PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 23 August 2007

(Extract from book 12)

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By authority of the Victorian Government Printer

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

Joint committees

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

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

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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 Dixon, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): 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.

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

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.

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Ms A. P. BARKER

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Mr P. J. RYAN

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

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Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
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Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
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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

THURSDAY, 23 AUGUST 2007

Thursday, 23 August 2007

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

BUSINESS OF THE HOUSE

Order of business

The SPEAKER — Order! I would like to make a statement regarding the order of business. Members will be aware that during formal business the introduction of bills is currently scheduled to occur after the giving of notices. Over the past few weeks there has been a noticeable increase in the number of notices being given. It is now regularly taking over 15 minutes for the large number of notices to be given.

It seems to me that it would be more effective, particularly in relation to the use of ministers' time, for the introduction of bills to occur before the giving of notices. I have discussed this matter with the Clerk, and there is no procedural impediment to this change. Accordingly, from the beginning of the next sitting week the introduction of bills will be scheduled before the giving of notices.

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 24 to 33 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

Mr Ryan — On a point of order, Speaker — and I say this with the greatest respect for the ruling you have just given — the house has always enjoyed the situation that matters which are pivotal to the way in which it operates are able to be dealt with by it and through you, Speaker, when we have cooperatively organised those sorts of issues.

I simply say that in the event that proposals of the sort which you have just ruled upon are determined or contemplated, we would always welcome the opportunity to participate in a discussion.

Mr McIntosh — On the point of order, Speaker, I join with the Leader of The Nationals and express the Liberal Party's concern that this change of order has occurred in this way. I would have thought that the appropriate steps to take before changing the order of proceedings may have been at least to discuss it with the Standing Orders Committee, it having met last night. Perhaps the matter should be referred to the Standing Orders Committee rather than your making a decision about it.

The Liberal Party was not consulted about this, and we would have expected that a process of consultation would have taken place. I ask you, Speaker, to reconsider the matter and to at least have a discussion with the Liberal Party, The Nationals and the government.

Mr Wells interjected.

The SPEAKER — Order! I thank the member for Scoresby for his advice on this matter.

I consulted with no political party; the Clerk and I discussed this matter. Everyone would note that there has been some concern about the length of time that the notices of motion have been taking. It is reasonable in my view that because the introduction of bills takes little time, that they be placed before general notices of motion. As members know, the rewriting of the standing orders in 2004 removed the doubling-up of the notice of the introduction of a bill and the introduction of a bill on the following day. This matter is something that I see as an evolution of the changes to the standing orders.

This is not a change to the standing orders; thus there was no need to refer the matter to the Standing Orders Committee. I am always quite happy to review the workings of Parliament to ensure that they suit everyone. I do not see that this is a particularly grave or significant change of order. I do not see that it will greatly impact on the way the Parliament operates. I am happy to have further discussions with the member for Kew and the Leader of The Nationals.

NOTICES OF MOTION

Notices of motion given.

Mr HODGETT having given notice of motion:

Ms Campbell — I will not rub any footy results in.

The SPEAKER — Order! Notices are supposed to be matters for serious debate. I believe the notice that has just given by the member for Kilsyth would have been better delivered as a members statement.

Further notices of motion given.

Mr SEITZ having given notice of motion:

The SPEAKER — Order! It should be noted once again that that notice of motion would be more appropriately delivered as a members statement.

Further notices of motion given.

Mr MULDER having given notice of motion:

The SPEAKER — Order! That notice of motion will be examined by the clerks. I believe the last part of it was out of order as far as a notice of motion is concerned.

Further notices of motion given.

Mr NORTHE having given notice of motion:

The SPEAKER — Order! I note that that notice of motion would also be more appropriate as a members statement.

Further notices of motion given.

PETITION

Following petition presented to house:

Eastfield Road, Croydon South: safety

To the Legislative Assembly of Victoria:

The petition of the residents and users of Eastfield Road, Croydon South, and the surrounding area draws to the attention of the house that pedestrian and driver safety for those who live near or use Eastfield Road, Croydon South, is at risk, following two fatalities in the last two years and further injuries to members of the public as a result of speeding and poor maintenance.

The petitioners therefore request that the state government will allocate and distribute the appropriate funding to the Maroondah City Council for works necessary to stop putting lives at risk along Eastfield Road, Croydon South.

By Mr HODGETT (Kilsyth) (364 signatures)

Tabled.

DOCUMENT

Tabled by Clerk:

Auditor-General, Office of — Report 2006–07.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 18 September 2007.

Motion agreed to.

MEMBERS STATEMENTS

Water: charges

Ms ASHER (Brighton) — I wish to draw to the house's attention yet another example of the government botching water policy. In the Victorian government's white paper on water, the government announced rising block tariffs for Melbourne, effective from October 2004. Tariffs were to be the same right across Melbourne. What has happened, though, is the government has allowed water authorities to charge different prices, meaning that people living in different suburbs pay different prices for the same water consumption.

The government knows this is ridiculous, which is one of the reasons that it has announced a review of this situation. If you live in Brighton, you pay 84 cents per kilolitre for block 1, yet if you live in Niddrie, you pay 85.64 cents. If you live in Hawthorn, you pay 99.92 cents per kilolitre for block 2, but if you live in Footscray, you pay over $1. If you live in Kew, you pay $1.47 per kilolitre for the top level of consumption, yet residents living in Mordialloc pay $1.65.

This fundamental inequity was introduced by the Labor government when it announced rising block tariffs for Melbourne, and the government has consistently allowed these suburban differentials to persist. I call on the government to introduce equity water pricing across Melbourne.

Jim Polites

Mr BATCHELOR (Minister for Community Development) — I rise to acknowledge and thank a very special teacher at Lalor North Primary School, Mr Jim Polites. Jim and Lalor North Primary School are celebrating the 30th anniversary of the Greek bilingual program at the school.

Jim Polites was born in Australia and studied teaching at Burwood teachers college. He completed a postgraduate course at Melbourne teachers college.

During his fourth year of study and upon starting his teaching career at a school in Brunswick, which at the time had a large Greek population, the idea of a bilingual program was born. Jim wanted to create a program where children learnt through language and not about language — a program aimed at children reaching high levels of fluency in two languages simultaneously.

Ken Kimber, the principal at the time of Lalor North Primary School, recognised the potential and in 1977, at the age of 28, Jim began the Greek bilingual program. Lalor North children cover all components of the curriculum, including mathematics, science and general studies, in both languages. The children are computer literate in both languages and, over the years, Jim has developed many computer program language aids. Jim also involves children in community work by visiting and performing Christmas carols at elderly citizens homes at the end of the year.

Perhaps the greatest testament to the program and Jim's strong commitment to the school is the fact that former students have now started to enrol their own children in the program. I congratulate Jim on his visionary work.

Roads: regional and rural Victoria

Mr DELAHUNTY (Lowan) — This city-centric Labor government has again been exposed by an ABS (Australian Bureau of Statistics) report. Using VicRoads data it found that the number of main roads which are classified as 'distressed' has more than doubled in country Victoria over the last four years. This is an alarming trend and must be stopped, as poor roads increase the likelihood of serious accidents.

During my trips throughout my electorate I have become aware of a number of roads which need improvement, such as the Cavendish-Dunkeld, Casterton-Dartmoor and Maroona-Glenthompson roads and the Wimmera Highway. There is also a need for a turning lane at the intersection of the Glenelg Highway and Nigretta Road. As a disproportionate number of people continue to die on our country roads, this government must deliver on the 2005 promise of a country roads strategy and action plan. We know that if you fix country roads, you save country lives.

Australian Football League: player achievements

Mr DELAHUNTY — This weekend three AFL (Australian Football League) stars will achieve some great milestones. James Hird, Kevin Sheedy and Glenn Archer have been superstars and tremendous ambassadors for Australian football.

James Hird has been Essendon's best and fairest four times and an All Australian five times, has been a member of two premiership teams and won the 1996 Brownlow Medal. Kevin Sheedy has been Essendon coach for 27 years and has won four premierships and been runner-up three times. He has qualified for the finals in 19 of 26 seasons and has a record of nearly 900 games as player or coach. Glenn Archer has been a member of two premiership teams and been an All Australian three times, and this weekend he will create a record of 307 games for the Kangaroos. He punches well above his weight, that guy!

All these men are universally respected for their enormous skills and courage and what they have done for football. They are great role models for our youth. My congratulations to the three of them.

Students: Bellarine TravelSmart program

Ms NEVILLE (Minister for Mental Health) — It was great to be at Drysdale Primary School recently to launch the TravelSmart program. This is an exciting project that the government is undertaking in partnership with the City of Greater Geelong, with government funding of $50 000. The aim of the project is to help students and their families reduce their dependency on cars and to choose healthy and environmentally friendly alternatives.

The Bellarine TravelSmart project involves nearly 2500 students. Over 200 students were at the launch, representing the six local primary schools that are participating. They are the Surfside, Our Lady Star of the Sea, Clifton Springs, Leopold, Barwon Heads and Drysdale primary schools. These schools have committed to the project. Coordinators and working groups in each of the schools will be working with students to develop individual school travel plans.

Thanks to our hosts at Drysdale Primary School, the principal, Clare Wilson, the staff and students. It was a terrific occasion. I would like to congratulate the two students who had the winning slogan and logo for the Bellarine TravelSmart program: Liam Barry from Surfside Primary School, for his logo, and Alex Hackett from Star of the Sea Primary School, for his slogan 'Bike it or hike it'. What a great effort! They are well-deserved winners. Congratulations and good luck to all the students and their families, and the staff of the six schools involved in the TravelSmart project. I would also like to acknowledge cyclist Kerry Charman,

who spoke to the students and encouraged them with her stories, ideas and enthusiasm.

Well done to all those involved. It will be a great project raising awareness of sustainable transport options.

Graffiti: penalties

Mr K. SMITH (Bass) — Today I want to do something unusual. I want to congratulate Judge Tim Wood on overturning a decision of a magistrate. He jailed a graffiti artist, or vandal, Noam Shoan, for graffitiing railway property — public property — and doing in excess of $50 000 damage. These graffiti vandals think they can do untold damage to other people's property and look at it as being art.

In congratulating Judge Tim Wood I must condemn the magistrate, Sarah Dawes, for the way in which she said a conviction may interfere with the graffiti vandal, Noam Shoan, working overseas as a graphic artist. Too bad! He should have thought about that before he picked up his spray can and started spraying. If his parents think his work is so good, maybe he could spray their house, their rooms, their cars and anything else of theirs.

These people are not artists, they are vandals, and they should be treated as such. Well done to Judge Tim Wood! There should be more judges and magistrates like him who reflect the community's will and desire to see these people treated in the way they should be treated. Stick them in jail: they cannot do the damage there.

Werribee technology precinct: recycled water project

Mr PALLAS (Minister for Roads and Ports) — I recently had the great privilege of representing the Minister for Water to turn on the taps at the launch of a $3.4 million Werribee technology precinct recycled water project. The project is an extension of the original pipeline that supplies recycled water to local vegetable growers. The new 8.7-kilometre pipeline will run from Melbourne Water's western treatment plant, and the water will irrigate gardens and sports fields, wash down animal enclosures and flush toilets. The Werribee technology precinct recycled water scheme has seen the University of Melbourne's faculty of veterinary science, Victoria University, the Hoppers Crossing pumping station, Wyndham City Council, Heathdale Christian College and Sistems Golf Park sign up to receive its services.

The recycled water project is part of the Victorian government's Our Water Our Future initiative. The project will save over 400 million litres of drinking water every year. The project is an excellent investment in infrastructure for Wyndham and will provide quality recycled water for the Werribee technology precinct and community facilities. The project has been funded by the Victorian government through the Victorian Water Trust with the aid of the Wyndham City Council and City West Water. Only with the Brumby government and community organisations working together can we provide sustainable management to protect the water needs of future generations of Victorians.

Crime: Main Street, Mornington

Mr MORRIS (Mornington) — I rise this morning to commend the federal member for Dunkley, Bruce Billson, for the work he has done in obtaining federal funding for security cameras to assist in the policing of Main Street, Mornington. The cameras have been a major deterrent against graffiti, vandalism and other antisocial behaviour and have been of great assistance to our local police, leading to at least six arrests since they were installed. Indeed the police say many offenders who initially denied acts of vandalism soon confessed after being told they had been caught on camera.

This is a practical example of cooperative federalism, dealing directly with the issues that concern Victorians and is in stark contrast to the sort of petty politics and attempted points scoring we are used to seeing from the government whenever public safety is raised in this place.

Planning: Mount Martha land

Mr MORRIS — On another matter, the member for Narre Warren South, during the debate on the Land (Revocation of Reservations) Bill yesterday, raised the issue of some land controlled by South East Water in Mount Martha and suggested I might like to take up the issue. I understand from her comments that the land is now under the control of Mornington Peninsula shire and has not been developed as she had anticipated. The member for Narre Warren South is, of course, a constituent of mine and, yes, we are quite a distance from Narre Warren South.

Let me assure the house that I am always willing to take up an issue on behalf of one of my electors, regardless of their political allegiance. I will certainly do that in this case and keep her informed of the outcomes.

Keysmen Shed: opening

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — On Thursday, 2 August, I had the pleasure of attending the official opening of the Keysborough men's shed at the Keysborough Learning Centre, with the outstanding Minister for Senior Victorians. It was terrific to see the community spirit that has been built up through the activities offered in the shed. From woodwork, gardening and maintenance projects to providing support groups and workshops for men with disabilities, the Keysmen Shed is making a significant contribution to our local community. In addition, the shed helps tackle the issue of social isolation by fostering a sense of belonging and shared purpose. Friendships have formed between people from different cultures, backgrounds, ages and interests.

I commend the volunteers at the Keysmen Shed for their fundraising efforts. I am proud that the Brumby government has provided a $75 000 grant to upgrade the facilities at the Keysborough Learning Centre, which included the construction of the shed. The land the shed was built on was generously provided by the Keysborough Resurrection parish.

I wish to acknowledge the hard work of Keysborough Learning Centre manager, Denis Minogue, as well as the contributions of Frank O'Brien, Max Holmes, Rafael Peralta, Glen Keegel, Marko Urbano, Charles Dumas, Jan Seng Lay, Kamal Ghattas, Robert Chauhan, Mansoor Mehrabkhani, Tony Luxford, Graeme Nicholson, Han Hong Nguyen, Robert Fox, John Tsaousis, Robert Beswick, Andrew Hallam, Tom Bolger, Ray Kelton, Tony Parker, Darren Griffiths, Tony Leigh, Andrew Williams and Matt McDonald. Congratulations to everyone involved in the Keysborough men's shed on this fantastic facility.

Rail: north-eastern Victoria

Mr JASPER (Murray Valley) — I wish to express my continuing concerns with the substandard passenger rail services being provided for people living in north-east Victoria and the Goulburn Valley. Apart from representations on water issues, this is the next most critical issue brought to my attention by constituents.

Whilst I acknowledge the reduced fare structure being introduced and some increase in patronage, urgent attention needs to be given to upgrading the rolling stock, improving service delivery and reviewing timetables. Passenger rail travellers from north-east Victoria and the Goulburn Valley are justifiably angry when they see the $1 billion that has been spent on the Ballarat and Bendigo lines to Melbourne with modern, state-of-the-art trains and they are left with ageing rolling stock. The transport minister has been inundated with letters from me and from my constituents providing graphic details of unacceptable experiences when utilising northern Victorian rail services.

We need action now to overcome the problems being brought to my attention, such as trains breaking down, air conditioning not working, carriages and toilets not cleaned, and having to change from buses to trains and vice versa for journeys to and from Melbourne. Added to these issues, passenger trains are often not running to timetables and there are changes to the timetables on a regular basis. I want more than just response letters from the minister. I want immediate action to upgrade these passenger rail services and provide time lines for works to be undertaken to improve the services.

Darrell Cochrane

Ms BEATTIE (Yuroke) — I rise today to pay a tribute to Darrell Cochrane, secretary of the local government union, who recently retired after 30 years working for the union. Darrell, as a union delegate, led the marathon 17-week strike at the Waverley City Council when the union successfully opposed the tendering out of jobs. He began his trade union career in 1979 as an organiser with the Municipal Employees Union, and in 1984 became the assistant secretary of that union.

In 1991 he went on to become the Municipal Employees Union state secretary, and in 1995 became the branch secretary of the Australian Services Union–MEU (private sector branch). Then in 2003 he became the branch secretary of the ASU (Victorian authorities and services branch), where he served until his retirement in July of this year. Darrell's commitment to the trade union movement, working families and the wider community was also evident in his membership of organisations such as the ASU executive, the Trades Hall executive and the local authorities superannuation division — of which he was chairman — and as director of the division superannuation fund.

I wish Darrell a long and happy retirement with his beloved wife, Cheryl, and more time to spend with his family — Craig and Supatra and their much-loved granddaughter, Jasmin. Darrell's retirement is a true loss for the trade union movement as the union movement continues its fight against the Howard government's unfair WorkChoices legislation.

School buses: Nepean Special School

Mr BURGESS (Hastings) — I wish to draw the attention of the house to the desperate need of the Wiseman family from Bittern in my electorate. The Wiseman family need government assistance with transport and medical supervision for their disabled son, Flynn. Flynn was born on 24 July 2000, one of twin boys, to Sam and Mark Wiseman. The couple also have two younger children. Flynn was born with a severe medical condition, leaving him suffering from severe and sudden seizures, aspiration and bronchial complications. Flynn is severely intellectually disabled and physically handicapped. He needs constant supervision by either trained medical staff or his parents as his seizures are life threatening and require rapid treatment.

Flynn attends the Nepean Special School in Frankston full time and by all accounts is enjoying and benefiting from the activities provided by the school. The Nepean school runs a bus service that extends as far as Somerville, but does not extend to the family's home in Bittern. The family is at present forced to drive Flynn to and from school, which is a 140-kilometre round trip each day. The Wiseman family needs assistance to have the current bus service extended to include Flynn and to have a medically trained chaperone provided on the school bus. I encourage the government to take action to ensure that families in the position of the Wisemans are able to access services more readily.

The Thin Green Line

Mr BURGESS — I wish to bring to the attention of the house the important work done by Sean Willmore in producing the documentary *The Thin Green Line*. Sean is the former head ranger at Warringine Park in Hastings and is a Balnarring resident. He recently completed his labour of love — a documentary highlighting the dangers of being a park ranger in countries around the world. More than 11 000 people in 37 countries watched the premiere last week. On behalf of the community I commend Sean on his passion for this project and on highlighting the plight of park rangers who are charged with protecting wildlife on behalf of humanity.

Elsie Taylor

Ms RICHARDSON (Northcote) — Today I wish to pay tribute to Elsie Taylor — a woman of indomitable spirit, who sadly passed away last Saturday.

Winifred Elsie Taylor was born in Peel Street, Lincoln, in the United Kingdom, on 23 July 1914, on the eve of World War I. At 18 years of age Elsie moved to Scotland, where she met her soul mate, Jackie Taylor. Jackie was immediately struck by this English rose and bet the town lads that he would be the first one to date her. He won the bet and they married when Elsie was 24. In 1938 they built a house in Percy Road, Renfrew, Scotland. In 1941 Elsie gave birth to John and in 1943 her daughter Joan was born, followed by Marion in 1945.

Elsie was a very generous and compassionate person. When the shipping town of Clydebank was heavily bombed during the Second World War, leaving just 12 homes unscathed, she opened her home and gave comfort and support to people she considered less fortunate than herself. In 1976 Elsie emigrated to Australia, living in Blackburn. Elsie quickly grew to love Australia and not once did she think of leaving her adopted home. Dedicated to her family and always up for a chat or a game of cards, Elsie loved to have visitors to her home, where she would entertain them with stories and spoil them with an assortment of biscuits and freshly brewed tea.

Elsie's greatest legacy was her three children and seven grandchildren, who valued her gentle guidance and loving disposition. Elsie's life was remarkable in so many ways, having survived two world wars and the Great Depression. Despite these hardships, she remained joyous, generous and loving to her family and all around her. Humour surrounded Elsie, and she set an example for us all. She will never be forgotten. When I think of Elsie I will always think of the great Scottish ballad *O Flower of Scotland, When Will We See Your Ilk Again?*. When indeed.

Metropolitan Traffic Education Centre

Mr HODGETT (Kilsyth) — The Metropolitan Traffic Education Centre, known as METEC, is a driver training centre located in Bayswater North. It is a longstanding business which has a close working relationship with a number of appropriate bodies including Victoria Police, the community road safety councils, government departments and insurance companies. METEC provides training and education programs designed to improve the road user skills and behaviour of those who participate. The ultimate aim of this training is to enhance road safety and to promote a responsible approach to road use.

I would like to congratulate METEC on a recent special event, at which a new program was launched. This program is aimed at providing more than 70 indigenous and refugee students each year the opportunity to benefit from a new driver training program. METEC

will work collaboratively with Victoria Police, Shell, Worawa Aboriginal College and Blackburn English Language School to help train students from all around Melbourne, including from Footscray, Dandenong, Whitehorse, Blackburn and Maroondah.

It was disappointing to note, however, that at the launch of this program on Tuesday, 7 August, where more than 40 representatives from Victoria Police, councillors, teachers, Shell Australia staff, bankers and community groups were present, not one representative from VicRoads was in attendance. What a disgrace that such an important road safety initiative was not attractive enough for even one of the five invitees from VicRoads. It is a pity that the Minister for Roads and Ports and the government department do not support such a worthwhile, safety-conscious initiative.

Housing: homelessness

Mr HODGETT — The second matter I raise is to remind the house that over 20 000 Victorians have been identified as homeless, with many sleeping rough in short-term accommodation, emergency hostels and shelters, or living temporarily on the floors and couches of friends. I urge the state government to invest in programs to assist the more than 20 000 Victorians who are identified as homeless.

