the seafood industry, which I shall further elaborate on during my contribution to the debate.

There is no doubt that there needs to be a balance between the requirements of Victoria's seafood retailers, the commercial fishing licence-holders, the fishing stocks in the bays and the recreational fishermen. I concur with components of the minister's second-reading speech which in part detail the benefits of recreational fishing. There is no doubt that, as members have said, we all concur with those thoughts about what recreational fishing brings to many communities.

The second-reading speech says that fishing is one of Victoria's most popular recreational pursuits. It is estimated that over 500 000 people fish each year in the wonderful fresh, estuarine and marine waters of Victoria. It recognises that recreational fishing is a valuable contributor to Victoria's economic and social wellbeing, particularly in rural Victoria. There is no doubt that anglers and those participating in recreational fishing spend considerable sums over a period of time. The estimation of $400 million that is spent on equipment, travel and accommodation in various places across Victoria is no doubt true, and it is vital to local communities, particularly those that are able to offer fishing opportunities. The economic impact of fishing is great, and I am sure that all in this house would concur with that.

I can certainly comment personally on the benefits of recreational fishing, particularly within the Morwell electorate. It might be curious to some, but as fishing enthusiasts my family and I take great pleasure in venturing out where we can within my electorate to try to catch a fish. We have access to many creeks and rivers within the Morwell electorate. In addition, we have a number of lakes which provide an opportunity for anglers of all ages to try to catch a fish or three. An

important part of recreational fishing is that it is not such a physical sport, so grandparents and grandchildren can participate in this recreational activity, and it gives us a great opportunity to do that. My sons, Matthew and Thomas, really enjoy their fishing. We are able to venture out to lakes such as Hyland Lake in Churchill, Kernot Lake in the centre of Morwell or even Hazelwood Pondage to catch a carp or other various species in that particular body of water.

I must commend the government on the fish stock program in the lakes, which we have seen over the July school holidays of recent times. A number of lakes have been stocked. Lake Hyland in Churchill is an example where 1000 rainbow trout were released. Unfortunately fishermen like me were not able to get on to a bite; nevertheless it gave the opportunity to many in the community who would not otherwise have the opportunity to participate. Kernot Lake in the centre of Morwell also gave those in the local community the opportunity to participate and try to catch a fish. I commend the government for that particular program.

However, as I alluded to earlier, this bill could adversely impact on a number of small businesses, particularly in the seafood sector. Examples have been spoken about previously, particularly on the Mornington Peninsula where there are commercial fishermen who currently hold licences and may also have seafood retail outlets. They are based on the notion that they are providing fresh local seafood. As we know, there is a question mark hanging over the quality of seafood that we import from overseas. As a consequence of commercial fishing being banned in Western Port, the future of some of these businesses may be placed in jeopardy — I seriously believe that.

The Nationals have expressed great concern around the scientific data and statistics in relation to this, or the lack thereof. I ask the question: what will the impact be on Port Phillip Bay as a consequence of these licences being cancelled in Western Port? The minister in his second-reading speech alluded to the fact that there are plenty of opportunities and experiences within Port Phillip Bay. He said the Port Phillip Bay snapper fishery is currently booming and is recognised as Australia's best snapper fishery. King George whiting in that particular stretch are also abundant, as are squid, garfish and gummy sharks.

The Department of Primary Industries has recently released a bulletin on commercial fish production. It has been noted by previous speakers. The fact is that in Western Port over the previous seven years we have seen a consistency in the catches, yet in Port Phillip Bay we have seen an almost 50 per cent reduction in the catches over that time. We have questions about the merit of the abolition of licences within Western Port on that particular basis. We know there are 48 commercial licences that allow permit-holders to undertake both net and line fishing in both Western Port and Port Phillip Bay. We recognise the fact there may be seven or eight particular licences that may be affected by this piece of legislation.

We acknowledge the licence surrender package, as noted by previous speakers as well. However, I believe the impacts will be greater than that. One of the questions we need to raise is: how will we sustain the seafood stock and supply within Victoria? Will we have to go overseas to import seafood from other markets which may not have the stringent regulations that we have in Victoria? These are the questions that I do not believe have been answered in the data that has been provided.

The cost to retailers and consumers is another impact of that. I certainly love my seafood, as I am sure many members do, and the prospect of not being able to access the seafood that we desire from a local perspective — and potentially paying a lot more for it — is certainly not a sentiment that will be agreeable to many in the community. Further to that, in this particular amendment there is some reference to the aquaculture industry. I believe we need to consider a fledgling industry such as this.

Earlier this year I wrote a letter to the minister seeking some answers to questions from a local group called the Gippsland Aquaculture Industry Network. It had some questions about why there had been a dramatic reduction in the number of aquaculture licences across Victoria over a period of time. There seemed to be a lack of confidence in the industry. I believe the government needs to look at investing in this type of industry across regional Victoria, particularly in light of the fact that we are going to abolish commercial fishing licences in Western Port. The government needs to get behind that, but there does not appear to be a great incentive for people to get involved in the aquaculture industry as such. In summary it would be fair to say that there might be something a little fishy about this.

In conclusion The Nationals have expressed great concern that there is no scientific data or evidence that suggests that the abolition of commercial fishing licences in Western Port is warranted. Consequently The Nationals will oppose this bill.

Mr DELAHUNTY (Lowan) — I am pleased to rise on behalf of the Lowan electorate to speak on this important bill, the Fisheries Amendment Bill 2007. We

know that the bill follows a review of the Fisheries Regulations 1998, which will sunset on 1 April 2008. Like my Nationals colleagues I am happy to support our lead speaker in saying that I will be opposing this legislation.

The bill has come about mainly because of the Brumby government's push to increasingly regulate commercial fishing and to undermine the commercial use of the resource. As we know, this is of concern to a lot of people. I heard Acting Speaker Beattie say, in breaking for dinner, that there would be fish on the menu. Unfortunately there were a few squid on offer, but no fish. The reality is that it is getting more expensive and more difficult to get hold of fish, particularly our local fish. This is all about driving our commercial fishers out of business. They have been moved out of the industry and even away from the state. We have a real fear not only for those fisherpeople but also for the resource that we need for the health of our community.

As other speakers have said, and I think the member for Rodney covered it very well, if we are going to import fish, we should know that other countries are not as good as we are in relation to hygiene — and we also have concerns about mercury in fish. We have much greater control over all these things here in Victoria. Really this bill is all about putting families out of the business. Yet again we in country Victoria are the sacrificial fish on the green altars of Melbourne. There is no science behind this. Labor is not concerned about science, as one government member told Parliament earlier today. Even the member for Ballarat East spoke about this not being a sustainability issue. The members for Swan Hill and Rodney both said that about 62 tonnes of fish was caught commercially in Western Port in — —

Mr Walsh — Seven years ago.

Mr DELAHUNTY — Seven years ago. It is down now to 56 tonnes. This is not a sustainability issue. I think it is really about the Labor government sacrificing country businesses on the green altars of Melbourne.

I was a member of the Environment and Natural Resources Committee a couple of parliaments ago when we looked into fishery management. Most of the inquiry was about fishing along the coast, but I was keen to get the members of the committee to have a look at inland fishing. I will never forget the former Treasurer, now the Premier, saying to me in the dining room, 'Is there much fishing going on in the Wimmera?'. I was representing the seat of Wimmera at that stage. As we all know, you need water to have fish. We did not have much water then, and we have less water today.

Mr Helper — It is the minister's fault!

Mr DELAHUNTY — No, we cannot blame him for everything. The Minister for Agriculture says it is the minister's fault. There are a lot of things the Premier and the government could do to make Melburnians recycle and reuse some of their wastewater so they do not have to steal water from country areas and take wealth creation away from country Victoria. Even with all these things we cannot create water. Only the person up above can create water, and we pray for that to happen very soon.

However, the reality is that we need water. This is where I want to refer to GWMWater, in a lot of ways a good organisation in my area. I was looking at its website, which says:

> The primary aim in operating the system is to use as much flow directly from rivers as possible to preserve water in storage for times of drought.

Under 'Guiding principles' it states:

> In performing its functions and providing its services the authority must:
>
> (a) manage water resources in a sustainable manner; and
>
> (b) effectively integrate economic, environmental and social objectives into its business operations …

What I am talking about here are the economic and social objectives. A lot of people are concerned that this government is not looking at those things. That is the worry people in my area have about GWMWater considering some changes to the operation of its facilities. I want to quote from another paper titled 'Future use of reservoirs review':

> … GWMWater has been considering the future operation of those major reservoirs and in-stream diversion structures no longer required for water supply purposes under a piped water supply system, recognising that some of these also play a major role in —

listen —

> tourism, environment, recreation and flood mitigation in the region.

All those things are important. We need water not only for the environment but for tourism. In that regard I look at places like Balmoral and Toolondo. The trout fishing in that area was worth about $13 million eight or nine years ago. It would be nearly double that now. This paper talks about one key element being keeping some of the reservoirs at 70 per cent or even as low as

50 per cent. It says that Lake Lonsdale is not required but that it has enormous recreation and flood mitigation value. There are concerns in the community about that.

I want to highlight this issue in the last couple of minutes I have left, because I know other members would like get up and speak on this bill. I have a letter from Peter and Kaye Nelson-Davis which talks about the sustainability of fishing at places like Lake Toolondo, a very important fishing lake that unfortunately, as the minister has highlighted, is dry at the moment. It is not his fault that we have not had the rain, but we do not want people pinching our water. The letter talks about fire hazards, tourism, the local economy, accommodation and fishing. It says Lake Toolondo is 'renowned throughout Australia as one of Victoria's finest trout fisheries'.

I have a letter here from Hugh — good name — and Margaret Smith. It says about Lake Toolondo:

> In summary, we feel that the benefits to the community and GWMWater in having a full Lake Toolondo, fulfilling the recreational, environmental, conservation and commercial requirements, outweighs any reduction or downsizing of this lake currently being considered.
>
> A full Lake Toolondo would be like having:
>
> > 'money in the bank' gathering interest as the cost of water increases.

You can see the importance of fishing right across country Victoria. It goes to the core of the bill. This bill is about encouraging family-friendly fishing. If the government did more instead of just taking water from country Victoria, we would encourage that to happen at places like Lake Toolondo, Rocklands and elsewhere in country Victoria. However, as I said, there is no science in this decision. It is really about our being a sacrificial fish on the green altars of Melbourne. It has been proved that there has not been a big reduction in commercial fishing in Western Port. Even in Port Phillip Bay, for the member for Kew's benefit, it has only been halved in the last seven years. There are many concerns, and on behalf of the people we represent we will be opposing this legislation.

Debate adjourned on motion of Ms MUNT (Mordialloc).

Debate adjourned until later this day.

FIREARMS AMENDMENT BILL

Second reading

Debate resumed from 22 August; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr McINTOSH (Kew) — I say from the outset that the use of firearms is very much a legitimate activity when they are used in accordance with the law. It is a wonderful recreational activity, and we all celebrate victories at the Olympic Games by people such as Michael Diamond and others, including Russell Mark, who has now become familiar in Victoria as a commentator on ABC radio. On top of that it is also a legitimate and appropriate semi-professional and professional activity. We have come a long way since the Port Arthur and Monash University shootings, but at the end of the day the community demands a regulatory regime that is stringent, is to some extent tough and is there to protect the community.

I will pick up on the words of the minister about the design of this bill. It is a very technical bill, which goes into a significant amount of detail. The most important things are that it is intended to enhance the regulation of firearms to ensure their safe possession, carriage and use — and that safe possession, carriage and use essentially has a community safety element to it. It also fulfils a particular commitment the government made at the last election and addresses technical and remedial issues identified by stakeholders, including the Victorian Firearms Consultative Committee, and contributes to the fulfilment of the government's election commitment to reduce the administrative burden of complying with regulation.

From the outset I say that I understand from our briefing from the department that the Victorian Firearms Consultative Committee has been aware of all the amendments the government has made and has had a considerable input into those amendments. It is not fair to say that it has agreed with all the amendments, but it has certainly had its views on the amendments taken into account. The opposition has had little or no input from people involved with recreational firearms, particularly the Combined Firearms Council of Victoria. I look forward to meeting with the council in future about a range of different matters, particularly a matter we will hear a bit about later, especially from the member for Benalla, who I understand will be moving a reasoned amendment. I will address that at a later stage in my contribution to the debate.

People who use, keep and store firearms form part of the whole social fabric of our community. As we all know, the overwhelming majority of them do it for their own enjoyment or to follow their own profession, and they do it very much in accordance with the extremely strict regime governed by the Firearms Act. This act and its various amendments came about because of a variety of national agreements that followed the Port Arthur and Monash University shootings, which touched us all in so many ways. Perhaps the legacy of those shootings is that we are making amendments to the original legislation to improve that legislation for the safety of all but also to reduce the administrative burden. But that task of reducing the administrative burden will not stop here; it will no doubt continue over a period of time with inputs from the firearms consultative committee and organisations such as the combined firearms council. I look forward to participating in those future reductions in administrative burdens.

As I said, the bill is essentially a very technical bill that goes to a great deal of detail. I do not propose to canvass all the amendments that are made — in many cases people may say even the important ones — but I will refer to the ones I think are worthy of noting. Of interest to me was the government's commitment at the last election to reduce the administrative burden on people who carry firearms for the purposes of hunting. I understand there are something of the order of 120 reserves in the state where people can carry out hunting activities.

Dr Sykes interjected.

Mr McINTOSH — The member for Benalla just interceded and said 121. I was close — —

Dr Sykes — It is 181.

Mr McINTOSH — It is 181, so I was not even close. In those areas people involved in the activity have raised the issue of crossing Crown land that may be subject to a licence. That licence may be a grazing licence or a grazing lease, which amounts to a licence, or the land may be subject to all sorts of other forms of licence — perhaps a licence under the various acts that govern mining in this state. Ascertaining the licence-holders over that Crown land can be difficult. Clearly part of the government's overall policy on firearms and four-wheel driving is that it will reduce that administrative burden and allow hunters who are accessing the hunting reserves to cross Crown land without first obtaining the permission of the licence-holder of that land, as long as they are carrying those weapons in an appropriate form and not using them on Crown land but only on the hunting reserves. As I said, this is a worthwhile change which will certainly be supported by the opposition.

I also mention, as a point of interest, that if you are sentenced to a jail term for a conviction for an indictable offence or an offence under the Drugs, Poisons and Controlled Substances Act — that is, you are dealing in drugs — then you become a prohibited person and your licence is cancelled. One of the things that has come out of today's debate about the control of weapons is the community's abhorrence of what is increasingly becoming prevalent — that is, injuries done to fellow Victorians in a variety of ways, whether it is outside some of the nightclubs in the city or on private property by gatecrashers. That is a matter I raised earlier today.

In relation to the control of weapons, I am surprised that for many of the offences under the Control of Weapons Act if you were sentenced to a jail term in relation to a conviction you would not have become a prohibited person. It may have been an oversight, but enabling those situations to be included is a very worthwhile change. I do not think anybody would raise those matters as a concern. That change to the regime is a change for the better, particularly in light of the current spate of weapons offences in Victoria. That change relates to the control of weapons which are not firearms; it is really about anything from knives right through to crossbows. As I said, it is a worthwhile change and the opposition certainly supports it.

Another interesting change is that relating to intervention orders. Intervention orders arise out of domestic violence in particular. They do have some operation outside that, but in relation to domestic violence and domestic disputes they are obviously well known.

Indeed one could say regrettably so, given the burden that places on many people in the community in a variety of ways, not least of which is the Victoria Police. However, sometimes it is a precursor to an act of violence that can regrettably lead to death or injury. Although in a different jurisdiction in New Zealand, the current case of baby Pumpkin seems to have arisen out of such a circumstance. An intervention order given in those circumstances could or does lead to the cancellation of a licence. Most importantly, not all intervention orders are given for acts of violence. There is now an opportunity for someone who is subject to an intervention order to make an application to a court to demonstrate to the court that the maintenance of a firearms licence would not in any way jeopardise public safety. That is a liberating provision.

As a result of consultation with a number of people, I think it is a worthwhile change which will reduce to some extent the harmful effects of an absolute cancellation. That provision will allow for the application to be made within three months of the intervention order. If after that period no application is made, then the licence is cancelled from that moment. It is an administrative change that appears to be worthwhile. Members of the opposition have consulted widely on this bill, including the Law Institute of Victoria, the Victorian Bar Council and others in the legal profession. No-one has raised any concerns with me in relation to it. As a result, the opposition certainly supports that provision.

There are a number of changes in relation to handgun licences. For example, a holder of a category 2 collector licence, which is the most stringent relating to handguns manufactured after 1947, who holds a handgun that would be subject to a category 1 or an antique handgun licence does not have to apply for a separate category 1 or antique handgun licence as long as the weapon is kept in accordance with that licence. Likewise a category 1 licence-holder can also hold an antique handgun without having to apply for a further licence. Again it is an enabling provision that reduces the administrative burden.

Perhaps a curious change and one which you would have expected to be included in the original legislation is in relation to security systems. Licence-holders are required to have an effective security system in place. The term 'effective security system' is now defined as a security system that meets Australian design standards. Perhaps for some reason that was not clear, or someone may have got around it, I do not know. The reality is that it provides more clarity in relation to alarm systems.

Interestingly enough there is a provision that takes me back to my time as a lawyer. An executor of an estate which includes a firearm for which the deceased was a licence-holder is now able to retain that weapon in the required storage arrangements under the original licence until some other arrangements can be made. I thought that may have been part of the role of the executor because they in effect stand in the stead of a licence-holder in normal terms in relation to all legal matters. However, having said that, it clarifies what may have been an administrative difficulty for an executor and therefore it will also be supported.

The bill enables the Chief Commissioner of Police to reclassify certain weapons. This again is an interesting change, but the government has not been able to provide any concrete examples. Apparently longarm weapons can fall into categories A, B, C, D or E. Categories D and E are prohibited weapons. Essentially, given the rather complex nature of defining the weapons in each of those categories, it is now possible, as I understand it, that a weapon can be manufactured to comply with A, B or C but actually have the firepower of a weapon in category D or E.