Planning: Croydon Golf Club

Mr HODGETT — Finally, I note that the Minister for Planning has received over 1000 letters from my constituents regarding the Croydon — —

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

St Oswald's Anglican Church, Glen Iris: 50th anniversary

Mr STENSHOLT (Burwood) — Today I would like to acknowledge 50 years of worship at St Oswald's Anglican Church in Glen Iris. This achievement was celebrated at the church on 5 August this year with a special service and lunch. The parish of St Oswald's was founded in 1925. Services were held in the Glen Iris State School until the church hall was dedicated in 1927. The then Archbishop of Melbourne, the Most Reverend J. J. Booth, opened the church in August 1957. Fifty years later the Most Reverend Dr Philip Freier, Archbishop of Melbourne, was celebrant and preacher at the special commemorative service for the half-century milestone.

Of special note was the dedication of a commemorative reconciliation stone out the front of the church in High Street, Glen Iris. Doreen Garvey represented the Wurundjeri people at the dedication and performed the welcome ceremony. The driving force behind the rock recognising the traditional owners was churchwarden Dr Gordon Ennis. I congratulate him on behalf of the community of Glen Iris. I also thank the vicar, the Reverend Ken Hewlett, and the other churchwardens, Dick Carter and Dick Adams, for their gracious hospitality on the day. Special thanks go to Caroline Chatworthy and her team for the wonderful catering.

Finally, I congratulate the whole parish, which on the day made a significant donation to Nungalinya College in Darwin, which plays a special role in the education of indigenous Australians. That donation was actually provided to Dr Linda Kurti from the Anglican Board of Mission. I congratulate the St Oswald's parish on its 50-year milestone.

Crime: Narracan electorate

Mr BLACKWOOD (Narracan) — The people of Narracan are sick and tired of the Brumby government refusing to acknowledge that crime is on the increase. Worse still is the government line that is continually being parroted by members opposite, that this government has increased police numbers and that crime is on the decline. The Baw Baw shire covers 80 per cent of the Narracan electorate. Let me quote some examples of the increases in crime in 2005–06 compared to the previous year, taken from Victoria Police statistics: sexual assault is up by 44.7 per cent; robbery is up by 25 per cent; assault is up by 20.1 per cent; arson is up by 22.7 per cent; and aggravated burglary up by 40 per cent.

The Premier's concern for rural communities, trotted out all over the media upon his elevation to the most senior position in Victorian politics, is an absolute farce. As usual it has proved once again to be nothing more than hollow rhetoric. This upward trend in crime is a direct reflection of the lack of a police presence and availability in the Narracan communities of Neerim South, Trafalgar and Drouin. These communities have police stations that are manned for only 16 hours per day. Outside these hours police from Warragul are expected to protect these communities.

It is time the Brumby government faced up to its responsibility and to the reality of the current situation. It is time to stop misrepresenting the facts and take real action to improve the safety of our rural communities.

Lara electorate: government initiatives

Mr EREN (Lara) — The Brumby government is delivering for the people of the Lara electorate. In the past few weeks we have seen a number of announcements that I would like to mention that will improve the lives of the people in my electorate. Firstly, we have had the announcements that BMD Constructions has been awarded a contract to build a new parkway facility at Lara train station. This is a well-used station and thoroughly deserves the upgrade. Parkways are designed to relieve congestion by making it easier for travellers to park their cars and connect with public transport services. The Lara parkway will feature upgraded and extra car parking, a covered walkway, improved lighting and new roadside signage.

With record numbers of people using V/Line services it is important that our transport interchanges are up to scratch. Last September we boosted the number of trains stopping at Lara. This year we have slashed V/Line fares, and the improvements to the car park will complete the trifecta. Parkways will provide terrific parking facilities and passenger amenities for the benefit of regional travellers.

Also in the township of Lara is the grain company Riordan Group, which has invested $1.6 million to upgrade its facilities and create 15 new jobs in the region with the help of a $30 000 Brumby government grant. The grant money comes from the government's community regional industries skills program initiative through Regional Development Victoria. The Riordan Group was established in 1996 and is a grain servicing company located at Lara and Balliang.

Last but not least, Corio Primary School in the heart of my electorate has received $5 000 from the government — —

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

Peter Ross-Edwards Causeway: upgrade

Mrs POWELL (Shepparton) — I have been lobbying for the upgrade of the Peter Ross-Edwards Causeway, a major road between Shepparton and Mooroopna, since 2001, and I presented a petition to Parliament with 6500 signatures calling for the upgrade. The causeway was unsafe and did not even meet VicRoads' own safety standards. Some $6.3 million was finally allocated in the 2004 state budget. During the upgrade, the cost of which blew out to $10 million, barriers were erected to restrict traffic to single lanes each way and speed limits were reduced from 80 kilometres per hour to 60 kilometres per hour. I have been calling for lighting along the complete length of the causeway for years, but sadly this issue was not addressed during the upgrade. I again call on the government to fund this lighting.

The road was reopened to traffic and barriers were removed on Sunday, 12 August. The next day people were calling my office to complain that the old line markings were still clearly visible. One motorist told my office that the driver in the car in front of her actually followed the old markings, which meant the car was driving on the wrong side of the road. My office contacted VicRoads and was advised that a final seal would be applied over the length of the causeway when it is warmer — probably by October — that this would cover the old lines and that new lines would then be marked.

On 13 August the mayor and representatives of the City of Greater Shepparton, a Labor member for Northern Victoria Region in the other place, Kaye Darveniza, and Bruce Sweet from VicRoads, attended what I understand was the opening of the causeway. While I welcome the upgrade completion, it is a sad reflection on this government that it did not have the courtesy to invite the local members and that the road was opened before it was safe for it to be used.

On Luck Chinese Nursing Home

Ms MORAND (Minister for Children and Early Childhood Development) — On Saturday night I was delighted to attend and speak at the first year anniversary of the On Luck Chinese Nursing Home in Donvale. On Luck Chinese Nursing Home is a non-profit, high-care facility with 60 places catering for elderly Victorians of Chinese background. Residents are cared for by staff speaking their language, and they are able to enjoy the taste of familiar food.

I would like to congratulate the many people who have been involved in setting up this nursing home and congratulate them for their vision and perseverance in delivering this important community project. In particular I acknowledge Mr Fred Chuah, president of the Chinese Community Social Services Centre and chairman of the On Luck Chinese Nursing Home committee of management, David Yong, the vice-president of the centre, and Kim Au, the chief executive officer of the Chinese Community Social Services Centre.

The story of On Luck began in 2000 when Fred Chuah, president of the Chinese Community Social Services Centre, strongly advocated the Chinese Victorian

community's need for a culturally appropriate nursing home. With the support of the board of management, staff and volunteers of the Chinese Community Social Services Centre, the On Luck project was initiated. I became aware of the project around the time when the site was purchased and the fundraising and planning process was under way. I was happy to support it in any way I could, and the member for Burwood was also greatly interested in supporting the project.

Once again I would like to congratulate everybody who has been involved in this important project and all those supporters who are involved in promoting Chinese community issues and supporting Chinese Australians from diverse backgrounds.

Crime: assaults

Mr McINTOSH (Kew) — Victoria is confronting a human tragedy that stems from a massive increase in alcohol-fuelled assaults committed by complete strangers. Since 1999 assaults in Victoria have increased by 45 per cent. In the same period assaults with a weapon have gone up by 49 per cent and assaults by a total stranger have almost doubled. Assaults in Victoria are now rising almost three times faster than they did in the 1990s. This catastrophe goes beyond mere statistics and has a human face. Alan Eade, a Metropolitan Ambulance Service supervisor, has said:

> Not many weeks go past when you don't hear about some David Hookes-like incident. It's terrible.

Sharon Strugnell, chief executive officer of BrainLink, which supports people with acquired brain injuries, has said:

> We have a number of clients at the moment who are there because of an assault, and they are in a catastrophic situation.

One of the major hospitals, the Alfred, has treated over 700 victims who have been assaulted in a public place since July last year. In the last 18 months five Victorians have died and dozens more have suffered severe brain damage and other injuries as a result of violent alcohol-fuelled assaults. You cannot stop this human tragedy by merely putting out a press release or indeed even increasing penalties. The government has a responsibility to enforce the law in every location around this state that has a crime hot spot. It requires a properly resourced police force.

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

Sport: Our Club Our Future program

Ms MARSHALL (Forest Hill) — Upon reflection, 24 July was a very special day. Not only were many sporting groups in the electorate of Forest Hill given the news that they had been successful in their application for grants of up to $1000 for sports uniforms provided by former Premier Steve Bracks, it was to be one of the final events that the former Premier attended prior to his resignation. The grants were made available through the Bracks government's Our Club Our Future program, which was specifically designed to benefit disadvantaged clubs and to encourage greater participation in sports across the country.

Many of the kids who attended the announcement were thrilled at the thought of looking like a highly professional sports team — some for the first time — but it was the conversations with the parents that revealed the true impact of grants such as these. With financial pressures on families greater than ever, every parent spoke of their relief in knowing that their child would be wearing a uniform that they may have had difficulty in providing otherwise. With growing levels of obesity, the Brumby government continues to provide support to Victorian families by reducing some of the financial hurdles that families face with initiatives such as these.

Highvale Primary School: achievements

Ms MARSHALL — I attended the Highvale Primary School assembly on 23 July to present grade 4 students with awards recognising some fantastic achievements. I presented certificates of high distinction in mathematics to Michael, Madeleine, Scott and Kanila. I congratulate the principal, Effie Mihalos, and staff at Highvale for their support and encouragement not only of these exceptional students but of every student under their guidance. I give a special mention to the ever-exuberant, energetic and hardworking Tricia Archer, who inspires everyone with her enthusiasm. Well done.

Golden Way–Bulleen Road, Bulleen: traffic lights

Mr KOTSIRAS (Bulleen) — I stand to condemn this lazy, incompetent Labor government for ignoring the needs of residents in Manningham. I have raised this issue on many occasions, but unfortunately the roads minister has ignored it. I have called on this government to install traffic lights at the corner of Golden Way and Bulleen Road. It is a very dangerous T-intersection — very dangerous! — and it will not be long before someone gets hurt. Unfortunately this

government refuses to listen to the needs of the people of Manningham, and it is not the first time it has done so. It has ignored the area, it has ignored the electorate, and it seems to appear only when it is election time. I call upon this government to do something now.

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

Mr Robinson — On a point of order, Speaker, I just wanted to seek your clarification of earlier Speakers' rulings insofar as imputations against the judiciary are permitted. This is in relation to comments that were made in the contribution of the member for Bass earlier this morning. I refer to *Rulings from the Chair — 1920–2004*, which states in relation to previous Speakers' rulings:

> A member having made a general statement concerning the severity of sentences imposed in the courts, the Speaker held that there was no objection to a general statement of that kind, but he must not reflect upon our present judges; if the member has a charge to make against them he should follow the procedures laid down.

That relates to rulings by former Speaker Mackey and Deputy Speaker McGrath, although the most recent commentary by Deputy Speaker McGrath was made some 10 years ago.

I heard only at a distance the comments being made by the member for Bass, but it did seem to me that he was straying into that space — that difficult interface — between what we are permitted to say here and what we should not say. I would request that you examine the comments of the member for Bass to ascertain whether they do comply with previous Speakers' rulings and the proper practice of this place, specifically with regard to the comments the member has made but also as a matter of assisting other members, possibly through an update of this ruling, as to what procedures we ought observe when commenting on these matters.

Mr McIntosh — On the point of order, Speaker, I was certainly in the house at the time the member for Bass was making his comments. I think the member for Bass, in all fairness, was reflecting a general public concern in relation to sentencing of those people convicted of graffiti, and far from making derogatory remarks about any particular member of the judiciary, he was indeed being congratulatory about a recent outcome reported in today's newspapers. Accordingly it seems that far from making derogatory remarks about any particular member of the judiciary, he was being congratulatory to that member of the judiciary.

The SPEAKER — Order! I will need to review the *Hansard* record of the contribution of the member for Bass. He certainly did begin his contribution with congratulations to the judge who has given the custodial sentence. There were remarks made generally about the sentence, but I believe there were also remarks made about the previous ruling, and I will need to see what those exact words were. I am quite happy to do that.

Obviously under standing order 118 imputations and personal reflections on the sovereign, the Governor, a judicial officer or members of the Assembly or Council are disorderly. The Minister for Gaming was right in quoting previous rulings, but I will need to actually listen to the recording to make a decision on this matter.

GENE TECHNOLOGY AMENDMENT BILL

Second reading

Debate resumed from 19 July; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Mrs SHARDEY (Caulfield) — It is with pleasure that I rise to speak on the Gene Technology Amendment Bill 2007. The purpose of the bill is to improve the operation of the regulatory scheme for gene technology by making nationally agreed amendments to the legislative framework of the scheme set out in the Gene Technology Act 2001.

The background to this legislation is that an intergovernmental gene technology agreement was established in 2001. Under this agreement all states and territories have committed to maintaining corresponding legislation. Victoria introduced the Gene Technology Act in 2001. This act is the Victorian government's component of the nationally consistent regulatory scheme for gene technology. It aims very much to protect the health and safety of people and the environment by identifying risks posed by gene technology and then managing those risks by regulating certain dealings with genetically modified organisms, known as GMOs.

In 2005–06 a statutory review of the commonwealth Gene Technology Act 2000 was undertaken and some recommendations were made to improve the operation of the legislation. In October 2006 the Gene Technology Ministerial Council comprising state, territory and Australian government ministers agreed to implement the recommendations of the review. Some people have questioned why this is the purview of the Minister for Health in Victoria. In some states responsibility for this issue lies with the agriculture minister. It should be noted that at a federal level this

issue and the Office of the Gene Technology Regulator lies within the Department of Health and Ageing.

This particular bill amends the Victorian Gene Technology Act 2001 so that we can remain consistent with the commonwealth Gene Technology Amendment Bill 2007 and preserve the consistency of the national regulatory scheme for gene technology. The changes to the commonwealth act became effective in July 2007.

I will speak briefly, because this issue is not my area of expertise. I had the opportunity to find out a little more about what biotechnology and gene technology are. The website of the Office of the Gene Technology Regulator is full of interesting information. I learnt that:

> Biotechnology is a broad term that covers the practical use of biological systems to produce goods and services. It encompasses the transformation of materials by micro-organisms (e.g., fermentation), methods of propagation, such as plant cloning or grafting, and may involve genetic alteration through methods such as selective breeding.

I will not go into any further details about that, but the question is: how is gene technology used? There are a number of areas where gene technology is used. The information made this issue more meaningful to me:

> research, e.g., basic research in biology and medicine with micro-organisms and transgenic animals;
>
> agriculture, e.g., genetic modification of crops to incorporate resistance to pests and diseases, herbicide tolerance, slow the ripening of fruit or alter the timing and duration of flower production …

I have seen this in other countries such as Israel. It is obviously an area of concern that people talk about a lot in Victoria. The website then says:

> therapeutic goods, e.g., modification of micro-organisms to produce therapeutic products such as insulin and vaccines —

some of the legislation is about that sort of thing —

> in medicine for the diagnosis and treatment of disease;
>
> industrial uses, e.g., production of enzymes for use in food processing and paper pulp production and biological leaching of minerals; and
>
> bio-remediation, e.g., use of micro-organisms to decompose toxic substances and clean-up industrial sites or environmental accidents.

Gene technology is a huge area. It is one that goes far beyond anything I had initially thought; therefore I found it very interesting.

I will just briefly mention the key components of the federal legislation and say what they cover before I detail the provisions of this legislation. The federal legislation provisions cover the following. They provide for the legislation to form part of a national legislative scheme, which I have referred to, and are complemented by corresponding legislation in each jurisdiction; establish the gene technology regulator as an independent statutory office-holder with responsibility for implementing the legislation; establish — these have been established, but this is about to change — three advisory committees, the Gene Technology Technical Advisory Committee, the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee, which respectively provide scientific, ethical and policy advice to the regulator and/or the ministerial council in relation to GMOs; prohibit persons from dealing with GMOs unless the dealing is exempt, a notifiable low-risk dealing, licensed or on the register of GMOs; provide for the certification of facilities to certain containment levels and the accreditation of organisations assessed by the regulator to have a properly constituted and maintained institutional bio-safety committee; establish a publicly available database of all approvals of GMOs and GM (genetically modified) products in Australia — I think that register is very important, and it is something that is often talked about; and finally, establish comprehensive auditing, monitoring, inspection and enforcement powers that can be adapted to individual circumstances on a case-by-case basis. That is the structure of the federal legislation, and state legislation has in the past been introduced to reflect that.

I will now move on to the main provisions of this bill. I am sure my colleague from The Nationals will go into some detail about exempt dealings, notifiable risks and all of those sorts of things, because he knows more of the details of those things than I do. I will go through each of the main changes in this bill, which obviously mirror the federal legislation. Firstly, I will deal with the emergency-dealing determinations (EDDs), which are covered by clauses 5 to 24.

The commonwealth act allows the responsible commonwealth minister to make an emergency-dealing determination in response to an emergency. This would allow an identified genetically modified organism (GMO) to be used quickly in response to an emergency without going through the lengthy licensing application process. The commonwealth minister is of course required to take scientific advice before making an emergency-dealing determination, and this advice must state that there is an emergency, that an identified GMO can help and that the GMO can appropriately be managed. States and territories must also have been consulted about the proposed emergency-dealing determination. This bill allows the responsible

Victorian minister to make a corresponding emergency-dealing determination when one is made by the commonwealth minister.

Some examples of where it may be appropriate to use these powers are where there is a threat of disease, where there is a threat from an animal or plant such as a pest or alien invasive species, or where there is a threat from industrial spillage. It may be necessary, for example, to utilise a genetically modified vaccine for human or veterinary use. The issue from my perspective as the shadow Minister for Health relates, for instance, to the treatment of avian flu, should that come to Australia. I am not sure whether a GMO would be used in that instance, but that is certainly something that we have talked about.

The bill gives examples of conditions that may be imposed upon on an emergency-dealing determination, and these include conditions relating to the quantity of the GMO, the scope of dealings, the source of the GMO, the person who may deal with the GMO, information required to be given to persons permitted to deal with the GMO, additional information to be provided to the regulator, and the storage and security of the GMO.

The second key area of change is covered in clauses 25 to 30 and relates to the Gene Technology Ethics and Community Consultative Committee that I mentioned previously. This bill proposes amalgamating the two relevant committees — that is, the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee — to reduce what was referred to as overlap. The new committee will be called the Gene Technology Ethics and Community Consultative Committee. This committee will carry the combined functions of both former committees as well as providing advice on risk communication and community consultation in relation to intentional release licence applications. I will make some comments later about my consultation with the Victorian Farmers Federation (VFF) on some of these issues.

The third major area in this bill relates to the assessment of applications, and this is covered in clauses 31 to 35 in part 4, which is headed ‘Assessment of applications: limited and controlled release and consultation on significant risk’. This section contains two types of amendments. The first type of amendment alters the order of events of an initial licence application. Under these amendments the regulator is no longer required to consider whether an application poses a significant risk to the health and safety of people or the environment before developing a risk assessment and risk management plan (RARMP). These amendments, therefore, aim to improve the process by which licences are initially considered by giving the regulator more time to consider whether the dealings pose a significant risk.

The second type of amendment introduces a new category of licence, to be known as limited and controlled release applications. Thus it distinguishes between licences for a limited and controlled release, such as experimental field trials, and licences for intentional release — for example, applicants wishing to produce a GM for commercial release. A limited and controlled release application may be granted if the regulator is satisfied in relation to three areas. These are: firstly, that the principal purpose of the licence sought is to enable experiments; secondly, that the release of the GM under the licence would be limited and controls would be in place to limit the dissemination of the organism; and thirdly, that it is appropriate that section 50(3) of the act not apply to the licence.

That is the section requiring the regulator to seek advice from the states, the Gene Technology Technical Advisory Committee, prescribed agencies, the environment minister or the local councils on the preparation of the RARMP. Licences for intentional release would need to undergo a more rigorous risk assessment process than licences for a limited and controlled release. A lot of that sounds very technical, but a lot of it is very technical.

The fourth area amended by the bill covers provisions relating to variation, and these are dealt with in clauses 36 and 37. This amendment is to allow licence variations and to improve the clarity of the act. Under this amendment the regulator has the power to vary a licence either unilaterally or after receiving an application from a licence-holder. The regulator must not vary a licence that was for a limited and controlled release unless the varied licence is also for a limited and controlled release.

The fifth area amended by this bill relates to the regulator’s power to direct, and this is covered by clauses 38 and 39. This amendment aims to reduce ambiguity in the act by clarifying that the regulator may direct a licence-holder or a person covered by a licence to comply with the act or regulations.

The sixth area subject to amendment relates to clauses 40 to 46 and the issue of inadvertent dealings — and this is an area the Victorian Farmers Federation has something to say about. It will allow the regulator to grant a temporary permit to a person who

finds himself or herself inadvertently dealing with an unlicensed genetically modified organism. That person will be able to dispose of the GMO in a manner which protects the health and safety of people and the environment.

An example of a situation in which this amendment may apply is where a licence has been issued for a GMO to be used in certain restricted areas, and remnants of that GMO become, say, lodged during the transporting or handling of equipment. The GMO crop may be mixed with non-genetically modified seeds — and this is something the VFF is concerned about. Thus a farmer could purchase what he or she believes to be non-genetically modified seeds but subsequently discover GMOs that are mixed in with those seeds and are therefore affecting the crop. Under this amendment the farmer could apply to the regulator for a licence to dispose of that GMO, and the regulator may grant it without having to go through other processes. Clauses 47 to 59 contain technical amendments to improve the operation of the act.

I turn to our consultation with the Victorian Farmers Federation. The VFF said in a letter that it supported this amending bill but wanted to raise some points in relation to the implementation of recommendations of the original review through this legislation. In relation to the issue of emergency-dealing determinations, the letter says:

> The VFF recognises the importance of providing provisions for the minister … to expedite the approval of a GMO in an emergency but emphasises that in all cases the same due diligence which other GMOs and conventional organisms are subjected to must be applied.

I would seek some clarification as to whether that will occur. In relation to the creation of the Gene Technology Ethics and Community Consultative Committee, through combining the current two committees, the VFF had this to say:

> The new committee can overcome the current impasse of minor interest groups opposing any form of GM by selecting committee members who are forward looking and take each application based on its scientific merits. Committee members must be completely impartial and review each application on a case-by-case basis.

That expressed the VFF's concern. In relation to inadvertent dealings, as I mentioned, the VFF strongly supports the relevant recommendation and believe its implementation will strengthen certainty in relation to dealing with such occurrences in the future. The VFF was very pleased to see the related amendment, and says in its letter:

> The VFF strongly supports any new crop, variety or alternative that passes the stringent regulatory process, is commercially proven and offers the farmer greater choice, especially whilst diminishing agriculture's environmental footprint.

There has been a lot of discussion on this issue, and the VFF has made its position very clear.

I will make a couple of comments about the Victorian situation and the debate that is going on. The issue of GMOs most recently has been associated with states and territories having the right to designate zones for GM or non-GM crops. With the recognition of relevant states' rights in 2003, all canola-growing states and territories in Australia imposed bans on the commercial production of GM canola. Victoria went further and imposed bans even on trials of GM canola, though trials have continued in some other states. There are those who have been critical of this stance taken by the Victorian government, fearing that Victorian canola growers are not being allowed to take advantage of the GM herbicide-tolerant canola varieties and are therefore being disadvantaged when competing internationally.

I am not in a position to say what I think ought to happen. This is not my area of expertise. I will leave it to those whose area of expertise it is.

Mr Andrews interjected.

Mrs SHARDEY — I think so!

I found some other things interesting in terms of this whole debate — for instance, the labelling issue. In December 2001 Australia adopted new labelling bans for foods produced using gene technology. This was to ensure that all GM crops, animals and micro-organisms were assessed and approved by Food Standards Australia New Zealand as safe before they could be used for food or food processing. Food or ingredients labelled 'genetically modified' either contain new genetic material or protein that is the result of genetic modification. I was interested to learn that oil from canola would not be labelled, as refined oils contain no genetic material — that is, DNA — and are therefore the same as oils from non-GM canola crops. Milk produced by dairy cows also contains no genetic material when the cows have been fed GM grains. I did not know that, and I found it quite interesting.

Food products from six GM commodities are already in Australian supermarkets. They are soya bean, canola, corn, potato, sugar beet and cotton. Of these, only GM cotton is grown domestically in Australia. Genetically modified cotton was apparently first planted in Australia around 1996 and is grown on 90 per cent of

cotton farms. Oil derived from cotton seeds makes up approximately one-third of vegetable oil being consumed in Australia. So we are in fact using these GM products. Apparently, before GM cotton was grown in Australia, farmers sprayed their crops with chemicals every 14 days. Cotton crops are now only sprayed once, prior to harvesting, meaning crop spraying has been reduced by 80 per cent, which of course greatly reduces threats to the environment and to food safety. As I understand it, Victoria is currently trialling the growing of genetically modified wheat in the Mallee region. I am sure my colleague from The Nationals will have a lot more to say about that.

With those few words on this very interesting topic I reiterate that this is legislation mirroring the commonwealth legislation. The Liberal Party supports this legislation and wishes it a speedy passage.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on this very important bill, the Gene Technology Amendment Bill 2007. The Nationals have been strong supporters of gene technology for a long time, because there are enormous agricultural benefits, health benefits and, more importantly, environmental benefits.

The Nationals welcomed and supported the 2001 legislation, which we are amending today. It was template legislation that mirrored the commonwealth legislation, and that template legislation was also brought in by other states and territories. We noted with a lot of interest who the speakers from the Labor Party were back in those days. There must have been great machinations in the party room, particularly from the lefties, who have been very anti-biotechnology and also anti-GMOs (genetically modified organisms) since their inception.

It was great to see that the Labor Party brought it in; and as I said, it has been strongly supported by The Nationals, right from day one.

Mr Andrews interjected.

Mr DELAHUNTY — It is good to see the Minister for Health here, because he is a country boy — he comes from Wangaratta — and he knows the benefits for country communities. It is great to see him being the lead minister and also having a seat on the ministerial council on this topic. I hope he carries the weight of all Victorians, not only those living in Melbourne, because Victoria is much bigger than Melbourne, as he well knows.

As we know, the commonwealth act, which was the genesis of the bill we are debating today, was set up to create a regulatory approach to control the research, development and the manufacture of GMOs. It established a ministerial council, which is made up of all health ministers right across Australia, to look at policy principles and importantly to look at codes of practice. It not only empowered a regulator to do the work of directing licence-holders but also provided comprehensive powers of inspection to the regulator to enable him or her to do his or her work — and at this stage it is 'her work', as the regulator is a lady.

The Nationals welcomed the 2001 act, and today we will give our strong support to these amendments. The reason we do that is that the bill is here to improve the operations of the regulatory scheme for gene technology by making nationally agreed amendments to the legislative framework, and we agree with that. We know that back in 2005–06 the Gene Technology Act underwent a statutory review. The review panel reported that the framework was working very well but that there needed to be some changes to consolidate the efficiency of the operations of the act. There are other acts that have greater powers than this act, which therefore limits its ability to operate in an efficient manner.

The Gene Technology Ministerial Council agreed in October 2006 — that was before this minister; no doubt Minister Pike would have been sitting on it — that there be a whole-of-government response, with similar legislation introduced across Australia. We are pleased to see that it has not taken too long to bring this into Parliament, and as I said, we will support it.

There are many provisions that are being brought in with this legislation. It enables the responsible minister to make emergency-dealing determinations, it improves the mechanisms for providing advice, it streamlines the process for the initial consideration of licences, and it reduces the regulatory burden for low-risk dealings. It also clarifies the circumstances in which licence variations can be made and in which the regulator can direct a person to comply with the act. The three key ones, and the member for Caulfield has spoken about them, are the emergency-dealing determinations, the division of GMO releases into two categories, and the amalgamation of two advisory committees — the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee.

That will now be called the Gene Technology Ethics and Community Consultative Committee, which will advise the ministerial council and the gene technology regulator on a number of issues. I will not have time to talk about the current review — —

Mrs Shardey interjected.

Mr DELAHUNTY — And we have more to come, including my colleagues the members for Swan Hill, Rodney and Mildura. They all have broadacre farming in their areas, and no doubt they will have a lot more to say on the need for this moratorium to be lifted.

We do not have a state election coming up in the near future, so that will not be the concern that the government had last time, because I think it was then more concerned about the election than it was about good biotechnology that drove the decision to have a moratorium.

Mrs Shardey interjected.

Mr DELAHUNTY — The member for Caulfield said it was politically driven, not science driven. It is interesting that the now Premier, who has promoted biotechnology in Victoria, was not strongly supporting the continuation of biotechnology in Victoria and put that moratorium on canola trials at that stage.

Australia, and Victoria for that matter, has always had good research into biotechnology. It is not the same around the world. Many countries envy the way we have debated and set things up here in Australia, particularly in Victoria. Before 2000 in Australia gene technology was managed by the Genetic Manipulation Advisory Committee. Up until 2000 there were over 5000 proposals for small-scale work, there were 40 large-scale work proposals put forward and over 200 proposals for field trials, mostly into cotton at that stage. It is interesting to note that the commercial companies ran 44 per cent of the field trials. CSIRO, that highly regarded authority, ran 37 per cent of the trials. Universities right across Australia ran 11 per cent, and 8 per cent were run by state government agencies. Members can see that a broad cross-section of the community was involved in biotechnology at that stage.

Biotechnology has been around for a long time. Back in 1978 it was used to produce human insulin to replace insulin from cattle and pigs; also, genetically modified interferon and manufactured hepatitis B vaccine were medical products that were helping our community at that stage. Biotechnology is used in food processing. Genetically modified bacterium, which is structurally the same as renin, is used to clot milk and provide cheese. I noticed in the dining room last night that an enormous amount of cheese was being consumed. It is a great product that we all consume in Australia. It is one of the products we export a lot, so it is an export industry supported by biotechnology.

There has been no debate on these issues. There has been great support from everyone in Victoria. This bill continues the scheme, but is also there to protect the health and safety of the people and, importantly, the environment. It identifies and manages the risks by regulating certain dealings with GMOs. The Nationals in particular have been strongly supportive of that.

As I said, there are many benefits in the field of health. GMOs are used in diagnostic research. Biopharmaceuticals are used with enzymes, monoclonal antibiotics, hormones, blood coagulation factors and hepatitis B vaccines, so there have been enormous benefits with biotechnology in health. Also scientists are involved in cutting-edge research which is improving the lives of millions of people right around the world. They are curing and preventing a lot of diseases. There is much more work to be done, so there are enormous benefits with biotechnology, particularly in health.

There are also enormous benefits for agriculture, and there are enormous benefits to be had from productivity gains. Therefore, the consumers' costs should be lowered. We have to try to improve the savings on input costs for farmers.

When I was working in his department a former agriculture minister, the Honourable Bill McGrath, was a great one for saying that the department should be doing anything it could to help farmers save or make a dollar. Biotechnology or GMOs gives farmers that opportunity. We are also seeing great savings in input costs — whether it be pesticides or chemicals. There are also great benefits for agriculture in the use of degraded land, particularly salt-affected land, and we see a lot of that happening. I know there is a fair bit of salt-affected land in the electorate of the member for Rodney, who is in the chamber, and in my electorate.

Mr Weller — It's getting less.

Mr DELAHUNTY — It is getting less, because we have good farmers who are dealing with this from an environmental point of view and also from a production point of view.

The use of GMOs reduces the use of chemicals and pesticides, but it also gives us the opportunity, from an environmental point of view, of reclaiming polluted or salt-affected land, so there are enormous environmental benefits. There is also the production of biodegradable plastics. We have seen that happen across Australia, and it is a great boost for the environment we live in. The development of biodiesels is another benefit not only for consumers but importantly for the

environment. Biomediation, where bacteria is used to clean up land, has enormous benefits for the environment.

The member for Caulfield spoke about the gene technology regulator, who has a great website. I looked at the website for the number of applications; I have one page from the website that contains 100 applications. The last page I found lists the latest applications to the gene technology regulator. There are numerous ones here, but I want to go through some of them. They are from the Queensland Department of Primary Industries; from the Peter MacCallum Cancer Centre, looking at the effect of DNA vaccination on mice; and from the University of Melbourne, looking at the virulence genes for avian flu — and that is a major concern for all Victorians and everyone in this part of world.

Also listed is another application from the University of Melbourne, dealing with novel approaches to vaccinations against bacterial diseases. Also Biotron Limited, a private company, is looking at a drug screen for anti-viral compounds. So the house can see there is an enormous amount of work going on with GMOs, in biotechnology, not only from private operators but importantly government and large research institutes.

It was also interesting to look at the media releases put out by the gene technology regulator. One on 2 April this year is headed 'First genetically modified plant on Australian GMO register'. It says, in part:

> After 11 years of commercial production and distribution in Australia, four carnations have become the first genetically modified organisms (GMOs) to be placed on the Australian GMO register.

It is interesting looking at GMOs used for carnations. I go back to the media release of 14 July 2005, which is headed 'Genetically modified canola detected in Victoria safe as conventional canola'. It says, in part:

> The Australian government gene technology regulator, Dr Sue Meek, today issued an assurance that canola found in Victoria to contain genetic material that could only have been introduced using gene technology is as safe as conventional canola for both people and the environment.

For the benefit of all those lefties who jump up and down and scream about unsafe canola, I remind them that the regulator has looked at the situation — and not only that, she has also been getting advice from great scientists in Australia about it. Also, the advisory committee has come up with a determination that GM canola is as safe as normal canola. So again the benefits are enormous, not only to the health and welfare of our community but also to the environment and for agricultural production figures.

I represent a large area of western Victoria covering a large area of prime agricultural land. That is enriched by the Glenelg, Wannon and Wimmera rivers, but the environment is fragile. We have concerns about water, and about weeds and pest control. Economic employment activity shows a strong reliance on the agricultural sector, so gene technology — particularly GMOs — offers a great opportunity not only for western Victorians but also for the rest of Victoria in general. This legislation covers many things, and I want to speak about a couple. I could sum up by saying that it follows the commonwealth Gene Technology Act. This bill has three major changes, one of which introduces two categories of GMOs.

Before this change there was only one class of licence, and licence decisions had to be made within 170 days. After this amendment there will be two classes dealing with limited and controlled releases, and commercial and unrestricted releases. The limited and controlled releases are limited in scale, duration and place, with controls to limit the dissemination and persistence of GMOs in the environment. They are there for the purpose of scientific data collection and analysis. The commercial and unrestricted releases are not for scientific purposes and are therefore not restricted. Greater time and resources will be allocated for the assessment of these releases. The regulator will now have a period of 255 days, with a consultation process of 30 to 50 days. That will provide greater security not only for the health and wellbeing of people but also for the environment and addresses the concerns raised within the community.

The other major amendment deals with emergency determinations. I thank the departmental people for the briefing they gave The Nationals on Monday. I asked them: when could this happen? We spoke about the concern about avian flu, which I mentioned earlier in my speech. I read an article in the *Australian* this week which said that horse flu could stop the great Melbourne Cup. Delta Blues, the winner last year, is racing in Japan and might not be available to come back because of a concern about horse flu in Japan. These are the types of things that could be dealt with under emergency determinations. But there are many others dealing with the clean-ups of land and waterways and those types of things.

At this stage, under the current act there are no existing emergency powers. After this amendment the legislation will enable the responsible Victorian minister to make emergency-dealing determinations for Victoria that mirror those made by the responsible commonwealth minister. We see that as a good, common-sense thing. Before the commonwealth

minister can make an emergency-dealing determination, they must receive advice from scientific experts and look at the identified GMO that will supposedly assist in responding to the emergency. If they do not get the advice from scientific experts, the emergency-dealing determination cannot be made. The responsible minister must have that scientific advice from the regulator. This type of determination can be extended for a maximum of six months, and only one extension can be given each time. The Nationals believe that this is common sense. The Nationals are full of common sense and we will be supporting the amendment.

In summary, there are enormous benefits. I want to finish by talking about genetically modified (GM) foods. At this stage there are foods right around the world that contain GMOs. Some of those that have been approved are maize, soybean, oilseed — or as we know it better in Australia, canola — squash and potato. When we had the debate about the moratorium a couple of years ago I went into a supermarket near here to buy some groceries to refurbish my flat. I do not eat doughnuts, but this time I picked some up. I could see them walking out the door, having been bought by a lot of young people who were going through the supermarket. I turned them over to look at the label. There are an enormous number of words on these labels, but one of the ingredients that struck me was 'genetically modified soy'. I did not see anyone taking them back after reading that. There are enormous benefits not only for health and the environment but also for agricultural production. GM soy is being used in a lot of our products.

We have the ability to have better quality foods with high nutritional values that can be further improved. Importantly, we can lower the costs of some food products, particularly nutritious foods like carrots which can be assisted by the use of GMOs. GM labelling has been the law since 2002. If anyone wants to look for those products, it is all there on the label. I am sure it is not going to change the use of these products. The shelves of our supermarkets contain many GM foods. Yet this Labor government, when it was under political pressure before the last election, put on a moratorium which slowed down the field trials of canola in country Victoria. It was a great opportunity lost. I hope that changes in the near future. With those few words, I indicate that The Nationals are strong supporters of the bill.

Mr LUPTON (Prahran) — I am delighted to be able to speak in support of the Gene Technology Amendment Bill, which will strengthen the national regulatory regime around genetically modified organisms (GMOs). The commonwealth, state and territory governments have been part of a national scheme for the regulation of gene technology since 2001. It is important that there is a nationally coordinated approach to the use and regulation of gene technology. This bill strengthens Victoria's component of that national gene technology regulation system.

This scheme is designed to protect the health and safety of people and the environment from any risks that may be posed by genetically modified organisms. This bill comes before the house because of a review that was carried out in 2005–06 of the national regulatory system. That statutory review of the Gene Technology Act 2000 and the Gene Technology Agreement 2001 provided for a number of recommendations to continue to strengthen and improve the national regulatory framework. This bill implements the recommended changes. I will go into some of the more important of those in a moment.

I want to make some comments initially about how this bill furthers the objectives of the Victorian biotechnology strategic development plan, which was put in place in Victoria by the Bracks government and continues under the Brumby government. This supports an ethically and scientifically robust regulatory framework that is focused on the protection of human health, safety and the environment. This enhanced regulatory regime that we are putting in place nationally and through this Victorian component will go towards ensuring that the ethical and scientific regulatory framework is indeed a robust one, as is proper and appropriate.

The Victorian biotechnology strategic development plan is definitely assisted by this legislation, and that is another reason I am a strong supporter of it. Of course 'biotechnology' is a new word for a very old practice — the application of our knowledge of living organisms to make new products and new industrial processes — and it has been utilised throughout the course of human existence. In modern times, due to great advances and medicine, biotechnology has become one of the great drivers in our community in terms of economic prosperity, health and environmental protection. It is important that we encourage the development of biotechnology. The Brumby government has been leading Australia in the development of Victoria as a biotechnology economy. Victoria is positioned very much as a leader in Australia and in our region and is acknowledged around the world as a leader in biotechnology and medical and scientific research.

One of the aims of the biotechnology strategic plan is to position Victoria as one of the top five biotechnology locations around the world by 2010. I am pleased to say that we are well on track to achieving that outcome. In my previous position as parliamentary secretary for industry and innovation, prior to becoming cabinet secretary recently, I was intimately involved in the continuing development of the biotechnology strategic plan and importantly involved in working closely with a number of leading biotechnology and medical research institutes around this state. It is a great credit to the government's work over recent years and to the entire medical, scientific and research community in Victoria that we are so well positioned as a world leader.

Being on track to position ourselves in that top five biotechnology listing is based around the concepts inherent in that biotechnology strategic plan. It involves increasing the number of patents taken out by organisations and companies located in Victoria. It is about providing for the infrastructure that is vital to the research and development work carried out by our scientific and medical research organisations and professionals. It is about making sure that we continue to increase the amount of research and development work that is going on in Victoria and providing an appropriate and important location for the development of venture capital to enable the capitalisation of basic research into products — the translational development work that is so important. It involves entering into significant and growing partnerships with other organisations and research hubs around the world to ensure effective collaboration.

It involves making sure that Victoria continues to maintain a position of international leadership in this area through our international engagement and by attracting the best and brightest to Victoria in addition to retaining those best and brightest who are already here. Some of the exciting developments that we have seen recently include: the opening of the Australian Synchrotron in Melbourne just a few weeks ago; the Australian Stem Cell Centre based in Melbourne; the Monash Immunology and Stem Cell Laboratories also in Melbourne; and the establishment of the Australian Regenerative Medicine Institute. These are examples of the way in which Victoria is leading Australia and the world in this area.

The legislation before the house underpins the very important work that has been going on under the leadership of this government in the last eight years. Improving the way in which gene technology is regulated and ensuring we have a sound, robust and scientifically based regulatory regime for the appropriate use of genetically modified organisms is an important part of making sure that we have a viable and sustainable genetically modified technology able to be used for those important economic, health and environmental benefits that I spoke of earlier.

The couple of amendments I want to deal with briefly involve the use of emergency powers and streamlining the way in which regulation will be enhanced by this legislation. The bill recognises that there may be some circumstances where a genetically modified organism is uniquely capable of addressing a health or environmental emergency. Of course we can think of genetically modified organisms used in certain vaccines which could be of vital help to people in a medical emergency. This bill sets out a proper and stringent regulatory regime to ensure that those sorts of vaccines and similar types of products can be properly and safely used in those circumstances; it also streamlines and ensures that the regulatory regime, the committee structures that operate under the national regulatory model, are effective in the way the decisions made under the act about the use of genetically modified organisms in certain circumstances are carried out based on expert scientific advice and the most appropriate advice in all of the circumstances.

These are the things that this legislation improves. It builds on a very successful national and consultative model that has been adopted in this country over the last six years. For those reasons, I believe this legislation is going to continue to enhance Victoria as a leader in biotechnology. It will continue to improve our position of leadership by making sure that we utilise the benefits of biotechnology in order to continue to have a prosperous, healthy and environmentally sustainable Victoria. I commend the bill to the house.

Debate adjourned on motion of Mrs FYFFE (Evelyn).

Debate adjourned until later this day.

CONFISCATION AMENDMENT BILL

Second reading

Debate resumed from 8 August; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Confiscation Amendment Bill makes a series of amendments to the Confiscation Act 1997, principally in relation to the exclusion of property from confiscation but also in relation to the way in which appeals can be conducted. The bulk of the amendments being made arise out of a

case that was heard and decided by the Court of Appeal in Victoria on 15 February 2007, for which I understand the Director of Public Prosecutions is currently in the process of seeking leave to appeal in the High Court. The amendments made by the bill are intended to overcome what is considered by the government to be adverse, undesirable and unintended effects of the Court of Appeal decision.

It is worth making the point that this is considered by the government to be an important issue, but again we have had the Attorney-General taking from 15 February through to now to bring this legislation before the Parliament, notwithstanding the fact that this legislation is to have retrospective operation in many respects. This is yet again an example of how the Attorney-General is big on talk but is found to be sorely wanting when it comes to the nuts and bolts of delivering justice. One could just imagine that this issue was sitting in the in-tray on his desk unattended for some considerable time before he managed to get himself organised to bring legislation before the house.