There is a provision that in those circumstances enables the Chief Commissioner of Police to essentially proscribe that type of weapon — although it may fall into A, B or C, the categories of permitted weapons — by categorising it as D or E. That can remain in place for up to 12 months to enable the proper regulations to be brought in to ensure the weapon is prohibited. Given my limited knowledge of firearms, I am not familiar with a example that would relate to that, but even if it is a preventive measure, it seems to me a worthwhile one.

The other thing, and I find it somewhat curious that it was not picked up in the original legislation and in the variety of amendments that have gone through since, is that the bill now prohibits somebody who owns a firearm from increasing the magazine size of the weapon without first seeking the consent of the chief commissioner. I would have thought that among the many aspects of a firearm, changing the magazine size was probably the thing most easily done. Perhaps there is a particular example that the minister can provide us with. I do not disagree with the change, because given the strict regime of categorising firearms, controlling the ability to change the size of the magazine and therefore the nature of the firearm seems to me to be worthwhile.

Essentially you will be prohibited from changing the magazine size without first seeking the consent of the chief commissioner. It may be that, with a gun that is manufactured with a 5-shot magazine, a 10-shot magazine may be permissible, but it also may be that if you change a magazine it could still be a legal weapon but become a different category of firearm. Perhaps it is directed at that sort of matter. There will now be a prohibition on changing the magazine size and by doing so changing the nature of the firearm. So while it may still be legal, you will still need to get the consent of the chief commissioner. I certainly do not disagree with that.

There are many other aspects to this bill, but I have just touched on a number of the salient ones. I want to conclude by saying, as I started, that I understand The Nationals propose to move a reasoned amendment relating to the automatic renewal of licences after their expiry after five years. The member for Benalla as a matter of courtesy has provided me with some degree

of notice. As I understand it, a number of people have considerable concerns about this. That has been relayed to me by a person who is well known for his involvement with the Combined Firearms Council of Victoria, and it has been relayed to me only since I had my discussion on this matter with the member for Benalla.

The concerns are clearly about the administrative burden to renew that is placed on people every five years. Some degree of detail has been provided to me about how that occurs, but I am only foreshadowing the reasoned amendment and I am a bit constrained because I am unable to speak entirely about the matter. While I understand the concerns — and I look forward to discussing them with representatives of the Combined Firearms Council of Victoria and other representative groups — the important thing is that there is a national agreement in place. I understand the administrative burden, but there is also another matter which the member for Benalla has raised with me, and that is that as the government is now moving towards the full cost recovery of licence applications, the financial burden, not just the administrative burden, may also increase.

Perhaps it may be appropriate to talk about those changes at that time. Although we have not had any overwhelming concerns about this matter raised by a variety of interested stakeholders — no doubt the concerns of the Combined Firearms Council of Victoria have been put to the government and to the consultative committee — I look forward to an ongoing discussion in relation to the matter. I propose to raise it directly with the Combined Firearms Council of Victoria to enable it to make its case, particularly in light of the information that we are moving towards full cost recovery. The important thing here is that it is a delicate arrangement because it is part of a national agreement.

Because I have spoken to only one person who has raised it with me outside this Parliament, I thank the member for Benalla for raising it with me. It is a matter that the opposition has a great deal of sympathy for, certainly as we move towards full cost recovery. I am not ruling the matter out, and I look forward to ongoing discussions. However, because we are supportive of this bill, I find it difficult to take the matter any further. I say with deep regret that we are bound to oppose The Nationals reasoned amendment. The concept is not being ruled out at this stage, and I look forward to ongoing discussions with The Nationals, the Combined Firearms Council of Victoria, the consultative committee and other interested stakeholders on this as we move towards a new regime in relation to licensing.

Dr SYKES (Benalla) — I rise to speak on behalf of The Nationals on the Firearms Amendment Bill 2007. I commence by again thanking the Department of Justice staff for their informative briefing, ably led by Marisa De Cicco, who, to use her own words, could ‘talk under water’! She did not give the other staff much of a chance to say things, but when they did it was a quality contribution.

This legislation covers a wide range of issues, and before going any further I should also compliment the Leader of The Nationals in the other place, Peter Hall, a member for Eastern Victoria Region. He has a very long background in firearm-related issues and has been a very strong advocate for legal firearm owners in Victoria. His work in maintaining working relationships with firearm groups and developing policy for The Nationals that is reflective of supporting responsible firearm use is a very significant contribution to the safety and wellbeing of our broader community whilst attempting to minimise the negative impact of regulations on our legal firearm owners.

The bill that is before us is to a large extent the product of a functional firearms consultative committee, and its contents are generally supported by the majority of the firearm groups that I have consulted with. That said, there are some concerns, and I believe some of them are fundamental while others probably reflect the need for improved communication between the legislators and the affected people. The biggest concern that has been raised with me is the issue of missed opportunities. Firearm groups have raised a number of issues with me that they see as still needing to be addressed in the interests of accountability and fairness of the administration of the legislation and ensuring the intent of the firearms control legislation, which is to protect public safety while enabling legal firearm ownership to continue.

A particular issue that the member for Kew has touched on is renewable licences. A number of other issues have been raised by the Combined Firearms Council of Victoria in particular and the Antique and Historical Arms Collectors Guild of Victoria. In line with Labor’s mantra, ‘There is more to be done’, I move:

> That all the words after ‘That’ be omitted with the view of inserting in their place the words ‘this bill be withdrawn and redrafted to provide for the automatic renewal of firearm licences under part 2, except in specific circumstances’.

The current situation is that a person who has an existing firearm licence applies again for that licence when the existing one expires, which is after five years. The applicant fills in a rather complex form that contains nearly all the same information as the original

application form. That is then sent off, and after a delay of often weeks or months they get back their licence. This is a burden on the person filling in the application, and it is a burden on the licensing services division in having to assess all the information in the application. In contrast, many other licences are simply renewed at the time of expiry, subject to the payment of a fee and in the absence of any disqualifying circumstances — for example, our drivers licences and our professional association memberships or licences.

As I understand it, the reason for requiring the full information to be included on the re-application for a licence was to provide the information for the licensing services division to allow it to verify that its original records, particularly on firearms held by the licensee, were accurate. It now is reasonable to expect that after two rounds of full applications and renewals the licensing services division should have its records up to scratch, so it is really grossly inefficient to request firearm owners to submit the extensive information for the licensing services division to process, particularly when there is concern about ongoing delays. Also, as we understand it, there is intended to be a shift to full cost recovery, and firearm owners consider that a gross injustice would occur if there were full cost recovery for an inefficient process. That is the reason underlying my amendment.

To pull it all together, the situation was succinctly expressed to me by the Combined Firearms Council of Victoria, which said in its submission:

> The Firearms Act currently treats each licence renewal as a new application. Given the initial licence screening and ongoing monitoring of licence-holders by the Victoria Police, the requirement that renewals be treated as new applications does not add any value to the regulatory process. In fact, it adds costs to all concerned.
>
> Amending the act to provide for automatic renewals would not affect the ability of the chief commissioner to revoke a licence, and a new provision could be inserted to enable her to refuse to renew a licence that would otherwise be scheduled for automatic renewal.
>
> Moving to automatic renewals would release badly needed resources within the licensing services division to perform other functions as well as making the interface with shooters more user friendly. Automatic renewals would provide administrative efficiency without having any impact on public safety — therefore providing a net benefit.

That is the logic underpinning the reasoned amendment I have moved.

We move on to the process that was gone through to come to The Nationals position. There was extensive consultation, including with security firms such as Robinsons in Benalla, which provides the security for my electorate office and does it very well; local firearms dealers; Squires sports store; the Firearms Dealers and Traders Association; the Combined Firearms Council of Victoria; Target Rifle Victoria; the Victorian Amateur Pistol Association; the Sporting Shooters Association of Australia (Victoria); the Antique and Historical Arms Collectors Guild of Victoria; Field and Game Australia; the Australian Deer Association; the Shooting Sports Council of Victoria; Gamecon Vic; and the Victorian Clay Target Association.

We have had extensive consultation, and it would be fair to say that most of the people who got back to us were genuinely supportive of the legislation, although there were some key concerns raised. For example, the response I received from the Combined Firearms Council of Victoria first of all outlines the members on whose behalf it speaks. The membership includes Field and Game Australia, the Firearms Dealers and Traders Association, the International Practical Shooting Confederation of Australia, the Sporting Shooters Association of Australia (Victoria), Target Rifle Victoria, the Victorian Amateur Pistol Association, the Victorian Clay Target Association, the Victorian Rifle Association and the Vintagers (Order of Edwardian Gunners). The council starts its presentation by saying:

> We wish to note that we support the work of the firearms consultative committee, its chair and the work of the Department of Justice in supporting the firearms consultative committee's functions. The firearms consultative committee is proving to be an effective and respected body through which consultation occurs, which had previously been lacking in amending firearms legislation.

That is a big tick of support from the group that represents a large number of the firearm-owner organisations. One of the key points raised, and the member for Kew touched on it, was the concerns that had previously been expressed repeatedly about the issue of licensed firearm owners requiring approval to pass across Crown land that was held under licence or leased by other individuals in order to access one of the 181 state game reserves. A number of submissions had been put in to the relevant ministers of the day raising these concerns and coming up with proposed solutions.

One very significant submission was put to the then minister for the environment, the former member for Albert Park, Mr Thwaites. On 23 November 2004 a letter was put in jointly by Max Rheese, the president of the Australian Deer Association, Simon Turner, the then president of the Mountain Cattlemen's Association of Victoria, and Ian Hamilton of the Public Land Council of Victoria. In essence, because of this issue of legal responsibility and the difficulty in identifying who

the licence-holder might be for, say, grazing purposes, they came up with a set of criteria to differentiate where permission should not be required and, alternatively, where Crown land should be regarded as private property and therefore a permit should be required from the licence-holder or the lessee. Without getting into the complexities of the proposition, the legislation as presented addresses their concerns.

Interestingly a submission from Mr Otto Ruf on 25 October 2005 put it very succinctly. Having outlined the problem, he stated that the problem of requiring permission from, say, a person who had a licence to graze cattle in the high country could be solved by simply including the three words 'excluding licensed land'. There is a simple solution to the issue, and to a large extent it has been addressed. I should say the government did address the issue of the requirement for firearm-holders to get licensee approval in relation to grazing in the high country by banning grazing in the high country. We thought that was a bit of a draconian way of solving the problem. Members might recall that the former Premier, Mr Bracks, will be remembered as the man who killed the Man from Snowy River. This legislative proposal addresses the problem in a somewhat less draconian way, and we believe there will be a need to communicate the requirements effectively to firearm owners to ensure that there is a full understanding of the implications of the legislation.

I now move on to other issues that have been raised. The Combined Firearms Council has made a submission which works through each of the 50 or so clauses and puts ticks against most of them but raises a number of issues — for example, it raises an issue in relation to clause 13, which according to the council is an insertion of a review right where the Chief Commissioner of Police refuses to issue a licence. The council's position is that it should not be necessary to legislate for procedural fairness; it should occur as a matter of course. It then goes on to raise issues in relation to clauses 20, 21 and 27.

Without going into the detail, from my discussions with Department of Justice staff it would appear that quite a number of the concerns expressed in this submission are related to the clarity of communication between those who have formulated the legislation and those who have been impacted upon. I suspect, based on the information provided to me by the Department of Justice, that quite a number of the concerns raised by the Combined Firearms Council of Victoria will in fact be dealt with by communication rather than the need for further amendments.

The issue of the definition of a prohibited person was also raised with me. The member for Kew has to a large extent addressed that, but I will quote what the Combined Firearms Council said:

> A trigger for becoming a prohibited person is a finding of guilt. However, there are situations where 'no conviction' may be recorded because of the circumstances of the case. We believe the definition of prohibited person should be amended to instead cover where there is a conviction recorded, because of the automatic consequences that a guilt finding (without conviction) can bring, even though the matter may be trivial.

Certainly I am aware of a situation like that regarding one of my near neighbours, where the issue is trivial and it would seem to be inappropriate to limit the ability to have a firearm.

I will move on to other issues raised with me by the Antique and Historical Arms Collectors Guild, which makes the comment that a lot of issues have been raised with the Victorian Firearms Consultative Committee and the Department of Justice, and quite a number have been addressed, but there are still some outstanding. The ones the guild raised in its submission to me include multiple licences. There is a move to simplify the situation and only require one licence, which is to be commended, but the guild suggests that for people who currently hold a number of licences there should be a provision for pro rata compensation as they go back to holding only one licence. The guild also raises issues in relation to display permits and storage requirements under collector licences. As best I can summarise it, the suggestion is that the requirements for the storage of firearms by collectors are more stringent than the requirements for firearm storage by normal licensed category A or category B firearm-holders.

The guild makes the comment that, particularly in relation to genuinely obsolete antique handguns — that is, those made before 1900, for which ammunition is no longer commercially available — which were previously free of licensing, this regime is most oppressive and a serious disincentive to the preservation of these important historical antiques. In consequence, because they may not satisfy the new requirements, collectors may be forced to dispose of their guns. The guild's submission then goes on to another couple of issues.

Other issues raised with me by other people who responded include that raised by Mr Charles Hillan, who commented in relation to the use of firearms for illegal activities such as murder that:

> The percentage —

of firearms —

> that is stolen is very small compared with the number brought into the country illegally. This banning cry is rubbish. A criminal knows that the firearm is registered and accordingly is traceable —

whereas an illegal handgun is not. There is some support for that position in an article in the *Herald Sun* of 8 October 2005 which comments on the importation of more than 45 000 firearms. The point is that legal firearms are less attractive to criminals than are illegal firearms, and therefore there are still some difficulties in the registration process in addressing the illegal use of firearms. Similarly I had an email from a Mr Bruce Bertram, who said:

> I am 58 years old, live in Seymour and make cartridge cases for a living. (I export 90 per cent of them.)

His critical comment was:

> But the problem is not the ownership of firearms and has never really been. It's a mental health and youth training problem.

There has also been commentary in the *Weekly Times*. Most recently, on 29 August, it commented on a good initiative at Melbourne University, where there is a firearms training program for veterinary students, who will need to use the firearms to humanely destroy animals and for vermin control.

Another of my veterinary friends has written to me, raising a concern in relation to the general constraints of the legislation. He is concerned particularly about the restriction on the ownership of tranquilliser guns. He said:

> … current legislation allows only one category C rifle and one category C shotgun …

Then he said:

> I even as a registered vet surgeon can only own one dart gun — not allowing for variance in type, style and application of dart gun.
>
> … does not allow for backup firearm … I look after the lions here in Mansfield. If dart gun breaks down I have no backup.
>
> This will create issues with any medium-to-large-scale operation …

What he is saying is that there is a need in those situations — as I know from my experience in the Northern Territory — to have backup firearms. That should be recognised in the legislation.

The Nationals recognise the many positive aspects of this legislation, but in the government's own words, more can be done. We believe our reasoned amendment, which seeks to allow for the automatic renewal of firearms licences, as occurs with other licences, provides an opportunity for a substantial improvement in efficiency without any detrimental effect on public safety. We seek the Parliament's support of our reasoned amendment, so that we can continue to ensure responsible firearms ownership whilst protecting public safety.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Firearms Amendment Bill. This is a piece of legislation that has gone through substantial discussion and consultation with the stakeholders. The overall objective of the bill is to enhance the regulation of firearms to improve their safe possession, carriage and use. Overall it fulfils the government's election commitment on hunting and four-wheel drive opportunities in Victoria.

This has been a real breakthrough, in that I do not think any other political party in this state has actually bothered to think through and have a well-thought-out and well-consulted policy in the hunting arena and to treat these groups with respect. That is why I stand here very proud to support the bill. The bill addresses technical and remedial issues that have been identified by the stakeholders, including Victoria Police and, importantly, the appointed body that deals with these issues, the Victorian Firearms Consultative Committee. The bill also contributes to the fulfilment of the government's election commitment to reduce the administrative burden for stakeholders in complying with regulation.

At the outset I particularly thank those who have been involved in consultation on the bill, because there has been a lot of discussion. I thank the staff of the Department of Justice who have been involved in this, Marisa de Cicco and Sarah Harvey and the team. The members of the firearms consultative committee, chaired by Pete Steedman, have behaved very responsibly in the way they have discussed this bill with all the important stakeholders.

As part of the proposals there are a number of technical amendments in relation to hunting on Crown land. The bill amends section 131 of the Firearms Act to allow hunters unrestricted access to cross into game reserves. It allows hunters, for the purpose of hunting, to carry but not use a firearm on Crown land over which there is a licence without having to obtain consent to do so.

The bill also gives the Chief Commissioner of Police the capacity to make a declaration about the category to which the firearms belong. The category of a firearm determines the purpose for which a licensee may hold

the firearm and generally relates to the weapon's rate and power of fire. The categories were agreed to following the 1996 national firearms agreement. It is important to refer to the agreement in this context in that these matters are part of a national agreement. The developments in technology since 1996 mean that some firearms can be manufactured to technically fall within categories A, B or C, but in reality should be classified in the more restrictive categories D or E — that is, that they are not for recreational use but available only for restricted occupational or official purposes. The declaration will be valid for 12 months to enable regulations prescribing the firearms category to be made.

I turn now to the reasoned amendment proposed by The Nationals. I must say that I am particular surprised and actually a little bit disappointed by it. One of the hallmarks of what has occurred has been the discussions with the important stakeholders whom we in the government treat with respect: the Victorian Firearms Consultative Committee, Field and Game Australia and the Sporting Shooters Association. Members of the government thought that there was pretty much unanimity of agreement. The reasoned amendment has really come from left field — or should I say right field — in that The Nationals are proposing a reasoned amendment in relation to automatic licensing. I think that there is an element of grandstanding here which is not necessary at all because it is not something that has been particularly called for by stakeholders.

It is important to recognise that these matters are dealt with under a national firearms agreement and that there is a basic requirement under that agreement for licences to apply for only a five-year period. Victoria and all other states are parties to the agreement. It is not helpful for The Nationals in Victoria to be saying that we should go outside that national agreement. I find it a bit curious that members of The Nationals might not have spoken to their federal counterparts, but rather are trying to progress it in this jurisdiction.