It is instructive to look at some recent evidence about what exactly has been happening with the confiscation regime in this state. The original confiscation regime in Victoria was introduced back in 1986. That regime had numerous problems. A new regime was introduced under the Kennett government by then Attorney-General Jan Wade in 1997 and, as was shown in a report by the Auditor-General on public sector agencies of May 2003, the reforms introduced by the then Attorney-General brought about a marked increase in the amount of revenue being confiscated under the program and in the numbers of restraining orders being issued under the program.

There was a further series of amendments to the legislation made in 2004 by the current Attorney-General. These were amendments which the Liberal Party opposed because of its concern that they extended the regime too far. The amendments being made today are in a sense technical in that it is said that they are not intended to alter the intention of the legislation as it has stood up until now, but of course that is the absolutely critical question that needs to be evaluated and assessed by this Parliament in considering the bill, particularly having regard to its retrospective operation.

The latest publicly available information that I can find in relation to what is actually happening with the asset confiscation regime is set out in the report *Asset Confiscation Operations — Activities Summary 2005–06 and Report to the Attorney-General Pursuant to the Confiscation Act 1997*, which was tabled in this house in June this year and was subject to a media release by the Attorney-General on 10 June this year headed 'Asset confiscation recovers $6.6 million from criminals', in which the Attorney-General boasted:

> The Bracks government has introduced some of the toughest asset confiscation laws in Australia.
>
> We have put the onus on offenders to prove their assets have not been illegally obtained or lose them.
>
> Our laws also enable assets to be seized on suspicion of criminal activity, before criminal charges are laid.

The press release went on to say:

> In 2005–06 $6.6 million was recovered from the confiscation and sale of criminals' property or debt collected from convicted offenders.

The Attorney-General went on to claim:

> This is up from 4.8 million in 2004–05 and is an eightfold increase since 1999.
>
> …
>
> Assets confiscated in 2005–06 include a silver SLK Mercedes Benz, whose sale netted $30 000 for the state.
>
> … A house used for cultivating cannabis was forfeited and sold at auction for $237 300.

He concluded by asserting:

> The Bracks government is sending a clear message that crime does not pay in Victoria.

It is worth making a couple of observations. First of all, the figures cited by the Attorney-General and set out on page 6 of the actual report are somewhat at odds with the figures on pages 36 and 37 of the Auditor-General's *Report on Public Sector Agencies* of May 2003. Those figures show confiscation program revenue jumping from under $1 million in 1997–98, before the new regime, up to over $3 million in 1998–99. The text of the Auditor-General's report says:

> Revenue collected equates to an average of $3.2 million per annum compared with only $0.5 million per annum under the former legislation.

The claim of an eightfold increase compared with the previous regime is questionable, although it seems that there has been a continued increase in the amount confiscated under successive changes to the law.

I also make the further point that the report that was tabled by the Attorney-General gives no details on the number of confiscations that made up the $6.6 million. We know that, according to the Auditor-General, in 2001–02 around 45 restraining orders were made, yielding just under $2.5 million. If you extrapolate

forward from that, you find it may be that something of the order of 100 restraining orders were made in 2005–06 to give rise to the $6.6 million. If that is the case, you have to wonder what exactly were the sizes of the individual amounts that were being confiscated. They do not seem to have been particularly sizeable amounts.

In other words it seems pretty clear that, while this legislation is said to be aimed at the Mr Bigs of crime — and that is certainly what we want the legislation to be succeeding in — if it raised a total of $6.6 million on around 100 confiscation orders, it does not seem to be hitting that mark. The fact that the Attorney-General has singled out for attention the sale of a single Mercedes-Benz for $30 000 and the sale of a property for $237 000 certainly seems to suggest that we are not getting the palatial mansions or Lamborghinis or other extravagant proceeds of crime that one would expect the Mr Bigs to have obtained.

You may draw the conclusion that crime does not pay and that the amounts that criminals who engage in crime for the purposes of accumulating wealth manage to garner are relatively modest. I think that is a sizeable part of the truth of the matter. But another part of the truth of the matter is that there are people out there who have accumulated sizeable amounts of wealth, particularly through the drug trade, who are not being brought to justice in the sense that their assets are being successfully confiscated under this legislation. I do not say that solely as a point of criticism of the government, as confiscation has been a process that has been evolving over time. Whilst there have been some improvements, we need to ask ourselves whether we really are achieving what we are expecting to achieve from this confiscation regime.

Alongside that the point needs to be made that many of those who have been caught up with this legislation have come from the junior ranks of the drug trade, if I can put it that way. They are the types of people who have perhaps fallen into serious debt through problem gambling, for example. Somebody from a criminal background they may know through family or social contacts may approach them and offer to assist them with their debt in exchange for their engaging in a certain amount of criminal activity in terms of growing cannabis or retailing heroin. Certainly that conduct is by no means to be condoned.

As legislators we should be doing all we can, and the government should be doing all it can, to send the message that people should not be engaging in that sort of crime, regardless of the personal circumstances and the distress in which they find themselves. But we do have to recognise that in practice this is the sort of person who is routinely caught up in the legislation we are dealing with.

That is perhaps illustrated by the facts of the case in *Director of Public Prosecutions v. Phan Thi Le* (2007) VSCA 18, which is the case I referred to earlier. I make the point that I have no direct knowledge of the facts of this case other than what is set out in the Court of Appeal decision, so my comments relating to it derive simply from that. According to the Court of Appeal Mr Le was convicted of drug trafficking and was serving four years imprisonment. He owned an apartment in Sunshine which he used to store and prepare heroin for sale. That made the property tainted property.

Mr Le had purchased the property before his second wife came to live with him in Australia. It was their family home. One of the disputes was whether the entirety of this family home should be excluded from confiscation or only Mrs Le's interest in it. According to the facts set out in the Court of Appeal, after Mr Le had been charged, Mrs Le, who denied any knowledge of the fact that the home was being used for trafficking, asked that she be given a share in the home because she was uncertain as to what might happen to Mr Le. She did not want the property ending up with the children of his first marriage rather than with her, so a 50 per cent interest in the property was transferred to Mrs Le.

According to the Court of Appeal judgement, the question as to Mrs Le's knowledge and the issues as to whether or not this transfer was being undertaken to avoid the legislation were not put to her in the County Court. The Court of Appeal accepted her version of events that she was not aware of the home being used for criminal activity and that she wanted a share in the property simply for the reasons that she gave in terms of her own personal security for the future. It is notable that in this case it was only a 50 per cent interest in the property that was transferred to Mrs Le rather than a 100 per cent interest, as one might think would have been the case if there had been an intention to try to avoid the application of the legislation. The factual circumstances of this case are an illustration of how this confiscation legislation is being applied out in the real world.

It is interesting to note the dramatic change of approach by the Attorney-General to this confiscation legislation, because when we go back to the introduction of the original Confiscation Bill in 1997 we find that the Attorney-General, who was then the shadow Attorney-General, viciously attacked the government and the then Attorney-General for introducing the

legislation. According to the *Hansard* report, he accused the then Attorney-General, Mrs Wade, of being a fascist for bringing in this legislation. I am not one to use that sort of language loosely, because I think it degrades the seriousness of it very badly, but the Attorney-General extravagantly blackened the character of the Attorney-General of the day and abused her for not having consulted with the Law Institute of Victoria in relation to that legislation. I would be most interested to hear him inform the house, in concluding this debate, whether or not he consulted with the law institute on the bill before the house.

What has become clear is that the Attorney-General has taken this confiscation legislation far beyond the regime that was introduced by the previous government, which he condemned in those terms when he was shadow Attorney-General. If you use the terminology that the Attorney-General likes to apply, he is now a self-labelled fascist, because he has adopted and extended legislation for which he labelled the then Attorney-General a fascist. The civil libertarian turned self-declared fascist has come a long way, and it will be most interesting to know exactly what he is saying to Liberty Victoria and other bodies about his conduct.

Indeed the opposition, as I said earlier in relation to the Attorney-General's 2004 amendments, was very concerned about where he was taking this confiscation regime — notwithstanding the fact that, as I have already indicated, it very strongly supports the use of confiscation to extract from those who commit serious crimes the proceeds of those crimes and the property that they use in committing them.

The amendments that are being made in relation to exclusions are fourfold. Firstly, they provide that property can be excluded from confiscation only to the extent of the applicant's interest in the item of property and not the entire piece of property itself. This is, of course, in instances where a person other than the accused or the convicted person claims an interest in the property and seeks therefore to have the property excluded from confiscation.

Secondly, the bill introduces a definition of 'derived property', which is property derived from criminal activity, and it goes on to insert into the various provisions relating to exclusion a requirement that the applicant for exclusion be not only not aware that the property was tainted in the sense of being used in the commission of an offence but also not aware that it was property that was derived from crime.

Thirdly, the bill makes it clear that the test of whether or not a defendant has effective control of property that may be in the name of somebody else, and therefore that cannot be excluded from confiscation, is to be applied as at the time the defendant is charged or their property is restrained, whichever is the earlier. Obviously the intention of that is so that people who are charged cannot subsequently divest effective control of their property and thereby escape the operation of the regime.

The fourth area of amendment in relation to exclusions makes it clear that property which was previously owned by the defendant but which has been transferred to somebody else can be excluded from confiscation only if the property was transferred for a consideration that reflects market value. In the Le case that I referred to earlier, the transfer was expressed to be in consideration of natural love and affection — in other words, there was no consideration paid from Mrs Le to Mr Le.

In relation to appeals, the bill makes clear that appeals can be made against all aspects of decisions relating to exclusion orders. In the Le case there was an argument that the Director of Public Prosecutions had no right to bring the appeal he did because it was not specifically listed, and that argument is being overcome. Finally, provisions are being inserted in the legislation to make it clear that the procedures that apply to appeals under the act are the same as those that apply to appeals against sentences. I may say in relation to that that the Attorney-General has been less than forthcoming in his explanation to the house of this proposed amendment. The Court of Appeal made it clear that it did not think it was a good thing to have appeals under the act dealt with in the same way that appeals against sentences are dealt with. It stated:

> … it may be thought appropriate, and practicable, for the court to treat the question — whether the forfeiture order was correctly made — as being equivalent to the question whether a sentence is 'manifestly excessive'. But the questions are obviously not the same, and the relevant considerations are unlikely to be the same.

I call on the Attorney-General to make clear why he is adopting this procedure, which is equivalent to the procedure for appeals against sentences, when the Court of Appeal made it pretty clear that it did not think it was a good analogy.

Returning to the changes relating to exclusions, at least in principle most of these make perfect sense, although there are some difficulties in the manner in which they have been drafted. It seems clear from the explanatory memorandum that was issued at the time of the 1997 bill, and indeed from a consideration of the entire logic of the situation, that property to be excluded from

confiscation should be excluded only to the extent of the applicant's interest and not to the extent of the entire property. Likewise it is reasonable that a person seeking to have property excluded should come with clean hands, as it were, and therefore not be aware that the property was derived from crime.

It is sensible to apply the test of effective control as at the time of the charge or at the time of a restraint order being made. In principle, where a property has been acquired from the defendant, it makes sense that that be done on a basis that reflects market value or full value. That is something that the then Attorney-General, Mrs Wade, made clear in her second-reading speech in 1997, when she said:

> Experience has shown that persons can circumvent existing confiscation provisions by divesting themselves of their illegally acquired assets as 'gifts' to their family and friends or by making it appear that other people have control over those assets. The bill enables a court to restrain and confiscate tainted property that has been transferred for less than full value.

I should say that there seem to be some difficulties about the way that some of these provisions have been drafted. I particularly refer to the way that section 21 will operate if this amending bill is passed. Although the new provision applies the test of effective control as at the dates that I mentioned, it is unclear as to what is going to happen if the property is acquired by the applicant from the defendant for proper value — that is, market value — subsequent to the offender being charged. There seems to be a possibility that a person can purchase an asset with clean hands for the full value after the defendant has been charged, but the effective control test would mean that at the time the defendant was charged the defendant of course had effective control of the property because they owned it at that time. Therefore the applicant would inadvertently fall foul of the legislation even though they had innocently bought the property for the full value. I ask the Attorney-General to consider that point.

However, the main issues and cause for concern about this bill are not the amendments themselves, but the fact that they are all being made to retrospectively apply to offences which took place prior to the amendments being made as well as subsequent to the amendments. This raises both the issues of principle in relation to retrospectivity and particularly the issue in relation to the Charter of Human Rights and Responsibilities Act.

We on this side of the house always approach retrospective legislation with a great deal of caution. In our view one of the tests that often needs to be satisfied in order to justify retrospective legislation is to be able to say that it is manifest to any fair-minded person addressing this legislation that it was intended to operate in a particular way even though a literal reading of it suggests it operates in a different way. This sets quite a high burden, but it is one that is probably satisfied in the case of these amendments for reasons of manifest common sense, or having regard to the second-reading debate or the explanatory memorandum that I referred to earlier.

However, there are two vital points that need to be recognised in terms of what the government is inviting this house to do. The first is that we are going squarely against a ruling of the Court of Appeal. We are not only saying that the court's interpretation of the law is an interpretation that we do not like and that we are going to change, we are saying that the court's ruling is so manifestly out of step with the intentions of Parliament that the community should have recognised that Parliament intended something other than what the Court of Appeal said we intended, and therefore we are going to make this legislation retrospective — notwithstanding what the Court of Appeal said.

That is a very grave step that has a consequence that the Attorney-General needs to recognise. He is entitled to come out and say that, and we are entitled to reach that conclusion on the merits of the issue. However, the Attorney-General has to recognise that by taking a stand, overturning the Court of Appeal and saying that it got things so manifestly wrong and so badly misunderstood our Parliament's intention that we are going to retrospectively change the law, he is taking a very grave step.

Having taken that step, the Attorney-General has to be careful about accusing other ministers who act in similar circumstances of improper conduct. I expect we will not see any attacks in the future by the Attorney-General on the commonwealth Attorney-General, Mr Ruddock, or on the commonwealth Minister for Immigration and Citizenship, Kevin Andrews, for exercising their rights to disagree with court decisions, just as the Attorney-General vehemently disagrees with the decision of the Court of Appeal in this case. In each instance the overturning of those decisions needs to be defended on its merits.

In the limited time I have available, I would like to refer to the Charter of Human Rights and Responsibilities Act. The way in which the government has handled the Confiscation Amendment Bill shows what a charade the charter is. Section 27(2) of the charter says:

> A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

This bill clearly violates the charter in that respect so long as the decision of the Court of Appeal stands, which it does at present. The Court of Appeal has said that if an innocent party has an interest in an item of property, the entire item of property is to be excluded from confiscation, including of course the defendant's interest in that item of property and not just the applicant's interest. The way that this bill retrospectively amends legislation means that we are imposing penalties on persons who commit criminal offences that are greater than the penalty that applied to the offence when it was committed, which is in clear breach of the charter.

The statement of compatibility turns itself in convoluted loops to work its way through other aspects of the bill, but it is totally silent on this point, which is an absolute disgrace given that this is the Attorney-General's bill.

Mr RYAN (Leader of The Nationals) — This is another instance where the government is being hoist on its own petard because of the passage of the Charter of Human Rights and Responsibilities Act. The statement of compatibility of this bill is nine pages and the second-reading speech is five pages. The statement of compatibility represents a convoluted, torturous exercise by the government to try to explain away why its own legislation is not in conflict with its own provisions of the Charter of Human Rights and Responsibilities Act.

It is a very entertaining read in that context because each time this happens, and it happens with increasing regularity, you cannot help but think of the commentary at the time that the Charter of Human Rights and Responsibilities Act was being debated. It was confidently anticipated by members on this side of the house that the outcomes we are now seeing would materialise, and I am sure in an ongoing sense we are going to see more of the same, particularly in the context of some of the matters that are referred to in this legislation. I will deal with the primary one, because it is in a sense an article of faith with regard to legislative practice — that is, the retrospective application of the provisions of this bill to the principal act.

The explanation given in the statement of compatibility under the Charter of Human Rights and Responsibilities for this bill is reflective of the extent to which the government is having to go to avoid a direct conflict with its own legislation. In the end, the whole thing, I think appropriately, comes down to the fact that, as is observed in the course of material, this legislation is not intended to deal with the creation of a new criminal offence, rather it is to do with issues of compliance with the original tenor and intent of the principal act. But for all that, when the government is looking to legislate in this way, and to do so retrospectively, it is ironic to think that it has created a rod for its own back in terms of the Charter of Human Rights and Responsibilities. It has done so in precisely the sort of manner which was contemplated by The Nationals, who spoke against that legislation at the time of its introduction.

The other thing to be said about this legislation by way of general observation is that it is true that what goes around, comes around. I was here in 1997 as part of the former coalition government. I was involved in the bills committee of the then Attorney-General in relation to the structure of that legislation. It was groundbreaking legislation for Victoria, but it was attacked vehemently by the then shadow Attorney-General, who is now the Attorney-General. Even worse, the person who sponsored the legislation, the former Attorney-General, Mrs Wade, was attacked very personally in some of the commentary made by the then shadow Attorney-General.

Now, 10 years on, the Attorney-General is engaged in the amendment of this singularly important piece of legislation. He is not only adopting it in its general intent and application but also enhancing it to ensure that the legislation works better and more appropriately in accord with its original structure and intent. I will be interested to hear the Attorney-General justify making the sorts of amendments we now see in this bill, keeping in mind his historical commentary.

Without wanting to be too facetious about this, I can think of instances where the answer best given by people who find themselves between a rock and a hard place, as does the Attorney-General on this issue, is to simply say, 'I changed my mind'. If that is his best answer — and it seems to me that it probably is — what should go with it is an apology to those whom he abused so vociferously at the time for sponsoring the original legislation.

The principal act and this amending bill are intended to emphasise a very important point — that is, as the material reflects, that crime does not pay. We need to have a structure whereby those who would otherwise seek to benefit from crime have their assets ultimately forfeited, to the benefit of the taxpayer. That represents at least some part of a realistic contribution by them to ensure that as part of the whole aspect of guaranteeing their punishment in an appropriate way they are not

able to derive the benefits associated with the creation of assets from their ill-gotten gains. That is what drove the concept originally. It is what drove us as the then government to bring this legislation in.

It deals, firstly, with stopping the dissipation of assets accumulated by people out of ill-gotten gains. Secondly, it deals with the forfeiture of those assets to the Crown. At the time I commented, as did the member for Box Hill and so many of us who were here at the time, that the founding principles underpinning all this legislation were right. As I have said already, the fact that the Attorney-General is looking to enhance that basic legislation reflects his agreement, now at least, with what we were all intending to do.

The basics of the bill are fourfold. Firstly, it makes clear that the exclusion orders that can be applied for under the terms of this principal act can only be made in relation to an applicant's interest in the property. This is in response to the Court of Appeal's decision in the matter of *Director of Public Prosecutions v. Phan Thi Le*. The bill sets out that, despite the commentary by the Court of Appeal, the appropriate considerations for all of this to occur in the event of appeals being launched by the Director of Public Prosecutions are in accord with the principles that apply to sentencing.

As has already been observed, the provisions contained in this bill are not necessarily something with which the Court of Appeal would be at all comfortable. Nevertheless, that is the first element of this legislation. Secondly, it is intended to ensure that the restraining orders for automatic or civil forfeiture cannot be defeated by any argument that the property was not tainted by the specific offence which has brought the accused before the court. In other words, it may be that the property in question has been acquired through other forms of illegal activity that have been pursued by the accused.

There is no necessity to make the nexus between the crime of which the defendant stands accused in the dock and the assets in question. Rather it is an issue about the capacity for appropriate orders to be made for restraint and forfeiture on the basis that the property could have been acquired at large through the activities of the accused. There will be an onus on the accused in that regard if they intend to put that property into the separate category of having been legitimately obtained.

The third element of this bill is to clarify the operation of the effective control test. There will now be an obligation on the applicant to satisfy the court that the applicant's interest in the property, be it a restraint or forfeited property, was not subject to the effective control of the defendant at the time the defendant was charged. Again there is an onus on the applicant that has to be satisfied.

The bill's fourth element inserts a definition of 'sufficient consideration' into the principal act. That will mean that to succeed in obtaining an exclusion order a non-defendant applicant will have to prove, amongst the many other things that are the subject of one of these applications, that he or she acquired his or her interest in the property at market value as opposed to acquiring it by way of gift or transfer. Again this is an issue which arose in the appeal court proceeding in the matter of Phan Thi Le, which has already been referred to.

Thus the essential amendments in the bill are in those four broad areas. In looking at the bill the overriding concern we as a party had was the issue of retrospectivity, and I have touched on that already. It is something that as a general principle I think the Parliament as a whole objects to. It is only in the most extreme circumstances that any such provision should be contemplated by the Parliament. Nevertheless, having regard to the nature of the legislation before the house — both the principal act and this bill — we think that the usual rule ought be set aside in this case and that the legislation should be supported, even though it has this retrospective provision.

I recommend to members that they have regard to the relevant *Alert Digest* and the commentary contained within it, and if they want an entertaining read they should also have regard to the statement of compatibility which formed part of the process of this bill's introduction into the house. The Nationals do not oppose this bill.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Confiscation Amendment Bill, whose object is to ensure that crime does not pay. I think that is an objective all members of the house would agree with. The Brumby government has been actively pursuing individuals involved in organised crime and making sure that they do not profit in any way from their criminal activities. The intention of this legislation is not only to continue that but also to ensure that we are able to undermine and disrupt the cash flow and asset bases that underpins those criminal activities.

As a government we have progressively strengthened the asset confiscation laws. In 2004 the laws were toughened, helping the government seize millions of dollars in property and cash from criminals. Under the asset confiscation scheme $6.6 million worth of assets was seized from criminals in 2005–06, up from the

$4.8 million seized in 2004. In his contribution the member for Box Hill questioned the effectiveness of our asset confiscation laws. He said that very little had been seized and that there were no details on the number of confiscations that had been made under the bill or the size of the individual amounts that had been confiscated. The member for Box Hill even went so far as to say that we really were not getting to the Mr Bigs and bringing them to justice so that we were not seizing palatial mansions and were not getting sizeable amounts of assets. However, it is important to note that, as the Confiscation Act evolves and moves along in its operation, that is precisely what it is providing for.

The criminal justice process is often lengthy and protracted, and convictions need to be recorded in order for some of that asset confiscation to take place. In the meantime those assets can be subject to restraining orders. I would expect that as the work of the Purana task force continues — and as we make substantial inroads into convicting and bringing to justice people who have been part of the so-called gangland wars and part of the cohort of criminals out there who are profiting from standover and extortion tactics, drug trafficking and drug manufacture — we will see more assets being not only restrained but also confiscated. That is what the legislation is allowing, and I do not think it helps to cast aspersions in this house on the integrity or competence of the police undertaking those prosecutions, because they are doing an excellent job. The work they have done through Purana and through other mechanisms is ensuring that the assets of these criminals are being restrained and, as the criminals are convicted, confiscated.

A further issue was raised about the charter. The member for Box Hill suggested that in some way this amending bill was in contravention of section 27 of the Charter of Human Rights and Responsibilities Act, and I think we need to go back and have a look at that section, because it applies to retrospective criminal laws. It says:

> (1) A person must not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.
>
> (2) A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

What the member for Box Hill is completely ignoring here is that these proceedings are civil in nature. The whole forfeiture regime applies to civil proceedings. What we are doing here is confirming that the law, as it has been understood since the introduction of the Confiscation Act 1997, is being given effect to. If we did not clarify the law — if we did what the member for Box Hill was suggesting — we would be delivering a windfall to criminals convicted of serious offences such as drug trafficking.

Mr Clark interjected.

Mr HUDSON — In effect we would be negligent in not giving effect to the original law. Section 52 of the original act states that the court can exclude property from a restraining or forfeiture order but it has always been understood that this applies to the applicant's interest alone. I believe the dissenting judge in the Court of Appeal correctly noted that if he took the approach of the majority of judges in that case, which I think the member for Box Hill would like to do, it would completely undermine the policy goal of the act. It would mean that in each and every instance where someone other than the criminal had an interest in a property, that whole property would be excluded.

Mr Clark interjected.

Mr HUDSON — You would be undermining the effect of the original act introduced in 1997 and that would be an absurd proposition, which I am sure the member for Box Hill does not support or should not be supporting — I am not sure what the member for Box Hill is supporting. I think it is absolutely clear that section 27 of the human rights charter applies to criminal offences. These forfeiture provisions apply to civil proceedings, and I would have thought that the member for Box Hill would have some understanding of that. I do not believe there is any contravention whatsoever of the Charter of Human Rights and Responsibilities in this.

This act is having the effect it was intended to have. The law is ensuring that serious offenders such as Tony Mokbel, who have amassed fortunes due to their many and varied criminal activities, are not left with fat pockets. Whatever their own personal state might be, they are not being left with fat pockets. Mr Mokbel himself has so far seen the seizure and sale of numerous properties, including at Noosa and Bulleen, as well as his Ferrari Spider 355 and luxury cars, other real estate, Harley Davidson motorbikes, speed boats, racehorses, share portfolios and jewellery — —

Mr Wakeling — Where is he now?

Mr HUDSON — When Mr Mokbel comes back to face further charges those assets which are subject to restraining orders, if he is convicted, will be confiscated. I can assure the house that whatever interest Mrs Mokbel or anyone else has in that property, they will not be able to defeat these laws as a result of

them claiming some minor interest in property, or having some property transferred to them in love and affection. These amendments will make sure that any ill-gotten gains that have been accumulated as a result of criminal activity cannot be defeated by those kinds of loopholes.

That is why these amendments are necessary. The Court of Appeal decision would allow the simple transfer of a minor interest to another party as a sufficient reason to exclude the whole property from forfeiture. That is clearly at odds with the 1997 act. The member for Box Hill knows that, and to come in here and to say that somehow this is in breach of the Charter of Human Rights and Responsibilities Act when it clearly is not, when we have a fundamental division here between criminal offences and civil forfeiture procedures, I think is incredibly misleading to the house. We will not allow this to detract from our message. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Confiscation Amendment Bill. I listened with great interest to the contribution from the member for Bentleigh because this was a classic case of a member trying to defend the indefensible. I was listening with great interest to his discussion, not only about this bill but in terms of the Charter of Human Rights and Responsibilities Act 2006, which I will deal with in a moment. It is very interesting to hear the spin that members opposite will put on any piece of legislation to try to cop out of a sound and rational argument that has been put by the member for Box Hill and also by the Leader of The Nationals.

By way of background, the confiscation laws dated back to 1986 and more recently to 1997, when the then Attorney-General, Mrs Jan Wade, introduced the confiscation legislation. As has been explained before, churlishly the now Attorney-General referred to Mrs Wade as a 'fascist'. One could only think that the Attorney-General is probably the only person in this house who would use such language. Of course we have recently been told by the new Premier that we now have a warm and cuddly Attorney-General as opposed to the mean and nasty one we had before. It will be interesting to see if that language will continue in this house.

The amendments that were put forward in 2004, as the member for Box Hill has pointed out, were opposed by the Liberal Party because they went beyond the intention of the original legislation. As the member for Box Hill indicated, the government has been unable to demonstrate areas in which it has been able to make major seizures in regard to the confiscation of property through ill-gotten gains. I listened with interest to the berating by the member for Bentleigh. Again, there was a lot of spin but a lack of substance in his attack on the member for Box Hill. We will wait with interest to see future reports in regard to confiscation.

One thing that is of interest is that, as with a lot of legislation that comes into this house, it has taken this government a long time to make changes. This piece of legislation is no different. The Court of Appeal decision occurred in February of 2007, and here we are in August debating this piece of legislation. Again, this is another example of this state government being lax in dealing with issues effectively and dealing with issues in a timely manner.

The first component of the bill deals with the allowance of properties to be confiscated with respect to an applicant's interest in the property and not specifically the entire property. As has been explained before, this comes about because of a Court of Appeal decision in *Director of Public Prosecutions v. Phan Thi Le,* in which case there was much argument by the wife of a convicted drug dealer with respect to her interest in a particular property. This provision will clarify that the confiscation will apply to the interests of the person concerned — namely, the defendant.

The second component deals with inserting a definition of derived property, which deals with property derived from criminal activity. What will result as a consequence of this amendment is that there will not be a requirement for a nexus between the specific action for which the person has been charged and the property they have derived as a consequence of that specific action. Any criminal activity from previous events can be linked to the seizure of this property. As explained to us through our bill briefing, this concern has been raised by both the police and the DPP (Director of Public Prosecutions).

The third component involves the applying of a test of whether a defendant has effective control of property at the time, in which case it can be confiscated even if it was legally held by someone else at the time the defendant was charged or the property was restrained. This is obviously to overcome issues of whether or not a person has effective control of a property — for example, during a court case, when in effect they could argue that as they were in jail they did not have effective control.

The final major area of change involves making clear that property previously owned by the defendant but which has been transferred to someone else can only be

excluded from confiscation if the property was transferred for a consideration that reflects market value. This provision obviously does not relate to a property that is purely gifted or transferred. This again was an issue that was raised in the DPP case of February 2007.

We have a number of concerns about the process and the proposed legislation. I would like to deal with two of them. Firstly, we on this side of the house have grave concerns about any legislative change with respect to retrospectivity. We always believe there is a requirement to be cautious in dealing with such issues. I would like to highlight that this legislation, if passed, will result in a direct challenge to the full bench's decision in the Phan Thi Le case. What the Attorney-General should do is publicly come out and state that this piece of legislation is as a direct result of that decision and an open challenge of that decision. It is all good and well for those opposite to sit there and cast aspersions on the federal Attorney-General when the federal Attorney-General makes comments on criminal cases, but it is now time that this Attorney-General stood up and stated publicly what this is all about. This amendment is as a direct result of the full bench's decision and he should put it as such.

The final area I would like to talk about is the Charter of Human Rights and Responsibilities. This bill was much heralded by those within the Labor Party because it was about sectional interests. It appeals to those sectional interests within the Labor Party because they can then demonstrate that they are holding firm to the Labor cause. It was for no reason other than that they trumpeted the much-heralded human rights and responsibilities charter. The Liberal Party and The Nationals had the audacity to highlight problems with the legislation, because what the Liberal Party and The Nationals have said is that there will be occasions when the Labor Party will not be able to apply the charter of human rights. Surprise, surprise! What in fact has happened with this bill, as with other pieces of legislation, is they cannot apply the terms of this charter.

As the member for Box Hill has pointed out, and as the member for Bentleigh commented on but obviously did not understand, this piece of state legislation, which is applied to all pieces of legislation in this state, says:

> A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

It does not matter what spin the member for Bentleigh or those opposite put on this. The reality is that provisions like this will mean that that provision will apply in the future to people caught by this piece of legislation. The most important thing those opposite need to sit back and recognise is that they have a piece of legislation that they have put through because of an ideological bent, but at the end of the day, if they are going to apply the provisions of their own legislation, they need to recognise that it will impact on future legislation such as this bill and other bills that will come before this house.

One only needs read the statement of compatibility that was attached to this bill. Members opposite squirmed their way through it and tried to come up with a sensible solution, but the reality is when the statement of compatibility dealt with this clause and other clauses, government members could not answer the simple question that there is a fundamental breach of that provision. Whilst the Liberal Party will be supportive of the bill, it is incumbent upon the government to own up to the fact that this bill, like other pieces of legislation, breaches its own charter, and it needs to accept that fact publicly.

Mr LUPTON (Prahran) — I am pleased to rise today to speak in support of the Confiscation Amendment Bill, which will improve the asset confiscation regime in Victoria. That is a very important part of the government's policy in relation to community safety and policing. It will ensure that we have a very strong and robust regime with the underlying principle that crime should not pay. It is a very important part of that program that we have a strong and robust confiscation-of-assets scheme in this state. This legislation takes note of a recent decision by the Court of Appeal and makes some other amendments and improvements to the asset confiscation regime to continue to properly enforce that important principle.

This confiscation regime operates in this state so that where there are particular types of criminal activity that people are convicted of, assets that those people hold that may have been derived from, or result from, gains made by criminal activity can be the subject of forfeiture. For particular serious offences such as serious drug trafficking or fraud-related offences, the property of a convicted criminal may not even need to be specifically derived from a particular offence. This is a very important part of our criminal justice system. We have a strong system in place where those people who are convicted of crime, particularly serious crime, are not able to profit in the long term from that criminal behaviour.

We note that the asset confiscation regime has been increasingly successful over recent years.

Improvements toughening up the asset confiscation laws under the Bracks and now Brumby governments have been successful in that regard. In 2005–06 some $6.6 million was recovered from the confiscation and sale of criminals' property or debt collected from convicted offenders. This was up from $4.8 million in the 2004–05 financial year. It can be seen that there are some significant amounts being confiscated from convicted criminals in this state. The amendments that form this legislation will go towards making sure that that asset confiscation system is stronger as we move forward. We should also note that there are many cases in the pipeline at the moment. Subject to decisions of the courts, there are no doubt some significant assets that may well fall as part of this regime as we move forward.

One of the principal reasons for this legislation coming before the house was a decision earlier this year by the Court of Appeal in *Director of Public Prosecutions v. Phan Thi Le*, where the majority of the Court of Appeal interpreted the sections of the act which deal with exclusion orders in a way which the government believes was not in keeping with the intention of the legislation. The effect of the decision of the Court of Appeal was that where a court is satisfied that an exclusion order should be made, the court must exclude the whole of the property rather than the applicant's interest in the property from the restraining order or forfeiture.

An exclusion order can be made where someone else other than the convicted criminal can make an application that their interest in property be excluded from forfeiture. The way in which that Court of Appeal decision unfolded would have meant that effectively as long as some person other than the convicted criminal had any interest at all in a property, then the entire property was excluded from forfeiture. One can readily see that that would clearly undermine the intention and efficacy of this confiscation regime.

The government has acted entirely properly in that context in bringing in amendments that are designed to overcome that particular interpretation and to ensure that where property is the subject of different interests — different people having interests in property — it is possible to confiscate property in an appropriate way so that the criminal does not profit from his or her illegal activities. The amendments will also ensure that the interest in the property held by people other than the convicted criminal can be dealt with by way of sale and other provisions whereby the non-criminal owner of certain property will have their position protected but the criminal will ultimately have to forfeit their ill-gotten gains. This is a very sensible and appropriate response to the circumstances that the government found were prevailing following that Court of Appeal decision.

The bill also takes the opportunity to make some collateral amendments to the legislation which are also designed to strengthen the confiscation scheme. In particular, the amendments will ensure that the restraining orders for automatic forfeiture or civil forfeiture orders relating to such serious offences as serious drug trafficking or fraud cannot be defeated by arguing that the property was not tainted by the specific offence with which the defendant has been charged or is reasonably suspected of having committed.

This amendment will ensure that the policy objective of targeting the long-term accumulation of wealth through criminal enterprise, which underlies the automatic and civil forfeiture regimes, is not undermined. That is a very important consideration in supporting this bill, because there are obviously a lot of people who over a period of time have accumulated wealth through criminal activity. If one had to nominate the criminal activity that led to a particular person acquiring a particular piece of property, it would be an extremely difficult task and would, in that sense, undermine the efficacy of the legislative scheme.

Another important amendment in the legislation will provide that the effective control test is to be applied at the time the defendant is charged or has their property restrained, whichever occurs earlier. This amendment is designed to address arguments about whether, for example, a defendant who is in custody no longer has effective control of the property. It is just a technical matter that is designed to overcome any legal argument in court which would have the effect of undermining this legislation, and that is an important improvement.

It also makes it clear that the transfer of an asset in property for less than the market value is not a sufficient basis on which to have a property interest excluded from restraint or forfeiture. This is to get around the transfer of artificial gifts between people — criminal offenders and others — to try to undermine the operation of the legislation.

The legislation makes some significant and important improvements to an already quite successful and robust confiscation regime in Victoria. It is important that the community understands that this government and this Parliament support the principle that crime does not pay — that is, if people have accumulated wealth and assets as a result of criminal activity, wherever possible they should be forfeited and seized so that those criminals do not benefit from their criminal behaviour.

That is something that we should all support. For that reason I support this legislation and the government supports it, and I commend it to the house.

Debate adjourned on motion of Mr HOWARD (Ballarat East).

Debate adjourned until later this day.

GENE TECHNOLOGY AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Gene Technology Amendment Bill 2007. The purpose of the bill is to improve the operation of the regulatory scheme for gene technology by making nationally agreed amendments to the legislative framework of the scheme. This is in line with an intergovernmental gene technology agreement established in 2001. Under this agreement all states and territories have committed to maintaining corresponding legislation.

The object of the commonwealth and state acts is to protect the health and safety of people and to protect the environment by identifying the risks posed by or as a result of the use of gene technology and by managing these risks through the regulation of certain dealings with genetically modified organisms (GMOs). This is achieved by the establishment of an independent statutory officeholder, the gene technology regulator, who is charged with administering the act and making decisions about the development and use of GMOs.

The oversight of gene technology in Australia began in the mid-1970s on a voluntary basis, primarily on the initiative of the Australian Academy of Science and, later, the Australian government. Significant advances in the application of gene technology and the resulting elevated community concern about GMOs led in November 1998 to the cooperative process between the state, territory and Australian governments that established a uniform national approach to the regulation of the technology. After a thorough and widely inclusive consultation process, the act and the gene technology regulations came into effect in June 2001.

Victoria introduced the Gene Technology Act in 2001, and it is the Victorian government's component of the nationally consistent regulatory scheme for gene technology that aims to protect the health and safety of the people of Victoria from any identifiable risks posed by this technology.

In 2005–06 a statutory review of the commonwealth Gene Technology Act 2000 was undertaken and some recommendations were made to improve the operations of the legislation. In October 2006 the Gene Technology Ministerial Council, comprising state, territory and Australian government ministers, agreed to implement the recommendations of the review. This bill amends the Victorian act so that it remains consistent with the commonwealth Gene Technology Amendment Act 2007 in order to preserve the consistency of the national regulatory scheme for gene technology. The changes to the commonwealth act became effective on 1 July 2007. The legislation was developed in consultation with all jurisdictions over a number of years in order to establish a nationally consistent regulatory system for gene technology.

'Biotechnology' is a broad term that covers the practical use of biological systems to produce goods and services. It encompasses the transformation of materials by micro-organisms — for example, fermentation and methods of propagation such as plant cloning or grafting — and it may involve genetic alteration through methods such as selective breeding.

Recent advances in biotechnology provide ways of introducing very precise changes to genetic material that for the first time allow the transfer of properties of a single gene from one organism to another. These new techniques, commonly referred to as gene technology, involve the modification of organisms by the direct incorporation or deletion of one or more genes to introduce or alter a specific characteristic or characteristics. Organisms created by gene technology techniques are commonly referred to as GMOs.

Gene technology has a wide range of potential applications, including: in research; in the production of therapeutic goods, for example, for the modification of micro-organisms to produce insulin and vaccines; in medicine, for example, for the diagnosis and treatment of disease; in industry, for example, for the production of enzymes for use in food processing, paper pulp production and the biological leaching of minerals; and in bio-remediation, for example, for micro-organisms to decompose toxic substances and clean up industrial sites or environmental accidents.

This interests me, given that at the moment in the Yarra Valley we have an issue with a green composting facility at Coldstream. Much discomfort is being experienced by local residents from the smells of this

green waste decomposing, and various methods are being used to handle this. In fact it has been so bad that there has been a removal of 200 tonnes of the green waste from this site because the company, with the technology it has at the moment, could not handle the decomposing of this green material.

We look forward to the day when processes are developed that can actually speed up the decomposition without the smells — because all of us are very environmentally conscious and want to reuse the green waste but we cannot have the depots and the compost facilities so close to houses when the smell spreads over the whole valley. The other way that gene technology can potentially be used is in agriculture — for the genetic modification of crops to incorporate resistance to pests and diseases, in developing herbicide tolerance, and in slowing the ripening of fruit or altering the timing and duration of flower production. Once again, this is a very important issue in my electorate.

There are a lot of people who are very concerned about GM modification. I know the member for Gembrook has grave concerns about this, and I respect her opinions on it; however, coming from a vineyard and a farming background as I do, the thought of not having to spray as often is something that really appeals to me. In the vineyard we use sulphur a lot to control mites at the beginning of the growing season and also botrytis when the fruit is ripening. If we did not have to spray that sulphur, I know I would be very happy and so would anyone who has asthma who lives in the area, because spraying affects people who suffer from asthma.

At the moment the food products from six GM commodities are already in Australia's supermarkets. These are: soybean, canola, corn, potato, sugar beet and cotton. Only one of these, GM cotton, is grown in Australia. Genetically modified cotton was first planted in Australia in 1996. GM cotton is grown on 90 per cent of cotton farms and oil derived from cotton seeds makes up approximately one-third of the vegetable oil consumed in Australia. Before the modified cotton was grown in Australia, farmers sprayed their crops with chemicals every 14 days. Cotton crops are now sprayed only once prior to harvesting, meaning crop spraying has been reduced by 80 per cent, which greatly reduces threats to the environment and food safety. Victoria is currently trialling the growing of genetically modified wheat in the Mallee region.

As I said, I understand the people who have concerns about GM crops. I think a lot of the time when new things are introduced we are very concerned about what they may or may not do and about the effect on the environment and on humans consuming the goods, but I lean towards seeing this in the light of the advances in medicine which have been experienced over the last few years. Even though for a long time a lot of people were very concerned about the medications that were being introduced, we have eliminated a lot of diseases. I think the process which is going on in Australia — which is envied by many other countries — is a long, slow, consultative testing process. Where any doubts are raised, testing is done to try and eliminate those concerns.

The bill deals with many other issues, and I am conscious that I am running out of time for my contribution to the debate. The emergency components of this bill are very important. One that I note in particular is that if a farmer has a delivery of a crop and then suddenly discovers that it has GM components to it, he can quickly destroy that crop without having to go through a long process of getting the permits.

As I say, that commitment is very important, as is the process of applications to use genetically modified crops, and the trials that are being done in Australia. As someone who has lived on the land for many years and used many sprays to try and produce the best crops that are viable on the commercial market, I welcome and support this legislation.

Ms THOMSON (Footscray) — I am pleased to be able to support the Gene Technology Amendment Bill 2007. I do so while noting that many speakers have spoken about the detail of the bill, about what it means and its implications, and I certainly will not continue in great detail about the bill itself because I think that has been comprehensively explained to the house.

I want to talk about gene technology and its capabilities — that is, its capabilities in food and crops and agriculture, as we have already heard from previous speakers — including the ability to limit the effect of pests; the ability to provide greater quantities of food, particularly for Third World countries, and the opportunity to feed a planet that is continuing to grow in population; and the ability to provide for crops that are drought tolerant and can resist salinity — and perhaps we may even be able to modify plants to help with the issue of salinity more broadly.

There is also the issue of health, which is the issue I will concentrate on today, and the potential gene technology has for treating some illnesses that are life shortening and life threatening. There is also the ability to utilise gene technology to help protect the environment in many ways. We just heard from the member for Evelyn about some of the issues that she

would like to see gene technology address. There are certainly plenty of opportunities for that to occur. When we are dealing with the issue of what science can produce, the big debate in our community is on the question of balance. The question is about what is right and appropriate for development and what is not, and about ensuring that the legislative processes are in place to keep that balance.

Often we hear out in the community that we do not have the capacity to legislate quickly enough for the changes that science may produce. Here is an instance where we have got it right. This is about complementary legislation that has been reviewed. It has been deemed to be an appropriate regulatory process. It is working well, and with the few minor changes and amendments we are making in the Parliament today, it is a piece of legislation that will continue to work well. It will put in all the checks and balances that you would want in place when dealing with technology which on the one hand is awe inspiring in what it might produce but which on the other hand could be quite frightening if it were left unchecked. I think we are seeing quite balanced legislation being debated in this house. The fact that it is being supported by all members in this chamber signifies that we have got the balance right.