I advise members of The Nationals and other members of the house that currently the licensing services division of Victoria Police is undertaking an overhaul of licensing procedures. The focus is on reducing the administrative burden on businesses, clubs and licence and permit-holders. That would really be the appropriate and more reasonable vehicle for addressing the matter, rather than trying to step outside a national agreement. It is a much more practical approach to dealing with these issues, rather than by legislative amendment. The stakeholders in this area prefer not more regulation but less regulation. What The Nationals are proposing may well lead to more regulation in this area. Rather than springing it on us at the 11th hour, it would have been better to have proposed it earlier in the discussions.

The Nationals spokesman, the member for Benalla, issued a press release on 3 September. It actually provides very warm and rounded support for the Firearms Amendment Bill and is headed 'Shooters generally support Firearms Amendment Bill 2007'. I came into this debate tonight thinking that The Nationals and the Liberal Party were supporting this bill. This could have been dealt with at an earlier point in time.

I return to thanking the stakeholders who have been involved in these discussions. I particularly name Bill Paterson and Russell Pearson from the Combined Firearms Council of Victoria; Russ Bate and Rod Drew from Field and Game Australia — they always have some very intelligent and reasoned comments to make in any discussion about firearms — and also Bob Cooper and Don Piccoli from the Sporting Shooters Association of Australia. I look forward to the politicians' clay target shoot this year.

Dr Sykes interjected.

Ms GREEN — The member for Benalla is trying to say that The Nationals won last, but they did not win. They cheated: we all know they had a ring-in with the senator from the Northern Territory. In the previous two years it was the Labor team, with the member for Melton, who is currently in the chair as Acting Speaker, as our lead shooter. I look forward to ensuring that the Labor team is back bigger and better later this year. We will do The Nationals like a dinner. We know that they came last the two years before that — much to the shame of the member for Benalla. He actually had to cheat to beat the Labor Party team and the Liberal Party. The Liberal Party really needs to lift its game. I stand here as a member of the government who is very supportive of reasonable shooting organisations, and I commend the bill to the house. Go the Labor Party team!

Dr NAPTHINE (South-West Coast) — I wish to make a few remarks on the Firearms Amendment Bill, and particularly on clause 35. Before I talk about clause 35 specifically I want to make a few broad comments about firearm registration and the frustration that many of my constituents have with the registration process in this state. There are continual delays, frustrations and real problems with the registration system. Many genuine people who have firearms continually find themselves in the illegal situation of not having their firearms registered simply because the

system of firearm registration is grossly understaffed, underresourced and the cause of delay and frustrations. I would urge the government, as well as introducing legislation, to look at the management of firearm registration in Victoria, because the current management of the system is not up to scratch and certainly needs to be improved.

With respect to the bill I want to talk about clause 35 and the impact of such issues on hunting in the state of Victoria. The second-reading speech states:

> The bill implements an election commitment in the government's 'hunting and 4WD opportunities in Victoria' policy to 'amend existing firearms legislation to allow hunters unrestricted access to cross into … game reserves'. It does this by amending section 131 of the Firearms Act to allow hunters to carry (but not use) a firearm on Crown land over which there is a licence, for the purpose of hunting, without having to obtain consent to do so.

Those comments in the second-reading speech are reflected in clause 35 of the bill. It proposes to insert, after section 131(3) of the Firearms Act, a new subsection (4) which in part states that a person:

> (b) who is crossing Crown land over which there is a licence, for the purpose of hunting in accordance with the Wildlife Act 1975 on land that can only be accessed by passage over the Crown land …

The hunters I have consulted say that the sentiments expressed in the second-reading speech and in the policy of the Labor Party are sound and supportable but that the way it has been translated in the legislation leaves a bit to be desired. That is the point I wish to raise in suggesting to the minister that while the bill is between here and another place he consider an amendment to clause 35.

Hunters are concerned about the strict wording of the legislation, which says that you are able to carry a firearm across Crown land over which there is a licence for the purpose of hunting in accordance with the Wildlife Act on land that can only be accessed by crossing that Crown land. So if you are moving to an area of Crown land where you can legally hunt or shoot — in the north-east you are generally talking about deer shooting — if there is an area of land over which there is a licence, you can cross that land without getting permission from the licence-holder. It is a difficult process to determine who the licence-holder is and to get their permission, but if you do so you can cross that land to go to where you are legally able to shoot. You are not allowed to shoot while you are on that land, but you are allowed to go over it — but only in circumstances where that land can only be accessed by passage over the Crown land.

The hunters I have spoken to suggest that the wording should be changed from 'can only be accessed' to 'reasonably be accessed'. They point out, and they have shown me maps of the north-east which are difficult to put into *Hansard*, that there are times when you can actually access the hunting ground without going over a licensed area, but to do so you have to go 50 to 100 kilometres around it over rough bush tracks in inhospitable country, where the tracks may not be accessible and may even be shut.

Strictly speaking they can provide an access to that hunting ground so it can be interpreted that it is not the only access to Crown land to go over the licensed country, but it is a reasonable thing to do to go over that short passage of licensed country and carry a gun across it to the hunting ground. They believe the strict interpretation of the law can significantly disadvantage the hunters. I ask the minister, if he is concentrating, to consider an amendment while the bill is between here and the other place to change the words 'that can only be accessed' to 'can reasonably be accessed'.

I also wish to make some comments on the government's hunting and four-wheel drive policy, which is referred to in the second-reading speech. I want to quote from a letter I received from Dr Ian Gill of Tatura, who is a veterinarian and a person very interested in hunting issues. I will quote from the letter. He said:

> My father and mother first took me camping in river red gum forests along the Murray River when I was a toddler growing up in Melbourne. Fifty years later I still camp along the Murray River and its tributaries with my own children (two daughters), who are now adults living in Melbourne. My family all enjoy the rituals of choosing the site, pitching the tent, tending the fire, cooking the roast, swimming with the dogs, all the other little odd jobs necessary in the camp site, and the comradeship of other like-minded families — very enriching and bonding experiences.

Further on he said:

> My interests also include duck hunting. My father introduced me to the sport when I was a teenager, and I bagged my first duck when he took me to The Marshes at Kerang (an area included in the national park proposal). I am now privileged to take my father (instead of him taking me) duck hunting (and fishing). He has just turned 80 years and still enjoys the whole ritual of the camp, the camaraderie of our mates and the hunt (mostly in red gum forest areas) as much as he did when he first went as a teenager. This is another important activity and freedom that would be taken from me.

Dr Gill said further on in this letter:

> As a user of the red gum forests, and a hunter, I appreciate the need for, and encourage and support, proper management to conserve biodiversity. This might mean restrictions on some

> forms of activity in certain areas, but proper management will not happen by locking up the whole lot in national parks.

Of course he is talking about the river red gum area along the Murray River and the Victorian Environmental Assessment Council proposal. In conclusion he says:

> The proposals will not lead to greater biodiversity of native fauna and flora. Introduced species such as pigs, rabbits and blackberries will thrive in the locked-up environment of a national park. The proposals also contradict the views of a number of other expert panels and groups including:
>
> > the Victorian game management initiative
> >
> > the 'wise-use' principles of the Ramsar convention for wetlands
> >
> > the 'sustainable use' principles of the World Conservation Union

I read that letter from Dr Gill, who is a very concerned citizen and an active person in the hunting and camping community, because I wanted to highlight it on behalf of the hunting community to show that while the government purports in its second-reading speech to reflect the interests of the hunting community and represent them in legislation, the facts of the matter are that it has alienated the hunting community with its continual decisions to deny this legitimate activity in many areas of Victoria. Even in the legislation before the house, as I have highlighted in clause 35, where the government purports in the second-reading speech to reflect what was an admirable policy position, in reality it has so written the clause that potentially it can significantly disadvantage hunters and cause them to act illegally when the government is purporting to assist them and facilitate their access to game hunting areas.

I put it to you, Acting Speaker, that that can be remedied, and I trust the government and the minister listens clearly. It can be remedied by a minor amendment to change the words 'can only be accessed' to 'can reasonably be accessed' so that hunters can make a judgement as to whether crossing a licensed area may be the most appropriate way to get to where they can hunt their game, or whether they have to abide by the strict letter of the law as it is proposed here and go 100 kilometres around, through bush tracks and over dangerous country, to comply with the strict letter of the law.

The strict letter of the law as proposed here is wrong. It does not reflect what is in the second-reading speech; it does not reflect government policy, and I urge the government to consider an amendment while the bill is between here and another place.

Mr SCOTT (Preston) — It gives me some pleasure to rise and speak on the Firearms Amendment Bill 2007. I understand there is only a short time before the adjournment debate commences, so I will deal with one issue in particular.

I noted the reasoned amendment moved by the member for Benalla, who is a good friend of mine. However, I cannot support him on this particular matter. I agree with the member for Yan Yean that on this particular issue there is an element of grandstanding in his position and that his amendment — which I understand is designed to create an automatic provision for a renewal of licences — would breach the national agreement which the state is party to. As the member for Yan Yean said, it would have been better for it to have been raised in an earlier part of the process, and in that light it would have been considered as a constructive element to the debate rather than a political opportunist action which — —

Dr Sykes — I will never talk to you again!