I want to talk a little about the new elements in the amendments to the existing legislation. The one I particularly want to talk about is the making of emergency-dealing determinations and their relationship to the federal minister. I think this is probably the major component of the legislation that is new and different. It acknowledges that we may want to use genetically modified organisms to help us in emergency situations. We have put in place mechanisms to ensure that they are used only in an appropriate way.

Before making an emergency-dealing determination the federal minister must have received advice from the commonwealth chief medical officer, the commonwealth chief veterinary officer, the commonwealth chief plant protection officer or a person specified in the regulations that there is an actual or imminent threat to the health and safety of people or the environment and that the dealings proposed to be covered by the emergency-dealing determination would, or would be likely to, adequately address the threat. The federal minister has to be satisfied that there is an actual or imminent threat to the health and safety of people or the environment and that the dealings proposed to be covered by the emergency dealings determined would, or would be likely to, adequately address the threat. He must be satisfied that the risks posed by the proposed dealings can be managed safely, and he must have received advice from a regulator to that effect and must have consulted about the proposed emergency-dealing determination with the states and territories. That is crucially important.

The other issue which I want to address in the amendments and which I think is also important is the amalgamation of the gene technology and community consultative committees. There is no point in keeping those separate. We cannot have someone giving advice on the ethics without taking into account the community's expectations and understanding. Also as part of that educative process, how can a community understand the depth and breadth of this technology and what it might mean if they have not got the balanced views of people out there in the community to consider? By bringing together the ethics debate and the views of the community, we will get much better outcomes as a consequence, and the community will be more understanding of the way in which this technology can be used not only safely but in advancing medical, environmental and agricultural needs. I think that is crucially important.

I also want to talk about the streamlining of licences. Many members here have talked about the use of GMOs (genetically modified organisms) in agriculture and crops and the number of areas in which we have genetically modified base products coming into Australia from overseas. A streamlining of the licensing will increase our understanding of the risk factors. The streamlining of the licensing regime for the purpose of providing licences where there are minimal risks, as opposed to situations where there are likely to be more risks involved, means that we are streamlining the process by which we can look at genetically modified organisms for the purposes of export as well. As we look to what we might be producing in our research and development areas, we are also realising that they may be our industries of the future, and we should be prepared for that process.

I also want to mention research and development. Victoria is leading the way in research and development, particularly in the medical field. There is absolutely no doubt about that. It is no accident that we are seeing our key researchers come back from overseas to head up vital research arms within our research institutions. I, like other members, have had the opportunity to visit some of those medical facilities. The work they are doing on the health issues we now face is just incredible. That is based on the Victorian biotechnology strategic development plan of 2004, and that was preceded by the innovations statement that was made by the Bracks government, led by the then

innovation minister, the current Premier. The reason that Victoria is well and truly in front of the other states is the planned strategy we have put in place, together with our researchers, to ensure we are leading the way.

I do not have much time left for my contribution to the debate, but I want to talk about some of the breakthrough research that is being conducted into gene technology and for which there have been licences or certificates granted by the regulator. This is just a smidgen of the research that has been undertaken here in Victoria that I think is vitally important.

The Baker Medical Research Institute is doing research into the use of viruses to study cardiovascular disease and related genes in vitro. A lot of work is being done on cardiovascular and heart disease. The Peter MacCallum Cancer Institute, one of our key cancer institutes, is doing research into in-vitro and co-culture models of ovarian cancer. For those of you who are not aware, ovarian cancer is one of the hardest cancers to diagnose because it does not have obvious symptoms. Wouldn't it be good if we could fix that? Melbourne University is doing research on epilepsy and seizures, Monash University is doing embryonic kidney stem cell research, and St Vincent's Hospital is doing research into insulin resistance. This is important research. I commend the complementary legislation to the house.

Mr WALSH (Swan Hill) — I rise to speak about the Gene Technology Amendment Bill 2007. It has been fascinating to sit here and listen to the member for Footscray make her contribution on this bill, and I commend her for her passion and her insight into research and development. She was a member in another place when we passed the Control of Genetically Modified Crops Bill in 2004, but I hope that she spoke up against that bill with the same commitment and passion — which she would have done if the views she has expressed now were held at that time. In some ways that bill defied what the members on the government benches are saying now, because it actually put in place a moratorium that held back agriculture from the opportunities that the member for Footscray just talked about.

Apart from Victoria being at the leading edge in world technological developments in agriculture and in crops in particular, that development was actually stifled for four years by that legislation, and I will come back to that later. We hope that that moratorium will lapse in February 2008. The Control of Genetically Modified Crops Act actually put agriculture in Australia at a competitive disadvantage compared to the rest of the world, because it was held back and the technology companies effectively exited the Australian market. The Nationals support the Gene Technology Amendment Bill 2007. It makes common sense, and it is a pleasant surprise to find that we have legislation coming forward from this government that actually does make sense. It makes life simpler for people who are involved in the gene technology industry as they go about getting particular products registered for trial and for future use in Australia.

The Gene Technology Act was passed in 2001 with the support of The Nationals. As I said before, little did we know when passing that bill that by 2003 there would be a moratorium here in Victoria that actually excluded agriculture from the benefits of research into these sorts of opportunities for the farming sector. The Gene Technology Act, as is stated in the second-reading speech of this bill, is the mechanism by which Victoria participates in a nationally consistent regulatory scheme for gene technology, and it has been working. A review panel found that the gene technology regulatory framework is working well and recommended the changes that we are talking about today to consolidate the efficient operation of the act.

It is interesting that the Office of the Gene Technology Regulator reviews applications to see if there is any risk to human health or to the environment by a particular organism, a genetically modified crop or food, or any such thing being released into Australia. The nationally consistent legislation, of which Victoria's is part, has been reviewed, and it has been found that the technology will not be injurious to health or to the environment, but we have had this hysterical and passionate debate in Victoria about how bad genetically modified crops are.

However, all the different things that have been said are not the issue. The only way that Victoria could actually have any sort of moratorium imposed was by looking at perceived threats to the market. Professor Peter Lloyd was appointed by the Minister for Agriculture at the time to look at whether there was a perceived threat to the market.

Sitting suspended 1.01 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Rail: level crossing safety

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Since the Kerang collision of 5 June that tragically claimed 11 lives and the

subsequent safety measures promised on 25 June, how many of Victoria's level crossings have been upgraded?

Mr BRUMBY (Premier) — As you know, Speaker, over recent years the government has substantially increased its expenditure in relation to level crossings. If my memory is correct, we have committed something like $10 million over the forward estimates period for the upgrading of level crossings across the state. This investment that we are making is a substantial increase on the investment which has been provided in the past.

Today the coroner released the report in relation to the Donald crossing. In relation to that matter, I understand that the crossing has been improved since the date of that accident. I do not have the details of all the crossings which have been improved under the government's program. I will obtain that information and provide it to the Leader of the Opposition.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. I appreciate that he does not have the details of all the level crossing upgrades, but the question was about upgrades since the announcement of 25 June. I would have thought that the Premier would know whether this program has started.

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

Nuclear energy: plebiscite

Ms RICHARDSON (Northcote) — My question is to the Premier. I refer the Premier to the government's commitment that nuclear power will not go ahead in Victoria, and I ask him to update the house on how this commitment might be further reinforced.

Mr BRUMBY (Premier) — I want to thank the honourable member for her question. As she may be aware, the Labor Party in Victoria has a long record of opposing nuclear activity in our state. In 1983 the then government introduced a Nuclear Activities (Prohibitions) Act; and of course before the election last year, we promised that, if we were elected, we would introduce legislation to require a plebiscite in the state of Victoria should the federal government attempt to override the states and impose nuclear energy on a state that does not want it. We introduced that legislation, and I must say that the member for Hawthorn and the member for Gippsland South voted against the legislation, as did the Greens political party. I note that while the Victorian government supports a plebiscite in relation to this matter, to date the Prime Minister has said that he does not.

However, I also note that last night the second most senior federal government member, the Deputy Prime Minister, Mark Vaille, said:

> We can say up-front that local communities will have a direct say on whether or not any (nuclear energy) development takes place in their area, even to the extent of having a binding local plebiscite …

On the radio this morning I heard the third most senior member of the federal government, federal Treasurer Peter Costello, say, when the question was put to him:

> I think the local community would have every right to be consulted in a plebiscite.

So we have a number of federal government MPs who have ruled out a power plant. They are MPs in the electorates of Menzies, McMillan, Flinders and Gippsland, to name just a few. We have the Labor government in Victoria trying to do the right thing, trying to protect the interests of Victorians and trying to ensure through our legislation that there is the right to a plebiscite. We have the Deputy Prime Minister — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bulleen!

Mr Baillieu — Dodgy John!

The SPEAKER — Order! The Leader of the Opposition!

Mr BRUMBY — The Leader of the Opposition should not talk about the Prime Minister in that way — he would find it quite insulting.

The SPEAKER — Order! The Premier!

Mr BRUMBY — While the Prime Minister has been opposed to a plebiscite to date, I have noted recent changes in behaviour. He said recently in Queensland:

> On such a fundamental principle, it is outrageous for the state government to punish people for wanting to express a view … we're using the limit of our constitutional power to prevent that occurring.

The Prime Minister was talking about local government amalgamations, but he was saying that a plebiscite is a good thing, a good idea, and that the people have a right to be consulted by a plebiscite.

Mr Baillieu — On a point of order, Speaker, the Premier is debating this question. This is the Premier who changed the constitution without a referendum.

The SPEAKER — Order! The Premier should limit his comments to the question.

Mr BRUMBY — I would assert — and I think 5 million Victorians would be with me — that having a nuclear power plant in your backyard is at least as significant an issue as local government amalgamations. If it is good enough to have a plebiscite on local government amalgamations, then it is good enough for the Prime Minister to agree to hold a plebiscite on nuclear energy on the same date as the federal election this year.

Water: north–south pipeline

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to the 170 billion litres of water that is still to be delivered under the government's promised increased environmental flows for the Murray River and the Snowy River, and I ask: will the minister guarantee that those commitments will be met before any water is pumped to Melbourne in the proposed north–south pipeline?

Mr HOLDING (Minister for Water) — We, the government, welcome members of The Nationals joining the crusade in relation to the Snowy River, an issue we know they have been passionate about for a long period of time.

Matters related to the Snowy River scheme are the subject of an agreement the Victorian government has with New South Wales. There are a range of issues related to that agreement which are still outstanding, both in terms of establishing the scientific committee and the five-year review. These are issues which the Victorian government has been pursuing with the New South Wales government for some time. We are continuing to pursue them, and they have a very high priority in my activities as the new Minister for Water.

Regional and rural Victoria: housing affordability

Mr TREZISE (Geelong) — My question is to the Minister for Housing, and I ask: can the minister advise how the government is taking action on housing affordability in rural and regional Victoria?

Mr WYNNE (Minister for Housing) — I thank the member for Geelong for his question and his interest in housing affordability generally. We are in a very difficult situation in Victoria in relation to affordability in the private rental market. We are experiencing the tightest private rental market for the last 15 years. Metropolitan Melbourne has about a 1 per cent vacancy rate. This is an historic low, and it really is quite an acute situation.

If you look at rural and regional Victoria, you find that situation is equally reflected. Between 2001 and 2007 the overall median rent in country Victoria increased by 19 per cent in real terms, compared to 12 per cent in the Melbourne metropolitan area. This, of course, has had a marked impact, and from March 2001 to March 2007 in areas such as Bendigo the proportion of new rental lettings of affordable housing has decreased from 86 per cent to 55 per cent. The figure for Geelong over the same period has decreased from 74 per cent to 46 per cent. For Warrnambool it has decreased from 79 per cent to 41 per cent. Wodonga, which had 79 per cent affordable housing stock, is now down to 44 per cent. As the house would know, the private rental market is specifically the responsibility of the federal government through the commonwealth rental assistance program.

As the house would be aware, one-third of all of our public housing stock is in regional and rural Victoria. We very much support the provision of public and social housing right across the state. Since we came to government in 1999, 11 500 public housing units have been built — —

Mrs Fyffe interjected.

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

Mr WYNNE — Indeed 2800 of those public housing units were built in rural and regional Victoria. I need not remind the house of the fantastic budget Victoria got from this government in May, with $510 million — the most significant boost in public and social housing by any state government ever. This builds on the commitment the Brumby government gave on stamp duty exemptions for first home buyers and the very significant land supply available in Victoria.

The federal government has postured over the last few months, trying to blame everybody else bar itself for the housing crisis throughout Australia.

Honourable members interjecting.

The SPEAKER — Order! The member for Bass and the member for Nepean!

Mr WYNNE — The federal government has blamed state governments for an alleged failure in land supply. That is certainly not the situation here in Victoria, with 25 years worth of identified land supply in every growth corridor in Victoria.

Mrs Fyffe interjected.

The SPEAKER — Order! The member for Evelyn has been warned; there will not be another warning.

Mr WYNNE — Speaker, you can imagine that I went with some confidence to the housing ministers conference held in Darwin on 4 July, where we as a state government went to present our credentials regarding how we wanted to address the housing affordability situation in the public sector, in the private rental market and for first home buyers. As I said, we went to Darwin, but two days before the housing ministers conference the federal minister, Mal Brough, advised us that he was not available.

Honourable members interjecting.

Mr WYNNE — He would not be available! He was busy on other matters!

We presented there a six-point plan to secure the viability of the social and public housing sector, increase the supply of social housing, improve housing affordability for private renters, improve access to affordable home ownership, increase the supply and distribution of affordable housing through new developments and redevelopments, and improve housing opportunities for indigenous people. They were all pretty reasonable propositions — but what was the response of the commonwealth? It was, 'Look, we are not in a position at this stage really to talk to about these matters. We will see you in December'.

Mr Hulls — No, they won't!

The SPEAKER — Order! The Deputy Premier!

Mr WYNNE — We all know what that meant — that is, 'We'll see you after the election'.

I move forward to what was probably one of the darkest days in housing policy in the history of this state, 26 July, when the states were invited to Canberra by the federal opposition leader to talk about housing affordability and to think about what strategies could be brought forward to address what is a really serious national crisis.

In Canberra we had significant people from academia, we had all the development community, we had the Housing Industry Association, we had the Urban Development Institute of Australia and we had all state housing ministers. This was an excellent conference on 26 of July, and the Rudd opposition was getting really significant — —

The SPEAKER — Order!

Mr WYNNE — I am getting to it, Speaker.

The SPEAKER — Order! I ask the minister to refer his comments to state government business.

Mr WYNNE — This is absolutely state housing business — absolutely, Speaker — because — —

Mrs Fyffe — On a point of order, Speaker, the minister is talking about an around-Australia trip, staying in hotels in Darwin and Canberra, and I have people sleeping out in the cold in the Yarra Ranges.

The SPEAKER — Order!

Mrs Fyffe — We have people sleeping out in the open!

The SPEAKER — Order! The member knows full well that that is not the manner in which to take a point of order. There is no point of order. The member has been warned twice this question time. She is now in total control of the decision she will make.

Mr WYNNE — The significance of 26 July was not only the Rudd conference, it was also because the opposition was getting some significant support for the propositions it was putting forward in terms of housing affordability. By 3 o'clock that afternoon the federal housing minister rolled out his announcement, 'We are abandoning the commonwealth-state housing agreement'. What a shameful day! Here is an agreement, the commonwealth-state housing agreement, that has served — —

Honourable members interjecting.

The SPEAKER — Order! Members may not like the answer, but the minister has a right to be heard. The chorus that the opposition just entered into is unacceptable. The member for Warrandyte can consider himself warned; the member for South-West Coast can consider himself warned; and the member for Scoresby can consider himself warned. Can I remind the minister that he has been speaking for a number of minutes, and perhaps he would like to conclude his answer.

Mr WYNNE — I will conclude on this point. That day, 26 July, was a shameful one, when the federal

government abandoned any pretence of having a national approach to housing affordability in the public and private rental markets and also in home ownership generally. The cornerstone of federalism has been the commonwealth-state housing agreement. When I went up to Canberra for the day, I came back with ripper bronchitis but no commonwealth-state housing agreement!

Along with every other state, we will continue to pursue the six-point plan that we indicated at the commonwealth meeting in Darwin is an agreement that will secure the long-term future of the public and social housing sector, the private rental market and indeed first home owners as well.

Government: advertising

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to government advertising spending, which is now some 400 per cent greater than in 1999, and to the now Premier's promise in February 1999 that a Brumby government would cut government advertising by 60 percent, and I ask: does the Premier stand by his commitment?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. This is a serious issue which has been raised by the Leader of the Opposition, because the vast bulk of advertising which takes place in this state is directed towards the most serious issues. The bulk of our advertising takes place through organisations like the Transport Accident Commission (TAC). Members know that every time you turn on the television at night and watch a game of football, the advertisements you see on the television are about safer driving, reducing road accidents and saving lives.

In the last five years in this state we have had the lowest five-year aggregate of road deaths by far in the state's history. A lot of factors have contributed towards that. Part of it is the road safety framework we put in place; part of it is the fact that we are spending record levels on road improvements in this state; and part of it is the advertising through the Transport Accident Commission.

I am also proud that in the last year we recorded the lowest level of industrial deaths in the state's history. Every life lost in a workplace accident and every life lost on the roads is an unnecessary death. There are a lot of factors which have contributed towards reducing workplace deaths: stronger occupational and health legislation; a strong, productive and constructive relationship with employers aiming to reduce workplace accidents; and in part, too, the significant level of advertising which has been put in place by the Victorian WorkCover Authority.

Honourable members interjecting.

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

Mr BRUMBY — We are spending record amounts in those areas, and I make no apologies for the record expenditure we are making to save lives. If the Leader of the Opposition is interested in wasteful advertising, he might look — —

Honourable members interjecting.

The SPEAKER — Order! I have just warned the member for Bulleen. I ask the Leader of the Opposition not to interject across the table in that manner.

Mr BRUMBY — In terms of wasteful expenditure, the Leader of the Opposition might look at what I understand to be the $100 million-plus advertising campaign put in place by the federal government to support WorkChoices.

Honourable members interjecting.

The SPEAKER — Order! The Premier will confine himself to state government business.

Mr BRUMBY — In Victoria we are spending record amounts on TAC advertising, we are spending record amounts on WorkCover advertising, but if the people of Victoria want a clear choice in relation to this matter, have a look at the federal government, which is spending record amounts on WorkChoices.

Swimming pools: funding

Mr HARDMAN (Seymour) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer the minister to the importance that local pools play over summer in many rural Victorian communities, and I ask what measures the Brumby government is taking to breathe new life into these vital community facilities.

Honourable members interjecting.

The SPEAKER — Order! I have not called the minister yet. The Minister for Sport, Recreation and Youth Affairs.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I am eager, Speaker. I do not get questions from the opposition, so I am very eager to get up at question time!

I thank the member for Seymour for his question. With seven seasonal pools in his electorate, he knows very well about the importance and value of local pools to his community. Few people in this chamber would not have enjoyed an afternoon at their local community pool with family and friends. For most of us these pools play an important and special part in our growing up. The majority of these pools were constructed post the 1956 Olympics. The boom in pool construction in the 1950s, 1960s and 1970s means that, whilst they are steeped in history, many are in great need of rejuvenation. Most of these seasonal pools are in rural Victoria. Their importance was highlighted during the drought when in recent summers huge numbers of locals flocked to their local community pool to swim, to play, to socialise, to volunteer and to be part of their community.

The Brumby government knows what these pools mean to rural communities. We know how vital they are, and we want to breathe new life into these facilities. I am pleased to inform the house that there is a new category in the 2008–09 round of the Better Pools program called the seasonal pool renewal program. This will provide grants of up to $200 000 that will be available to rural and interface councils to rejuvenate their pools. We will not only be looking at fixing the problems — that is, the cracks, the leaks and the need to upgrade equipment — but we also want to increase participation. That means things like new change rooms, shade areas, barbecue areas and water play areas, which are incredibly popular with young kids.

The Brumby government has a proud record when it comes to investing in aquatic facilities. Over the next four years we will be providing $46 million, which marks the biggest investment in aquatic facilities at any point in Victoria's history. This is in stark contrast to what the community would have faced had the opposition been sitting on these benches. Its alternative policy questions the entire community facilities funding program and goes on to say that the money can be better spent. In black and white the opposition is saying that the money can be better spent. It is absolutely outrageous. I encourage opposition members to place a value on these local pools because not only are they vital social assets, they are also the early building blocks for our young, emerging elite athletes.

I take the opportunity to remind the house that we are less than one year out from the Beijing Olympics. Victorians have a great record. At the last Olympic Games in Athens Victorians won 36 per cent of the Australian medals. We represent 25 per cent of the population, so we punch above our weight. I am very proud to inform the house that we have provided an additional $1 million to the Victorian Institute of Sport and its Project Beijing to give athletes a greater chance of success at the next Olympic Games. But as important as this support to our elite athletes is, it is equally important to invest in our grassroots.

Every Olympian today began their journey as a young boy or young girl, jumping, running, throwing in their local park or indeed swimming in their local pool. Only the Brumby government understands this link, and only the Brumby government will invest in community facilities to make this state a great place to live, work, raise a family and play sport.

Freedom of information: government performance

Mr MULDER (Polwarth) — My question is to the Premier. I refer to freedom of information requests on the cost blow-out of Southern Cross station and the former Minister for Health's bungled handling of HIV, which have both recently been denied due to a lack of staff, and I ask: are these denials consistent with the Premier's promise to be more transparent?

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, I ask the member for South-West Coast to leave the chamber for 30 minutes.

Honourable member for South-West Coast withdrew from chamber.

Questions resumed.

Mr BRUMBY (Premier) — I thank the member for Polwarth for his question. As I have clearly indicated before in the house in relation to freedom of information, we are providing more documents under freedom of information today than have ever been provided previously. We have increased the number of FOI staff by more than 50 per cent and we are approving in excess of 96 per cent of documents. I obviously am unable to comment on specific issues because specific issues are a matter, as they always have been under the legislation, for FOI officers to adjudicate.

But I can say that the staffing budgets have been increased by more than 50 per cent, there are significant increases in staff resources and I understand that the

number of requests being processed by the government today compared to 1999 is more than double what it was at that time. We have increased staff by 50 per cent. We have doubled the number of applications which are being processed. In relation to the specific matters, FOI officers will deal with those.

Mr Mulder — On a point of order, Speaker, the question goes to the heart of transparency, not whether there are particular staffing matters or whether there are sufficient staffing levels to deal with FOIs. One of these requests — the Southern Cross Station Authority — relates to 12 months of invoices the opposition is seeking. They say they have not got time to photocopy them; they do not have the staff.

Honourable members interjecting.

The SPEAKER — Order! Taking a point of order is not an opportunity to enter into debate, as the member well knows. The question related to staffing levels and the Premier has answered regarding staffing levels.

Honourable members interjecting.

The SPEAKER — Order! If the member for Polwarth and the member for Bulleen are happy for question time to continue now, it will.

Regional and rural Victoria: mental health services

Ms DUNCAN (Macedon) — My question is for the Minister for Mental Health. Could the minister inform the house what action the Brumby government is taking to improve mental health services in regional and rural Victoria, particularly for young people and families?

Ms NEVILLE (Minister for Mental Health) — I thank the member for Macedon for her question. We know that one in five Victorians will suffer from depression or other mental illness at some time during their life. And we know it is particularly tough at the moment in many rural and regional areas because of the drought. There are effects on farmers, rural businesses and many rural families. It is also tough in some of those communities that are living with the aftermath of floods and bushfires.

The Brumby government believes that every Victorian living with a mental illness is entitled to help, advice and support, regardless of where they live. I am very pleased to advise that people living with a mental illness in rural areas are benefiting from a range of new programs being rolled out across the state. Our new prevention and recovery care (PARC) services were pioneered in rural Victoria. These are services that treat people who need further help after leaving hospital but before going home or people who become unwell but do not require a hospital admission. Recently I was in Shepparton, which is home to Victoria's first PARC facility. It is making a big difference. We have new services in Bairnsdale, Bendigo and Geelong coming online later this year.

Rural and regional Victoria has also been pioneering our youth early psychosis program, which provides intensive clinical treatment for young people at risk of early psychosis. All rural regions have access to youth early psychosis programs, and they have been so successful that we committed further funds in this year's budget to complete the rollout across Melbourne.

We are mindful of those families living with increased strain and increased risk of mental illness due to the drought. I have reported to the house previously about the many efforts under way to help families affected by the drought. This year the government has allocated even further funding to provide extra support to drought-affected communities. It includes $1.3 million to extend counselling to rural communities, money for health promotion and service coordination, and support for workforce development, including mental health first-aid training.

This week I was very pleased to announce a new strategy that will provide additional support to families in rural and regional communities where a parent has a mental illness. About 35 000 Victorian children live in families where a parent has a severe mental illness, and we know that when a parent becomes unwell it affects all the family. Families in which a parent has a serious mental illness are more likely to experience poverty, housing problems, marital conflict, disruption at school and social isolation. This $2.4 million program will better support children, with five regionally based workers as well as training for the many services often involved with families — GPs, maternal and health services and schools. We are focused on changing the culture so that when a person presents with a mental illness the response takes into account the impact on the family as well as on the individual.

Of course, on top of decent programs we know we need decent facilities. We have recently developed the Latrobe community care unit in Traralgon, and one is under construction in Shepparton. We are also committed to providing $5.5 million during this term of government to consolidate community mental health and upgrade facilities in Ballarat.

These are just some of a whole range of initiatives we are implementing in rural and regional Victoria, such as eating disorder services in Bendigo and Geelong, research positions and rural medical partnership programs. They are all evidence of the very hard work that is being done in our health services and in the community to improve mental health services in regional Victoria. Mental illness is everyone's responsibility. That is why we are working with local communities to ensure that we offer help and support to those in our community living with mental illness.

Schools: drought support

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Mental Health. I refer to the minister's previous answer, and I ask: does the minister support the fact that the government's $2.9 million package to assist children and families in drought-affected regions applies only to the children and families of state-funded schools?

Mr Batchelor — On a point of order, Speaker, I do not believe this falls within the responsibility of the Minister for Mental Health. I know the Leader of The Nationals got his call wrong the last time, but this time he has put the question to the wrong minister.

Mr Ryan — On the point of order, Speaker, the minister in answering the previous question made specific reference to drought-affected areas and to children who are affected by issues regarding the drought. I am simply asking the question: does she support the notion that the government's program is consistent with the outcomes she has been expressing?

The SPEAKER — Order! I call the Minister for Mental Health.

Ms NEVILLE (Minister for Mental Health) — As I said in my previous answer, mental health is everyone's business. It is our business, and it is the community's business. That is why this government has a multifaceted approach to supporting rural and regional communities affected by this drought. We have invested in support through schools, through kindergartens, through counselling services, through health promotion and through workforce development. This approach is about supporting those families and communities in need who are doing it tough during the drought.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. The question was dedicated to the issue of whether she supports the notion that the government's present programs apply only in state-funded schools.

The SPEAKER — Order! The minister has completed her answer, and I do not uphold the point of order.

Mr Stensholt — On a point of order, Speaker, I seek clarification. Normally questions are meant to seek information, not opinions on matters outside ministers' portfolios. I seek your consideration of this matter.

The SPEAKER — Order! Having listened to both answers from the Minister for Mental Health and to the question from the Leader of The Nationals, I have to say that I am not convinced that I understand these funding programs, but I am prepared to say that I believe the Minister for Mental Health has answered both questions raised by the Leader of The Nationals.

Regional and rural Victoria: information and communications technology

Mr HOWARD (Ballarat East) — My question is to the Minister for Regional and Rural Development. Can the minister update the house on what the Victorian government is doing to bolster IT (information technology) services for regional areas, and can she advise of other policies that may affect this?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. Certainly, like the member for Ballarat East, the Brumby government recognises that for regional communities and regional industries to be nationally and internationally competitive they need access to fast and reliable broadband. Just as over a century ago governments invested in vital infrastructure for regional areas and connected regional areas to reliable supplies of water and electricity, so too governments today need to invest in connecting regional areas to broadband, the backbone of the 21st century.

While telecommunications is strictly the responsibility of the federal government, the Brumby government is doing its best and doing everything it can to help regional communities have access to the best possible broadband infrastructure. The outstanding example of this is the government's VicSmart rollout, which will see every government school in the state connected to high-speed fibre-optic broadband by the end of 2008. This will remove the digital divide between city and country schools. It means that a primary school student at Birchip P–12 School will have the same access to broadband as a student at Brighton Primary School.

The Labor government has invested $89 million in delivering this in partnership with Telstra.

Unfortunately while the Brumby government is doing its megabit to help regional areas, the federal government is doing its best to unplug regional areas. The latest OECD (Organisation for Economic Cooperation and Development) report — —

Honourable members interjecting.

The SPEAKER — Order! I am going to have to apologise straight off to the member for Box Hill in that I have not been paying the fullest attention, but I will listen to the point of order.

Mr Clark — That is appreciated, Speaker. On a point of order, the minister is commencing to debate the question in relation to the federal government policy. I ask you to bring her back to state government business.

The SPEAKER — Order! I really am in a difficult position here. Without upholding or denying the point of order, I will ask the minister to confine her answer to state government business.

Ms ALLAN — It is the state government's business to ensure that regional areas get access to the best possible broadband, which is why we are concerned that the latest OECD report has found that Australia's broadband connections are among the world's slowest and that countries like Poland and Mexico have faster average download speeds than we have here in Australia.

This is not new news. This is a problem that has been buzzing on the bush telegraph for years. It is no surprise that, in one of my very first meetings as Minister for Regional and Rural Development with the seven Central Highlands councils, they raised this issue with me. They put this issue as one of their first priorities to me, and they understand that to attract industry and people to their areas they need reliable broadband.

On a state matter I was looking forward to discussing this issue next week with my federal and state ministerial colleagues at the regional development council meeting, but the federal Liberal government is so ashamed of its appalling telecommunications record that it has hung up, logged off and pulled this issue off the agenda. We are not going to let the federal government off the hook.

I have written to the Deputy Prime Minister, Mark Vaille, demanding — —

Honourable members interjecting.

Ms ALLAN — I have had to use old technology to get through to the federal government to demand that it log back onto the importance of this issue and put it back on the agenda.

Honourable members interjecting.

The SPEAKER — Order! One reflection of the noise is that the Leader of The Nationals has to raise his voice to be heard by the minister across the table. Can I suggest to all members, including the minister, that they lower the volume.

Ms ALLAN — Thank you, Speaker, and I always look forward to hearing the Leader of The Nationals interjections. Certainly we want the federal government to put this issue back on the agenda, but while the federal government is leaving regional communities hanging on the line, the Brumby government will continue to support the rollout of vital infrastructure that will make regional and rural Victoria the best place to live, to work, to send an email and to raise a family.

GENE TECHNOLOGY AMENDMENT BILL

Second reading

Debate resumed.

Mr WALSH (Swan Hill) — Before the luncheon break I was making a contribution on the Gene Technology Amendment Bill 2007 and had been briefly talking about the fact that agriculture has actually been denied a lot of the benefits that government members have been talking about from genetic modification because of the moratorium in this state. That is under review at the moment and we look forward to the report from Sir Gus Nossal, Merna Curnow and Christine Forster and we hope they will find that the GM (genetically modified) moratorium is not needed in the future, as we on this side of the house have known it was not needed in the past, because there has not been a threat to Victoria's or Australia's market access because of genetically modified material.

The bill makes a number of changes, but it does three principal things. The first of those concerns emergency-dealing determinations, which is where the Minister for Agriculture has the opportunity to speed up the process if there is a need to use some genetically modified material in response to an emergency. If you think about what an emergency might be — and we never know until they happen — but if, for argument's sake, there was an outbreak of avian flu in Australia, threatening our poultry industry, or an outbreak of

foot-and-mouth disease, or any of those diseases that might need a speedy response, if there was a need for a genetically modified vaccine to control that, this legislation will provide the opportunity for the minister to speed up the process of authorising that.

The second principal thing that the bill does is divide into two categories the process for dealing with applications to use genetically modified organisms. The first of those is for field trials for the purpose of scientific assessment. It gives a shorter period of time for that assessment — 170 days — wherein the regulator must come up with a determination as to whether people can do field trials for scientific assessment. I think that is a sensible inclusion. One of the things that we have been pushing for for a long time in Victoria is for people with genetically modified crops to have the opportunity to do field trials so we can prove if they can coexist with normal crops, if they are actually of benefit to agriculture and what benefit there may be there for farmers into the future. The other half of that is the application for commercial release of genetically modified organisms into the marketplace, and that is a longer process, where the Office of the Gene Technology Regulator has 255 days to come up with a decision.

The third principal thing that the bill does is amalgamate two advisory committees under the commonwealth act. The Gene Ethics Committee and the Gene Technology Community Consultative Committee will be combined into a committee called the Gene Technology, Ethics and Community Consultative Committee. Again, I think it is something that makes eminent sense. It saves duplication and saves quite a bit of extra effort in the things that need to be done within the framework of the gene technology regulator.

Quite a few people have talked about the future benefits of genetic modification. We in The Nationals have always been passionate advocates of the potential gains in the future, particularly for agriculture. I notice quite a few members have talked about issues in the medical world and in other parts of industry. I will just spend the last couple of minutes talking about the benefits for agriculture.

One of the things I am personally waiting for is the result of the discussion about the breeding of rye grass that will no longer have allergenic pollen. As someone who suffers severely from asthma and hay fever in the spring, I think it would be absolutely fantastic if we could have a rye grass that does not cause hay fever into the future. The dairy industry, with the research into white clover, including breeding out the mosaic virus in white clover, could see a substantial increase in the feed available for dairy cows. The other one that I think everyone has dreamt about over the years is having bloat resistance bred into legumes, particularly lucerne. If we had across the Australian landscape lucerne that did not create bloat, particularly in dairy cattle and also in beef cattle, that would be a fantastic benefit not only for the industry but also for the environment. We all know the benefits of a deep-rooted perennial like lucerne.

It is a pity that the moratorium debate in Victoria focused so much on the chemical resistance in plants to particular sprays. I think, as many other members have said, we will see quite a few human health benefits in genetic modification in the future as we actually improve the nutrition of food, or the vitamin content of food. The example that comes to mind is the vitamin A gene in rice, so that in Third World countries you will find that you can improve the health of children who eat rice and reduce the incidence of blindness in those developing nations. So this bill makes eminent sense. As I said at the start, it is a pleasant change to have a bill from the government that makes sense and actually simplifies regulation and rules for industry.

Debate adjourned on motion of Ms D'AMBROSIO.

Debate adjourned until later this day.

JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL

Second reading

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

Mr CAMERON (Minister for Police and Emergency Services) — On behalf of the government I thank the following honourable members for their contributions: the honourable members for Kew, Benalla, Yan Yean, Mornington, Lara, Benambra, Geelong, Ferntree Gully, Bentleigh, Morwell, Ivanhoe, Forest Hill, Bulleen, Macedon and Preston.

Many honourable members talked about the importance of the release of mug shots. It is as a result of what has occurred in the past that the government has taken this action. In addition many honourable members discussed the issue of attempting to evade police and also the making of that a hoon offence. I think quite a range of comments were made across a number of issues there, as well as on other aspects of the

legislation. This is good legislation, which is why the government has introduced it. We certainly thank members for their broad support.

The member for Benambra raised some issues about the interstate interface. I will obtain some technical advice from police and VicRoads. I have already spoken to him today to advise that I will correspond with him about those matters generally. The government wishes the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

GENE TECHNOLOGY AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Ms D'AMBROSIO (Mill Park) — I am pleased to add my voice to the debate on the Gene Technology Amendment Bill. Certainly this government, under the leadership of John Brumby, is the first state jurisdiction to move on the recent amendments to the commonwealth Gene Technology Act. We are a forerunner in many respects when it comes to technology, and biotechnology is certainly no different. This bill mirrors the changes to the act so that we can maintain a response that is consistent with our commitment under the national agreement for a national regulatory regime for the gene technology industry.

This bill adds protections with respect to health and safety when it comes to genetically modified organisms. Of paramount importance is the protection of the Victorian community and the environment. Promoting research in this growth industry requires a fine balancing act. This bill is certainly consistent with the record of this government when it comes to managing and balancing the promotion of economic benefits that we gain through growth industries such as biotechnology with the need to provide security and protection of community health and our environment.

The bill also is a reflection of the very good regulations and legislation that are derived from a high level of cooperation across jurisdictions. Where policies sometimes fail or are allowed to drag, there is usually a lack of cooperation across the jurisdictions in our federation. We have only to look on a daily basis in the lead-up to the federal election to see that there are many examples of cynical politics being played out. Certainly good government policy is put at risk by very cynical approaches, especially by the federal government. On this matter there is great unity. I am pleased that the Victorian state government is the first state to move on the most recent changes to the federal legislation with respect to gene technology.

The bill allows for the gene technology regulator to move more quickly, but certainly safely, in assessing the suitability of genetically modified organisms for use in emergencies. That is a very important response to this growing industry and the growing number of options that are available day by day to use genetically modified organisms in dealing with emergencies. The bill also provides for improvements in the processes for the gene technology regulator and the Gene Technology Ministerial Council to receive advice. This will be achieved by merging the ethics and the community consultative committees. Certainly that makes a lot of sense in terms of saving time and being able at the same time to maintain extensive community consultations.

The bill also reduces the steps in the process where there are low risks involved. Genetically modified organisms to be released will be separated into two categories — those deemed to be of limited and controlled releases, and those of commercial releases. Different processes and time frames will apply to those different categories. Those time frames and processes will be proportionate to the risk involved by those particular organisms. These are just some of the amendments this bill contains, and it will certainly finetune our policy in this state for good governance of this industry.

Our government has an excellent record when it comes to technology research and development. Our commitment to encouraging gene technology is very strong. The bill promotes our biotechnology strategic development plan 2004. Underlying that plan is the capture of the economic benefits that we are able to obtain from helping to grow the biotechnology industry. This must be balanced by an ethical regulatory framework with processes for extensive community consultation. Ultimately serving the public good by way of protection of community health and safety in the physical environment with which the community interacts is a paramount objective of this government.

The state government is dedicated to this. The bill continues our policy to encourage the development of the biotechnology industry with solid community and environmental health and safety controls. With these few words, I commend the bill to the house.

Mr WELLER (Rodney) — It gives me great pleasure to speak to a bill that is bringing this state into the 21st century. Hopefully next year, when we review the moratorium on GM (genetically modified) products, we can lift it so that agriculture can have the benefits of GM products.

This bill has another positive aspect to it. I read the Charter of Human Rights and Responsibilities statement of compatibility and gained great heart when I saw that:

> The proposed Gene Technology Amendment Bill will ensure that the Victorian act is brought into line with the commonwealth legislation as amended and that the national regulatory framework for gene technology continues to operate in Victoria in a seamless and coherent manner, giving certainty to industry and stakeholders.

If only we could have that assurance on the other 1500 border anomalies that exist between Victoria and New South Wales. If we could solve that problem and have seamless transactions across the borders with New South Wales and South Australia, doing business here in Victoria would be greatly enhanced.

Why would the agricultural industries want these amendments? As we all know, the last few years have been drier than normal. We actually have some research here in Victoria into GM products which shows that we can grow a tonne of wheat per acre — that is, 2.5 tonnes per hectare — on 8 inches of rain. That means that some of the drier areas of the state that are not viable in drought would be viable for growing grain in the drier years using GM technology, which would make this state more productive and more reliable.

We hear that people are worried about global warming. With GM technology we actually have the ability to breed and farm plants that could take in more carbon. We could also have more heat-tolerant crops. As a farmer in northern Victoria I know it is quite a challenge to grow clover through the months of December, January and February. With gene technology it is feasible to breed clover that would still produce in the heat of summer, where currently we do not have that luxury.

We also have the ability — the technology is there now with the CSIRO in Canberra — to grow lucerne plants that do not give cows bloat. They still have the same rate of protein, but they actually have extra tannins that have been taken out of garden plants, so when they get into a cow's stomach they do not froth. Because the tannins stop the frothing, you would not lose your cows to bloat and they would still be just as productive. And we would have another spin-off: we would not have the methane gas production that we usually have. So we would have a win-win-win situation.

Dr Napthine — Or a wind-wind-wind situation!

Mr WELLER — It actually is a win-win-win situation. We would have more productive cows, less methane gas and a better environment, because the deep-rooted lucerne pastures take up the water and stop salinity. We actually have research into rye grass going on in our own laboratories at La Trobe University. This government has invested in research into rye grass through the Department of Primary Industries and La Trobe University, and what they have been able to achieve out there is quite astounding. I should add that Meat and Livestock Australia, Dairy Australia and the Australian Wool Corporation are investing in the research out at La Trobe University.

The university has been able to breed rye grasses that do not flower until a month later than usual. That means they are more productive and have higher protein and higher energy for an extra month. One of the spin-offs with that is that when they flower, only 20 per cent of the usual amount of pollen is produced, so the pollen production is reduced by 80 per cent, which is a benefit to the community. That means there will not be the level of hay fever and other related diseases that is due to high loads of pollen.

Also when cows or sheep eat the rye grass, the milk products or meat products they produce actually contain more of the healthy fatty acids than the not-so-healthy fatty acids. There is a health reason for planting these rye grasses and having cows and sheep convert them, and that is that they make healthier products for us to consume. You would actually see people lining up for the meat and milk products that had been produced by sheep and cows grazing on these rye grasses. We have the world singing out for biofuels. We could also have specifically bred canolas that produce higher amounts of oil so that it would be more efficient to refine the oil and produce biofuels. That is another opportunity for us in renewable energy. Genetically modified crops (GMCs) are well and truly part of the answer.

One of the supposed negatives about GMCs that we heard about when the Bracks government brought in a four-year moratorium on planting them was foreign ownership. We were told that we would be in the hands

of the multinationals. As I pointed out before, here in Victoria the intellectual property would be owned in the main by the Department of Primary Industries, Meat and Livestock Australia, Dairy Australia and other public bodies, not by the multinationals. It would not be under the control of the multinationals.

As I look through the bill I can see that it is proposed to have field trials and commercial trials. Let us understand the difference. The Nationals support having field trials, because you have to take the crop out of the laboratory and see how it actually grows in small plots out in the field. That is a very well controlled and very safe thing to do. But after we get past the field trials when the plants are showing some promise and it looks like they will be goers, we then have to have a commercial trial to see whether it is practical to grow them on a commercial scale. These trials are very well controlled and confined to certain areas in big paddocks. We are then able to look at the logistics of getting the product to port, quality assurance and other issues which have to be considered when you have a commercial trial.

The Nationals support having emergency-dealing determinations in relation to the use of genetically modified organisms (GMOs), as we need to be able to move quickly if there is an outbreak and they are needed for health reasons. We also note that the purest form of insulin has for a long time been produced from GMOs, so in the pharmaceutical world genetic modification has been there for a long time, and this state has adopted it very well. The bill divides GMO releases into two categories — field trials and commercial releases — and as I have indicated, The Nationals support that. We also support the amalgamation of the advisory committees. There is no sense in having committees for committees' sake, and we support reducing the number of committees, which will provide a more streamlined and efficient system.

The bill gives The Nationals the opportunity to put forward their views on GM crops and canola. I think the adoption of this bill will provide a wonderful opportunity for Victoria, and we look forward to finally moving into the 21st century next year when we discontinue the moratorium.