Mr SCOTT — I understand the member for Benalla is seeking never to talk to me again. I am sure that as the good-natured fellow that he is, he will not stand by that interjection.

I must say this is a very serious matter. I note it deals with improvements to the licensing regime and the regulation of firearms, a few of which I will outline now within the context of the national firearm agreement which the member for Benalla was so willing to breach. In that spirit, I understand that at the last target shooting competition between the parties The Nationals — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

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

> That the house do now adjourn.

Water: Victorian plan

Ms ASHER (Brighton) — The issue I wish to raise is with the Minister for Water. I am asking him to disclose, to announce or to reveal what the government's contingency plans are for Melbourne for water this summer if in fact spring rains fail to eventuate.

The government's augmentation strategy, of course, does not kick in until either 2010 or 2011, and even if

the government achieves the impossible and brings the desalination plant in on time and on budget, there are still two summers to get through. Indeed I note by way of an aside that the opening of the information centre at Wonthaggi today by the government was already a month late. Businesses and individuals need to know now what the government will do and what the government's contingency plans are for summer. Businesses need to make investment decisions, and individuals need to make their own decisions.

There are four industries and sportsgrounds which have been singled out for the harshest treatment under stage 4 restrictions, should those restrictions be introduced in Melbourne. I am aware of the minister's inexperience, and I offer some suggestions to him by way of contingency. First of all, the turf industry has suffered a 90 per cent lay-off of staff. The government needs to consider allowing sporting associations and individuals to plant low-water or drought-resistant grass, and indeed the turf industry is requesting changes to both levels 3 and 4 of Melbourne's water restrictions.

Nurseries also are seeking changes to level 3 and 4 restrictions. It is a $1.6 billion industry for the Victorian economy. There are 5500 businesses and 11 000 people are employed in that industry. All of this will be placed in jeopardy if level 4 restrictions are introduced. I refer to the Minister for Small Business's press release about a nursery industry professional development program. They do not need that; they need a change to what is allowed under the restrictions. In many ways, stage 3a is illogical; you are allowed to hold a handheld hose for 2 hours, while in many instances a spray system of irrigation is in fact more efficient.

The Swimming Pool and Spa Association has some ideas for the minister about new pools and how to deal with water shortages. Likewise, the car wash industry, which employs 3600 people and uses 0.113 per cent of water, will be shut down should stage 4 come into effect. I also refer the minister to the newly formed alliance of 11 sporting groups that want a contingency plan from him. They want restrictions to be able to be changed and to establish drought-resistant grass. I call on the minister — —

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

Multifaith Multicultural Youth Network: appointments

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The specific action I seek is that he ensure that one or more young people from the northern suburbs, or if possible from the Bundoora electorate, be appointed to the Multifaith Multicultural Youth Network. The Brumby government is seeking around 20 people between the ages of 16 and 25 to comment on a range of initiatives that will benefit young people of all faiths and cultures in Victoria. It is a great initiative and one that I support.

One of the strengths of the Victorian community is the way it embraces a range of different cultures and faiths. More than 150 young Victorians from different cultural and faith backgrounds attended the Multifaith Multicultural Youth Forum in July last year, and they came out with a range of recommendations. Those recommendations will be run by the network that is proposed by the government. This network will provide advice to the Brumby government on projects through a series of meetings with the Victorian Multicultural Commission and the Office for Youth.

I would ask the minister to seriously consider the young people of the northern suburbs, in particular the Bundoora electorate. In the short time that I have been a member of Parliament for that area, and before that a member of a council, I have become aware of a really great bunch of young people who contribute to the local community. The young people in the northern suburbs are keen to make a contribution to Victorian society. There are a couple of examples. I was made aware yesterday that Greensborough Secondary College in the Bundoora electorate has seven students that are travelling to the Tournament of Minds in Canberra on 20 October, which is an academic contest where challenges are set. They have been selected from students right across the country to be finalists in that event.

I would also like to take this opportunity to commend the Plenty Valley FM community radio station, Greg Fallon at the station and the Whittlesea *Leader* newspaper and its editor, Sandro Olivo, for their encouragement of young people through the recent Rock for Radio concert. I know the minister is aware of that, because he has taken the time to meet with Greg Fallon to discuss that initiative, and I appreciate his time for that. As I say, I would really appreciate the minister's consideration of appointing people from the northern suburbs of Melbourne, if not from the Bundoora electorate, to the very important Multifaith Multicultural Youth Network, so that young people in the northern suburbs are able to contribute to the wider society.

Rail: grain freight network

Mr WALSH (Swan Hill) — I have had concerns raised with me by grain growers in my electorate and that of the member for Mildura about the future operation of the rail network in north-western Victoria. The action I seek from the Minister for Public Transport is a guarantee that there will be no line closures on the rail freight network in northern Victoria in the foreseeable future.

Access to rail freight is a critical part of the transportation of Victoria's grain production. Grain receival and transportation facilities have been built along the freight rail networks specifically to service the grain industry. There are four broad-gauge lines in north-western Victoria. There is the Piangil line that runs through Swan Hill, the Robinvale line that runs through Quambatook and Manangatang, the Mittyack line that runs through Charlton and Berriwillock, and the Yelta or Mildura line, with the Murrayville line running west from Ouyen.

In times of drought when tonnages might not be what they would be normally, it is easy to suggest that these services are not as important as they really are. But good seasons will return and tonnages will increase again. The majority of export grain from north-western Victoria is transported by rail to port. GrainCorp and Pacific National have been working together to encourage domestic grain growers to choose rail transport in Victoria instead of road. Their aim is to transfer 140 000 tonnes of domestic grain from road to rail transport, and to have one-third of the domestic grain task into Melbourne carted by rail.

There is a myth that, if lines are closed, grain will move to the next nearest line. It is just that — a myth. Evidence says most grain growers choose to use road freight direct to domestic customers and truck straight to port in the event of a line closure rather than cart sideways to another line. The Ouyen to Murrayville line is of particular concern to the Murrayville silo committee, which is concerned that the proposal to temporarily close that line over the hottest summer months may lead to a permanent closure. The communities which rely on this service are justifiably concerned that once the line is temporarily closed it will never reopen again.

There has been $25 million allocated to urgent rail maintenance on these lines in addition to the budget appropriation for the upgrade of the Mildura line. The speeding up of the spend of this money for urgent works on our rail freight network in northern Victoria would be an important country employment program to put money into our communities in what is going to be an extremely challenging 12 months. I urge the minister to commit to keeping open all the rail freight networks of northern Victoria.

Consumer affairs: insulation batts

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is that the minister and Consumer Affairs Victoria examine documentation presented to them regarding claims about the incorrect thermal rating of insulation batts. Should they find that these insulation batts, as I have been advised, have a variation of up to 20 per cent, then they should make sure that the Australian Competition and Consumer Commission (ACCC) prosecutes and continues to monitor manufacturers that are doing the wrong thing.

Generally speaking the energy ratings are of the order of 20 per cent below what they are labelled as. Inferior labelling is not only wrong, it causes increased consumer costs in terms of energy charges and of course has severe negative impacts on our environment. If manufacturers are not correctly labelling the insulation batts, then Consumer Affairs Victoria, as I said, should refer this matter to the ACCC, because in the past it has also been concerned about this matter. The Victorian, New South Wales and South Australian governments have instituted energy rating requirements for homes. I believe it is unconscionable that some manufacturers might be using the consumer boom in insulation batt sales to increase their competitive advantage and profit margins by selling inferior products.

If there is, as I suggest the minister may find, an apparent disconnect between good policy and shonky manufacturing practice, then he needs to ensure that the community is informed and that manufacturers doing such things are prosecuted forthwith. Consumers with underperforming batts will end up with energy prices above the levels they should for probably the life of a home — around 50 years. In addition our collective efforts to cut greenhouse emissions will be undermined. Overstating the thermal rating of insulation results in our all being collectively duped and having higher unwarranted energy use, and of course it misleads agencies which approve the data for the construction ratings on the energy labelling of houses. I ask the minister to act and to inform consumers of his findings.

Templestowe Valley Primary School: student fees

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Minister for Education. I ask the minister to waive the requirement for a local primary school student to pay full fees to attend Templestowe Valley Primary School until the Department of Immigration and Citizenship makes a determination on his parents' visa application. The family arrived in Australia a few years ago on a student visa. The mother was admitted as a full-fee-paying student at Ballarat University. During this time the parents paid full fees for their son to attend a local primary school. The mother has now completed her masters degree and has applied for permanent residency here in Australia. She is currently on a bridging visa. The Department of Immigration and Citizenship has advised her that it could take between 6 and 10 months for her visa to be processed.

The son is now attending Templestowe Valley Primary School but has been asked to pay full fees. The fee for terms 3 and 4 is $3073. When you consider that only one parent — the father — is working, you can see why the family is finding it very hard to pay the full fee invoice and ensure that they are able to pay the rent and buy food. I ask the minister to look at this special case. It is a one-off, and perhaps the minister could waive the requirement for this child to pay full fees for six months until the visa application is considered by the Department of Immigration and Citizenship.

The mother wrote to the department on 23 August 2007. In her letter she said:

> I have planned to pay only for two years and we have paid. However, it was so tough job for us to earn and spend this amount of money. I paid almost $12 000 for two years and I never complained, because it was on my plan and I knew that I must pay.
>
> We sold everything that we had in my country and sometimes my father helped us to survive financially. And that is the money that we used to live on for the two years when I was student. At the same time my husband tried so hard and did whatever he could for paying the money, he even moved to Melbourne to find a better job in December. So my son and I lived alone in Ballarat and my family fell apart due to this decision. And then we decided to move to Melbourne, because there are more job opportunities in Melbourne for both of us. But my son did not want to come to Melbourne. Finally we thought the best idea was bringing him to a school that at least he knows someone … We never thought about this area is an expensive or cheap one, all we wanted was seeing our son happy with his friends, a new good school and great teacher.

I urge the minister to look at this case and waive the fee for this primary school child.

Netball: regional and rural Victoria

Mr HOWARD (Ballarat East) — I raise an issue with the Minister for Sport, Recreation and Youth Affairs. I call on the minister to take action to provide further and ongoing support for netball development programs in rural and regional Victoria. As the minister would be aware, there is a great need for further support funding in this area. As we know, in recent years football clubs across regional Victoria have acknowledged that a great way of furthering support for their clubs is to unite with and provide opportunities for netball clubs within the football club area. That has been a great development.

We have seen women come along with the men to support the football and play netball at the same time. We have seen a greater opportunity for the union of netball and football through this program. However, the unfortunate thing we have found is that the facilities provided for netball players at the football grounds have been pretty challenging to start with, either with very poor netball courts or with poor change-room facilities. It is great that funding has been provided over the years to ensure that we are able to upgrade the netball facilities for the women who come along to support their partners, their husbands or whoever as they are playing their netball.

I have been very pleased to see that over recent years we have had funding come to Kyneton to ensure we upgrade the netball change facilities there. At Gordon and Ballan we have seen funding to improve the surfaces of the netball courts. Ballarat East Football Club has recognised the need to further upgrade its facilities, and we have seen an improvement in the facilities there, as we have in Newlyn. Clearly great improvements are being made so that the women can come along and know that they have better playing surfaces for their netball and better change-room facilities.

However, we know there is still more that needs to be done. I look forward to the minister taking on board the need to ensure that the program continues and that other football and netball clubs receive upgraded facilities, across both my electorate and other areas of regional and rural Victoria.

Mr Walsh interjected.

Mr HOWARD — I am glad the member for Swan Hill recognises this issue as being important, as he would. I am happy that we will see improvement in these facilities as the minister takes action to improve resourcing in netball right across Ballarat.

Wonthaggi State Coal Mine: future

Mr K. SMITH (Bass) — The issue I raise tonight is for the Premier. I request that he honour the commitment he made during the election campaign in November 2006 to the Friends of the State Coal Mine at Wonthaggi and provide the $1.5 million needed to bring the mine up to a standard that would allow underground tours to take place during the mine's centenary in 2009.

The Premier, who was Treasurer and Minister for State and Regional Development at the time, rushed down to Wonthaggi to make the promise to the staff and the Friends of the State Coal Mine to beat the Liberal Party to the announcement, and now the time has come for him to pay up. The friends and the staff of the mine are concerned that Parks Victoria, headed by Mark Stone, will squander the money on consultancies and other useless departmental extravagances and there will not be any money left for the necessary works to be done.

The Friends of the State Coal Mine are the ones who have kept the mine going from the time it was used as a film set. Without them it would not be such a great and wonderful tourist attraction that now needs money spent on it to bring it up to a standard that is safe for tourists, although there are plenty of people in Wonthaggi who believe the mine is still safe and able to be used. The work includes a new winch motor that could take two years to complete from the time it is ordered.

This is a time when I join with the many thousands of people in Wonthaggi who want to see the colour of the government's money. It is now 10½ months since this commitment was made, and no money has appeared. Was this just another empty promise made to pick up votes for the Labor Party during the last election — for its four times failed candidate John Anderson — or will the Premier show he is not all spin and deliver the goods? He went to Wonthaggi today to try to appease the unhappy people of the town regarding the desalination plant, so why not do another surprise flying visit and deliver the $1.5 million before Mark Stone wastes it all on consultants and Parks Victoria indulgences? Let us see if the mine can be open for the centenary in 2009.

WorkChoices: effects

Dr HARKNESS (Frankston) — Tonight I wish to raise a matter for the Minister for Industrial Relations. I ask the minister to outline the full effects of the Howard government's WorkChoices legislation. The action that I specifically seek is for the minister to provide statistics and information obtained by the Victorian Office of the Workplace Rights Advocate of the impact of WorkChoices on working families in Victoria, particularly in Frankston, from his department's website.

The Office of the Workplace Rights Advocate was established last year in Victoria as the state's last line of defence against the Howard government's industrial relations laws. I congratulate the minister for doing everything in his power to minimise the harm caused by these laws, particularly to the residents of my electorate of Frankston. It is very important that all Victorians are fully informed of the effects of WorkChoices, because it is a policy that has two fundamental flaws.

The first problem is its well-known unfairness. Cutting basic rights like overtime, penalty rates and leave loadings simply goes too far and shows just how out of touch the federal government has become with working families. The Howard government has shown no appreciation of how profound the effects of WorkChoices are on Australian society as we know it.

WorkChoices has the potential to significantly weaken local communities. If it becomes the norm for Australians to work on weekends and during all hours of the night without fair compensation, then we lose the common free time which keeps our community strong. Common free time is spent with family, friends, neighbours and community organisations. Stories are already emerging of local sports clubs, for instance, which can no longer find parents to volunteer as coaches for their kids' teams; the parents are too busy working Saturday mornings or late Friday nights and they do not even get extra pay for that. The federal government's industrial relations policy threatens these basic social bonds. The response of the Prime Minister, John Howard, and the federal Minister for Employment and Workplace Relations, Joe Hockey, is that we must make sacrifices for the strength of the economy.

The second fatal flaw in the federal government's industrial relations policy is that it is increasingly being criticised by the world's leading economists as both foolish and unnecessary. In fact just last week one of the world's pre-eminent economists, Professor Richard Freeman of Harvard University, expressed his amazement at the WorkChoices laws. He said they were based on outdated economic thinking. Freeman observed that the laws are excessively detailed and complex, placing an unnecessary burdens on business.

Mr K. Smith interjected.

Dr HARKNESS — I said that at the start. He concluded that WorkChoices would be destructive of productivity gains and would be unlikely to reduce unemployment. This completely undermines John Howard's desperate assertions that he is acting to further Australia's economic interests. With this in mind, I urge the minister to continue the Brumby government's protection of working families against WorkChoices. I ask that he provide an update on the progress of the work of the Office of the Workplace Rights Advocate.

Drought: RMCG report

Mr CRISP (Mildura) — My adjournment matter is directed to the Minister for Water. I call on the minister to act expediently on the draft report of the consultant group RMCG entitled 'Government drought assistance water rate relief for the Mallee irrigation area'. Until it does so, the government should give an interest-free extension to water users with accounts due on 19 September 2007.

The report by RMCG was requested by the Mildura Rural City Council, First Mildura Irrigation Trust, Lower Murray Water and the horticulture task force. The report explores options for Victorian government assistance in providing relief for the fixed cost component of water delivery charges to growers. It is expected that allocations for a 1-in-100 year drought would be 60 per cent. Currently, in September 2007, water allocations are only 10 per cent.

The RMCG report states that low water allocations put at risk up to 4000 jobs associated with horticulture communities and will have significant social impacts. To minimise these impacts, assistance must be targeted to those businesses most at risk. These are middle-sized businesses that have little access to off-farm income and less ability to gain scale efficiencies. Properties of 15 to 50 hectares in size fall into this category.

In 2006 the Victorian government provided all rural water users who received less than 50 per cent of their entitlement with a rebate of up to $5000 to meet the 2006–07 fixed water supply charges. Water users with more than $5000 of fixed water charges could defer the amount for five years, free of interest. This model is not well targeted at drought relief for middle-sized horticultural properties which are most at risk. Alternative models presented in the RMCG report that would more effectively maintain regional production and employment by reaching this group include a 75 per cent rebate of all fixed charges in all districts and a rebate of 100 per cent of all fixed charges including drainage rates in all districts.

Water users in my electorate have now received their accounts, which are due on 19 September — today. An interest-free extension on these accounts until a more appropriate drought assistance model is presented would give my electorate much-needed respite.

Disability services: Kingston vacation care program

Ms MUNT (Mordialloc) — The matter I raise this evening is for the attention and action of the Minister for Community Services. I ask the minister to make representations to the federal government on behalf of the parents of children with a disability in my electorate of Mordialloc who wish to access services funded by the federal government and provided by the Kingston council — in particular, vacation care programs — but who cannot due to inadequate levels of federal funding.

On 31 January 2007 I contacted the Kingston council on behalf of Mrs Graham, one of my constituents, who had contacted me on behalf of her daughter. I also wrote to the then Minister for Community Services in the other place, Gavin Jennings, about this matter. Subsequently on 18 July the Kingston council wrote to me and enclosed a letter that it had written to the Honourable Mal Brough, the federal Minister for Families, Community Services and Indigenous Affairs. This letter highlighted the inadequate level of funding currently provided to the council by the federal government to support the participation of children with disabilities in the council's vacation care program. Children with disabilities and their families are as entitled to this service as able-bodied children and their families. The council's letter says:

> I am writing to you to raise council's concern regarding the inadequate level of funding currently provided by the commonwealth government for its inclusion support subsidy program. Council requests that the commonwealth government increase the hourly rate of the inclusion support subsidy to cover the reasonable costs of providing the required qualified staff to support children with ongoing high-support needs to participate in council's vacation care program. A reasonable unit cost would include the base salary and on-costs associated with an appropriately qualified staff.
>
> The commonwealth government's current inclusion support subsidy provision of $15.04 per hour, to a maximum of 8 hours per day, has created a 38 per cent shortfall in funding to provide suitably qualified and experienced staff who can support children with additional needs in council's vacation care programs. The hourly rate paid by the inclusion support subsidy is less than the actual salary cost, and in council's vacation care program this has resulted in an estimated $43 000 annual budget gap for council. Passing the actual additional cost onto families of children with disabilities is considered to be unfair, and program participation would be cost prohibitive for most of the families of the 160 children

(or 20 per cent of the total program participants) who use the service each holiday period.

I support council's request, as does the federal member for Hotham, Simon Crean. I also support the right of local families with children with disabilities to access this program. I again ask the minister to make representations to the federal government on behalf of these children and their families; Kingston council, which wants to provide this service; the federal member for Hotham, Simon Crean; and me.

Responses

Ms NEVILLE (Minister for Community Services) — I thank the member for Mordialloc for raising the very important issue of the support needed to assist families who have children with a disability. It is absolutely critical that we support families of children with a disability in all the stages of their lives. There is a lot of evidence to suggest that the earlier we are able to intervene, the more we are able to get greater results for the children, but it also assists in keeping families together. The Victorian government provides a whole range of disability programs and funding, including respite initiatives, facility-based holiday programs with host families, and weekend and recreational programs that support families and their children.

Families with children with a disability require a broad range of community supports to enable them to fully participate in our community. As the member for Mordialloc has pointed out, the City of Kingston — and a number of councils are in this position — runs a vacation care program which is funded through the commonwealth government's inclusion support subsidy. The inadequate funding of this program creates a 38 per cent shortfall in money to provide qualified staff to run the program, resulting in a funding gap for councils and for families. I understand that the shortfall in commonwealth funding makes it difficult to include children with high-support needs in the vacation care program. I know that the member for Mordialloc has written to the federal community services minister, Mal Brough, on this particular issue.

Let us be very clear that it is the commonwealth government's responsibility to provide after-school care programs. It is a program that is recognised under the child-care benefit scheme, and it is one that is acknowledged by the commonwealth as being an area of its responsibility. It does that through the child-care benefit scheme and the inclusion support subsidy. Children with high support needs are eligible to receive the child-care benefit beyond 12 years of age, but the subsidy levels provided by the commonwealth make it very difficult for families to access council and privately run places.

I can assure you, Acting Speaker, and the member for Mordialloc that the state government has raised the difficulties that parents face in accessing after-school programs for children over 12 years of age. We have raised it with the federal minister, Mal Brough.

Mr Walsh interjected.

Ms NEVILLE — That is right. As I said, Acting Speaker, it is very clear that the funding of care outside school hours is the commonwealth government's responsibility.

Mr Walsh — On a point of order, Acting Speaker, if it is the commonwealth government's responsibility, I would ask you to rule that the adjournment matter raised by the member for Mordialloc is out of order. My understanding is that adjournment issues are supposed to seek actions by ministers on matters of state government business. If the action sought from the Minister for Community Services comes within the federal jurisdiction, it is not a valid adjournment matter.

Ms NEVILLE — On the point of order, Acting Speaker — and I was about to speak about this — of course all this area in relation to disability services is governed by the commonwealth state/territory disability agreement, including various responsibilities, so it is of particular interest to the Victorian government.

The ACTING SPEAKER (Mr Nardella) — Order! Previous rulings from the Chair have been that honourable members should not request a state minister to lobby the federal government in regard to a matter. In this particular case the adjournment matter related to the specific details of and a request concerning a particular constituent of the member's electorate. It is sailing close to the wind, but I take on board the matter the minister raised on the point of order. On this occasion I will allow it.

Ms NEVILLE — As I was saying, I can reassure the member for Mordialloc that, as the City of Kingston had written to us, as had the member for Mordialloc, the state government has raised the difficulties in this case directly with the commonwealth government, and I assure the member that I will continue to do that.

As I was saying before, it is the commonwealth state/territory disability agreement that governs the arrangements in relation to the funding of programs to support families and children with a disability. Unfortunately this is made even more difficult by the

fact that the commonwealth's attitude to the new commonwealth state/territory disability agreement has meant that it has declined to enter into any further meaningful discussions, and it has meant that there is no offer to take account of increasing demand for services like those the member for Mordialloc has raised. In fact in Victoria the commonwealth contribution to disability services is only around 12 per cent of total commonwealth-state disability funding, whilst it should be around at least 20 per cent.

It makes it difficult to provide the sorts of programs that the member has referred to and ensure that the families are not out of pocket. But I can assure the member for Mordialloc that I will continue to advocate to the commonwealth both through the commonwealth state/territory disability agreement on this particular matter on behalf of Victorian families and on behalf of each Mordialloc family that has a child with a disability. I will encourage it to urgently address the shortfall in the funding for the inclusion support subsidy so that councils and private providers can continue to provide services to families with children with a high support need in our community.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Ballarat East raised the matter of increasing funding and resourcing to support netball in regional and rural Victoria. He is quite correct in saying that the union between the sport of football — Aussie Rules — and netball has been a great boon for those sports but more specifically for rural and regional communities right across the state. It has been a fantastic thing for social cohesion and economic development across the state as well as for the sports themselves.

The member's matter is very timely, given that we are in the midst of the finals for all our country football and netball leagues across regional Victoria, and we are seeing incredibly strong crowds turn out to support all the netball clubs chasing premiership glory this year. As the member pointed out, this government has an unparalleled commitment to netball at a grassroots level right across rural and regional Victoria and throughout the state. Many of the clubs hosting finals this weekend will have directly benefited from our country football and netball program.

An honourable member interjected.

Mr MERLINO — I suggest $10 million is meagre. Over 170 projects have been funded to date, including new court lighting, new court services and new change rooms for netballers — projects that would never have been realised if not for the support of the Brumby government. I can assure the member for Ballarat East that the Brumby government support does not stop with the country football and netball program. It gives me great pleasure to inform the house of two further initiatives.

The Brumby government will allocate to Netball Victoria an additional $10 000 in funding to help further develop a range of regional and rural netball programs. This money will go towards coaching and player development programs and will provide netballers from right across our rural areas the opportunity to participate in clinics and programs that have previously not been available to them.

Further the Brumby government will provide the University of Ballarat with $40 000 towards a sports injury prevention initiative which will target the relatively high rate of lower limb injuries among junior netballers. When completed, the junior netball base safe-landing intervention evaluation will provide information to clubs on the best ways to prevent injuries — something that will no doubt be of value to netballers in the member for Ballarat East's electorate. The Brumby government fully understands both the importance and the power netball has in bringing rural communities together and will always remain committed to ensure that that great sport thrives in the future.

The member for Bundoora raised the Multifaith Multicultural Youth Network and specifically the appointment to the network of young people from the northern suburbs. Having been actively involved in his community for many years, both as the present member for Bundoora but previously as a very active member of the local council, he knows only too well the fantastic cultural diversity that thrives in the northern suburbs, and I can assure the member the views of young people in this region will be heard through that network.

As the member said in touching on it, the Multifaith Multicultural Youth Network is one of a number of examples of the Brumby government's strong commitment to giving young Victorians of all cultural and religious backgrounds the opportunity to help shape programs and activities that will directly benefit them. The network will provide advice to the government on a range of issues and initiatives that will help further create a fair, inclusive and harmonious society. I have no doubt there are many passionate young people from the member's electorate who would be fantastic in such a role, and I look forward to announcing the members of the Multifaith Multicultural Youth Network very shortly.

The ACTING SPEAKER (Mr Nardella) — Order! The Minister for Sport, Recreation and Youth Affairs to respond to the honourable members for Brighton, Swan Hill, Pascoe Vale, Bulleen, Bass, Frankston and Mildura.

Mr MERLINO — I will raise the matters those members raised with the ministers responsible — and in one instance with the Premier — for their response and action.

Ms Asher — On a point of order, Acting Speaker, could I request that you raise with the Speaker the constant non-attendance by ministers in this chamber during the adjournment debate. The Minister for Water has had two issues raised with him — —

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. I will no longer hear the member.

The house is now adjourned.

House adjourned 10.41 p.m.