Mr STENSHOLT (Burwood) — It is a delight to follow the member for Rodney, whose discourse ranged from human rights through to bovine flatulence. He gave a whole new meaning to the term 'wind farming'!

Dr Napthine interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for South-West Coast has already been in trouble in the house.

Mr STENSHOLT — It takes me back to my time at school, when I was a member of the young farmers organisation, and to my time in gene technology, when I was representing Australia at the Food and Agricultural Organisation of the United Nations. These issues are not new, but the need for cooperation to deal with these matters is something that is being addressed very well here, and I certainly agree with the member for Rodney in that respect.

What we have here is something that gives the lie to what we are seeing around the country now in terms of aspirational nationalism — or respirational nationalism! — under John Howard. What we are seeing here is very good cooperation between the federal government and the state governments. As has already been mentioned, there was a governmental agreement on gene technology in 2001, and the Victorian government was part of that. For those people in the know, and the member for Footscray has already described it in considerable detail, Victoria is leading the way in terms of gene technology policies and programs in medical research. I am actually on the board of one of our leading medical research organisations. The medical work in genetics that scientists do does not just involve plants, like the member for Rodney spoke about, but also other work — it is really quite mind blowing. The leadership in Victoria is very strong.

The Bracks government was and now the Brumby government is delighted to lead the way; the new Premier used to be the Minister for Innovation. We are showing innovation. We are working with the federal government in other states to provide a unified national scheme for the regulation of gene technology. We recognise, as we did back then — and this is one of the hallmarks of our government — that we have to work together and develop this issue for Australia to become a leading edge research country.

The Commonwealth Gene Technology Act was followed by the Gene Technology Act 2001. A couple of years ago there was an independent statutory review of the commonwealth act which said that the regulatory framework was doing well. It is very important that that was the result of the process; it shows that cooperation was working well not just at the top level but also at the working level. There was a whole-of-government response to this particular review. In October 2006 the Gene Technology Ministerial Council looked at this matter and made a

decision which then became the basis of policy changes made by the commonwealth and state jurisdictions through legislation.

Amendments were made to the commonwealth act, which, as has been already mentioned, came into effect on 1 July this year. This bill provides complementary legislation in order to effect consistency. I will say it again: this is an example of positive and productive commonwealth-state cooperation. This is exactly what we in Victoria want to see. Victoria has shown the way through its national reform agenda and through a third wave of trying to get cooperation that is meaningful by looking at increasing productivity in Australia and Victoria over the long-term period and increasing our skills base in Victoria and Australia. This can be done in terms of high technology, given our relative worldwide trade position.

This bill is a good example of cooperation which provides results for Victoria as can be seen through our leading research institutions. This bill seeks to add to that cooperation and improve it in various ways which have been set out in the bill. Members can see that there are three main ways this can be done in terms of emergency powers. The bill improves the mechanism for getting advice by putting two organisations together, streamlining processes, which a number of speakers have talked about in terms of the consideration of licences, and introducing a number of other technical details.

This legislation is very good; once again it forms a positive relationship between the federal and state government in this particular area. We look for this cooperation across a wide range of other areas; we are interested in positively working together and a positive cooperation at a national level between the states and the federal government, which is not like the absolutely destructive exercise which is going on now. I commend this bill to the house.

Mr CRISP (Mildura) — I rise to speak on the Gene Technology Amendment Bill 2007, which I support. The purpose of the bill is to improve the operation of the regulatory scheme of gene technology by making nationally agreed amendments to the legislative framework. The focus of my contribution will be the emergency-dealing determinations. In the second-reading speech the minister said:

> The commonwealth act allows the responsible commonwealth minister to make an emergency-dealing determination in response to an emergency.
>
> This enables an identified genetically modified organism (GMO) to be used quickly in response to an emergency without the need for the GMO to go through a relatively lengthy licence application process. …
>
> The commonwealth act obliges the responsible commonwealth minister to take scientific advice —

as best he can within the framework of the emergency.

We have talked about an issue that I am sure refers to animals, but there is also a human element to this issue, which involves pandemic diseases and vaccines that are required to deal with pandemic diseases. We are looking at a case of planning for the worst and hoping for the best. Working out who, how, when and what triggers these issues is worth the thought. We have economic threats, we have health threats, we have a combination of both, and we have accidents, incidents and possibly terrorism. This is the background; it has to allow us to use genetic modification as a response to current diseases, variations of current diseases and new diseases.

From research applications I have noticed that we continue to lead the way in Victoria. There are a number of particularly recent applications from institutes like the Peter MacCallum Cancer Centre and the University of Melbourne in Victoria which are dealing with these issues and which certainly have human applications. I thank my colleague the member for Lowan for the information. It appears that from 2001–07, there have been 10 427 applications to the Office of the Gene Technology Regulator, and some of them relate to human beings.

If we try to go through the process of having these vaccines in response to an emergency, will they be home grown? Will they come from overseas? Will the response times be an issue? Can we rely on the overseas component to supply the vaccines in a timely manner to Australia? These are difficult questions. In an emergency, if we have to mass vaccinate the population of Australia, we will face other problems as well. I think the commonwealth is considering this issue, because I have a small snippet of the front page of the *Herald Sun* which says that the commonwealth government is considering stockpiling drugs and other items to deal with any mass emergency in the population. If you have mass vaccinations, you have a small component of adverse effects which need to be managed. Vaccination is generally phased in across the population over a long time, and we do not have a lot of experience in mass adverse reaction management.

How prepared are we to deal with this? We have local and state Displans that should incorporate rapid vaccination. I hope they do. If they do not, that is something that needs to be addressed. Can our hospitals

cope with an adverse reaction emergency? It is worth looking at the performance snapshot in the *State of Our Public Hospitals* June 2006 report, which tells us that the average number of hospital beds available in Victoria per 1000 people is 2.3. That rates us at seventh out of the eight states for bed availability. The recurrent expenditure per person in Victorian health rates us sixth out of eight at $555 per person, which is $45 below average. Our hospital emergency departments, however, can see people quickly — they are at the top of the national pile. This means that the response to an emergency will be adequate in our emergency departments. However, it will be lacking when we have to move those people out of the emergency departments.

I urge the responsible ministers to plan beyond the powers they now have to effectively manage the events that would require them to use the powers they now have. I conclude by supporting the bill and praying that the emergency power provisions may never be needed for the population of Victoria.

Ms RICHARDSON (Northcote) — I rise to speak in support of the Gene Technology Amendment Bill 2007, which amends the Gene Technology Act 2001 to mirror changes made by the federal government to the commonwealth Gene Technology Act 2000. This legislation is a response to the statutory review of that act and the Gene Technology Agreement 2001 that was conducted in 2005–06.

That review recommended a number of changes aimed at tightening the regulatory framework to protect the health and safety of people and our environment from risks that may be posed by genetically modified organisms (GMOs). The bill, however, does not in any way change the underlying policy on GMOs or the overall legislative framework.

We have all read about the benefits of gene technology, and the particular benefits I wish to focus on are those in the field of medical research. Some of these breakthroughs have been quite extraordinary. CSIRO scientists report that gene technology has given us new products like human insulin to help in the fight against diabetes. Drugs such as Interferon that treat certain cancers have come from gene technology.

In the development of vaccines, gene technology has been particularly useful in protecting against diseases where conventional vaccines have failed. For example, with fast-mutating viruses such as bird flu, gene technology has been used to provide a rapid diagnosis and response to these dangerous diseases. Scientists have also made promising progress towards a vaccine tackling two of the world's biggest killers — namely, the human immunodeficiency virus and malaria. We now vaccinate all children against hepatitis B, and this vaccine was also developed through gene technology.

We live in a rapidly changing world where disease can easily cross borders and cross species. Scientists are breaking new ground every day to help protect us from these new diseases. We know that millions of lives have already been protected by gene technology, and further scientific endeavour holds the promise of protecting so many more. Members should think of the potential that lies before us. We know that malaria causes the death of between 1 million and 3 million people annually: that is an astounding figure, of 1 death every 30 seconds.

Gene technology offers potentially enormous benefits, but like everything else in life, it is not without its risks. While the community is keen to embrace the benefits of the technology, it still has some concerns about its safety for us and for our environment. That is why we need a strong regulatory framework that sits above politics and operates across all jurisdictions. In short, we need a national regulatory framework to ensure that we all share in the benefits of gene technology while protecting our health and our environment. To this end, I commend the bill to the house.

Debate adjourned on motion of Mr HOWARD (Ballarat East).

Debate adjourned until later this day.

CONFISCATION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr HOWARD (Ballarat East) — I am pleased to speak on the Confiscation Amendment Bill. As we heard earlier, this bill relates to confiscating properties that have been gained as a result of serious crime. This government has been very serious about trying to give a very clear message to those involved in serious crime, that crime does not pay; and that where people have been apprehended for serious ongoing crimes, we will be seeking to confiscate the assets gained as a result.

It is interesting to note that in recent years we have been reasonably successful in confiscating a significant amount of funds that were gained as a result of crime. In the last financial year, 2005–06, $6.6 million worth of property was confiscated. In the previous financial

year the figure was $4.8 million, so we have been able to increase that figure.

This bill has been introduced for two reasons. One is that it is always appropriate to review legislation, especially new legislation that has been brought into place by this or any other government. This bill is a result of that review process, but it is fair to say that it has also been brought forward because of the effects of a Court of Appeal decision where the Director of Public Prosecutions (DPP) was challenged by Phan Thi Le with regard to aspects of this legislation. The government believes it is now necessary to tighten up the legislation so that future criminals involved in ongoing crime will not be able to use the outcome of the appeal to secrete funds in ways that get around a loophole not intended by this law.

I wish to briefly clarify a number of the proposed changes in this legislation, beginning with the interest of an applicant in a given property. Phrases in the legislation make very clear the definition of 'derived property', and they also make it clear that we accept that the property to be confiscated should also relate to an applicant's interest in the property rather than the entire property. We are clarifying 'derived property' with a view to possible future challenges in regard to this matter.

Secondly, we are trying to ensure that the specific offence will not be the only offence in relation to which funds can be confiscated. Any funds derived from serious crime — whether it is the specific crime that the defendant has been charged with or other associated crimes — will be able to be confiscated. The bill will broaden the relevant provisions to give a clear message to people who commit serious crimes such as drug crimes that confiscation will be able to occur in relation not just to one crime but to other associated crimes.

Other areas in the bill relate to effective control. The test for effective control that is going to be written into the legislation will relate to the time when a defendant is charged or his or her property is restrained, whichever occurs earlier. That will be the time when the effective control measure will be put in place. This again will help to tighten up the legislation.

With regard to transfers of interest, if a criminal wished to pass on property, it would need to be shown that they were able to sell the property at real value rather than at a reduced value; otherwise, that component of the property could be confiscated. The value of any property that is disposed of by the defendant needs to be considered, and this will protect against defendants passing on property to family members at a much lower value and those family members being able to say, 'We have legally purchased this property, and therefore it is now ours'.

It is important to show that we have worked through the challenges that have been brought forward regarding this legislation so that we can be very clear about them. I also make the point that the confiscation issues in this legislation relate to crimes at the serious end of the scale that involve organised, systematic and ongoing criminal activity, so it is not just for any crimes. We want to ensure that we send out the signal that crime does not pay.

Victoria Police has of course supported this legislation, and I am very pleased to support it also, as it deals with issues that may have become loopholes in the future.

Mr SCOTT (Preston) — I too rise to support this legislation. I understand that a number of other members wish to speak on this bill and that there is a limited time left for debate, so I will keep my comments brief. The background to this bill, as others speakers have indicated, is the decision of the Court of Appeal in *Director of Public Prosecutions v. Phan Thi Le*. As an aside, I checked the pronunciation of 'Le' with a Vietnamese former colleague of mine, who indicated that it is not pronounced 'lee' or 'lay' but halfway in between — 'le'. However, I digress.

I think this bill is best summarised as the result of this government's commitment to ensuring that crime does not pay. The protection of citizens from criminal activity is one of the fundamental objects of any government, and this government takes that very seriously. I note also that opposition members have indicated their support for the bill, which I think is most sensible. I would not think that any member of this house would support the capacity of serious criminals to enter into complex financial arrangements to keep hold of their ill-gotten gains, so I am pleased opposition members are willing to support the bill. Other members have outlined the technical aspects of the bill. As I stated earlier, time is short, so I will simply commend the bill to the house and urge all members in this house and in the upper house to support it.

Ms MARSHALL (Forest Hill) — It is with great pleasure that I rise to speak briefly in support of the Confiscation Amendment Bill 2007. This bill ensures that the ease with which criminals have benefited financially from criminal activity, the ease with which criminals have conducted their illegal activities and the ease with which their illegal enterprises have been conducted will no longer exist.

The Confiscation Amendment Bill creates a system that allows for the seizure of assets, including property that may have been used in or derived from criminal activity, and the subsequent forfeiture of such assets, whilst permitting a person with an interest in the property to apply to have that interest excluded from the restraining order or forfeiture. To ensure that the system that is being put in place is able to function as intended, the proposed legislation makes it clear that exclusion orders can be made only in relation to an applicant's interest in a property rather than the entire property.

Some of the other provisions mean that restraining orders for automatic or civil forfeiture cannot be defeated by the argument that the said property was not criminally obtained or that the applicant did not have any knowledge that it was illegally obtained property. This ensures that the onus or responsibility of proving such a case rests on the shoulders of the defendant, not the prosecutor.

The bill clarifies the operation of the 'effective control' test. This will require the applicant to satisfy the court that the interest in a forfeited property was not subject to the effective control of the defendant at the time they were charged. It is also made clear in the contents of the bill that the transfer of an interest in property for less than the market value is not a sufficient reason to have an interest excluded from restraint or forfeiture.

These amendments and others that I do not have time to go into will all assist in ensuring that Victoria's confiscation regime remains an effective weapon in the fight against organised crime. I commend this bill to the house.

Mr HAERMEYER (Kororoit) — I will make just a very brief contribution to this debate. I was rather astounded to hear in my office earlier opposition members trying to somehow characterise themselves as the tough, hairy-chested Rambos of law and order on these sorts of issues. Whenever this sort of issue comes up the Liberal Party rushes off to Ashley & Martin to get some hairs put on their chests and go around the house flexing their muscles. When it actually comes down to what it has done, the story is quite a different one.

This government has launched the most comprehensive, and I have to say the most successful, assault on organised crime ever seen — not just in this state but, I venture to suggest, anywhere in Australia. We are now seeing organised crime figures who were previously parading around our state and parading around Melbourne as celebrities of sorts enjoying some of the finest hospitality our state has to offer thanks to the hard work of the Victoria Police and the Purana task force; thanks to the powers that this government has put in place, especially the coercive questioning powers which are unprecedented in any police force in the country; thanks to the extra resources — the 1400 extra police — that this government has put on to the ground; thanks to both the technology and the laws that have been put in place to facilitate the better use of modern forensic technology; and thanks to the asset confiscation powers that this government has put in place and is now refining.

I might add that earlier on I heard some opposition members trying to take ownership of asset confiscation as a Liberal Party issue. I remember back to I think August 2002, when we first introduced the reverse onus of proof and really toughened up the asset confiscation laws which had been fairly meek until that time. The then shadow Attorney-General, the former member for Doncaster, Mr Victor Perton, was out there within half an hour saying they were too extreme — and the member for Scoresby remembers it all too well.

We are now being told this government is not hairy-chested enough. One of the problems with opposition members is that they talk tough on law and order but do something very, very different: they cut police numbers. They are also the people who went around bragging about the fact that they introduced legislation to compulsorily DNA test the whole prison population — but then, having introduced the legislation, they did nothing about it. It was incumbent upon this government to actually do it.

Results speak for themselves. Whilst the opposition was calling for a weak-fest — a royal commission — this government and Victoria Police, Australia's finest police force by a country mile, were out there shutting the gate on organised crime and making it known that crime does not pay. We have now these dudes sitting behind bars, where they ought to be, when previously no-one was game to go near them.

Mr BROOKS (Bundoora) — I am very happy to support this bill, because I think it is a great reinforcement of the principal act, the Confiscation Act 1997, which sends a very clear message to the community, and to criminals in particular, that crime does not pay. This government introduced amendments to the Confiscation Act back in 2003 to make it stronger and did so again in 2004.

I think you would find across Victoria there would be great community support for this act. People out there who are law-abiding taxpayers would hate nothing

more than seeing other people out there who are engaged in serious criminal activity — things like drug trafficking and money laundering — being able to retain their expensive homes and their flash cars after having been convicted in a criminal court. I think this bill is an excellent piece of legislation. There are obviously some changes needed because of the Court of Appeal decision in *Director of Public Prosecutions v. Phan Thi Le*. I will not go into the details of that because of time issues, but I note that opposition members have put some arguments in this debate about how the bill before us relates to the human rights charter. I note that section 27 of the human rights charter was cited in relation to retrospective criminal laws. Section 27(2) states:

> A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

This provision does not apply because this is not a penalty. It is simply a bill that amends what an exclusion is. I think there is a misunderstanding there on the part of the opposition as to how the human rights charter works. If they took the time to read the Scrutiny of Acts and Regulations Committee's *Alert Digest* report on this bill — and that committee has members of both sides of the house — they would see that it does not raise any issues of concern about any aspects of the charter. I am very happy to support this bill which I think would have very strong support from the Victorian community.

Mr NARDELLA (Melton) — I also rise to support the Confiscation Amendment Bill. This government has a very proud record of undertaking measures to make sure that the proceeds of crime do not benefit criminals and that their profits from crime — both liquid and real assets — are confiscated after due process. This legislation has been developed over many years — even after the Liberals and Nationals opposed the government's original legislation — and it is a very worthwhile piece of legislation to bring to account criminals within our society. On that basis I support the bill before the house.

Mr CAMERON (Minister for Police and Emergency Services) — On behalf of the government I thank the honourable member for Box Hill, the Leader of The Nationals, and the honourable members for Bentleigh, Ferntree Gully, Prahran, Ballarat East, Preston, Kororoit, Bundoora and Melton for their contributions to the bill.

This is the next step forward when it comes to confiscation legislation. This is a very important bill. Confiscation is very much a part of the important regime where we have tremendous police officers going about their work apprehending offenders, but it is also important that we have a confiscation regime that continues to move forward, which is what this bill does. The government wishes the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

GENE TECHNOLOGY AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Mr CAMERON (Minister for Police and Emergency Services) — I will make a brief contribution to the Gene Technology Amendment Bill. This bill continues to support the national regime around gene technology. It is very important in a place like Australia, where we have a federal system, that we have a strong national regulatory scheme — and further advancements to strengthen that regime are very welcome. We understand that marketing is a different issue from the regime, and we have heard those comments about canola, where there is a moratorium for the time being. That was done on the advice of the wheat board, the barley board, the United Dairyfarmers of Victoria and Murray Goulburn.

Mr Walsh interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The Deputy Leader of The Nationals should cease interjecting.

Mr CAMERON — Of course that is why it is there, but it is now some years later and there is a further review taking place. Certainly gene technology can bring great advances in medicine, agriculture and industry, and it is for all those reasons that we have to make sure we have a rigorous and robust regime so that we can harness the benefits without bringing about any of the detriment. I commend the Minister for Agriculture and the work that the previous minister did in advancing gene technology in Australia.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Gene Technology Amendment Bill. The bill is significant because it is aligning the state's legislation with the federal government's gene technology review. This is a very important matter. We recognise that there are appropriate places where gene technology fits, especially into the medical science area and other significant and important applications. It is important that we have a national regulator in this matter so that we have a clear, concise approach across the country to the evaluation of gene technology. I am very pleased to be able to support the bill before the house.

Mr LANGDON (Ivanhoe) — I am pleased to add a brief contribution to the Gene Technology Amendment Bill 2007. Many members have spoken on this bill and I know that The Nationals had a particular focus on the proposed legislation. This bill will assist in ensuring that all the legislation across Australia is combined, linking everyone together. It is one of the many things Australian governments are now doing to make sure there is corresponding legislation around Australia. It is important that those sorts of things are done.

Gene technology is obviously one of the issues that is being debated more and more these days. I know that governments will have to make decisions in the future. This bill is again not part of that process, even though the subject may have been touched on by several speakers. This is just about making sure all the legislation around Australia is linked on gene technology. I commend the bill to the house.

Mr ANDREWS (Minister for Health) — I am pleased to provide some concluding comments to the important debate on the Gene Technology Amendment Bill. I begin by thanking the Liberal Party and The Nationals for their support for these sensible arrangements — arrangements that take us forward — so that Victoria can deliver in full on the commitments we have made through the national gene technology process. I thank the members for Caulfield, Lowan, Prahran, Evelyn, Footscray, Swan Hill, Mill Park, Rodney, Burwood, Mildura, Northcote, Bendigo West, who is also the Minister for Police and Emergency Services, and the members for Ballarat East and Ivanhoe.

As I said, these are very sensible and important arrangements and are further evidence of the collaborative approach we have taken with the commonwealth in terms of regulating this often fast-changing, sometimes publicly controversial, but at the end of the day, very important sector. We are the first government to take action in Parliament to introduce a bill to give full effect to the changes agreed to at a national level, as part of a national process. In terms of striking the right balance between the safeguards that need to be in place it is important to reassure the community on these matters and to provide the flexibility and efficiency that are necessary to make the most of our biotechnology, whether it be for research or other very important issues.

Biotechnology is something we are very proud of in terms of our leadership as a state, and a number of speakers in this debate have noted that. It is with some pride that we can point to record investment in terms of growing our biotechnology industry, and that is very important from a whole range of different points of view, whether it is in terms of economic development through the agriculture sector or in terms of medical research. Again, I say that our record is clear and is there for all to see. I know that the new Minister for Innovation in the other place will continue that leadership in that important area. I mentioned that we are the first jurisdiction to put legislation in place to mirror the new arrangements at the commonwealth level.

The bill in essence delivers new emergency powers and merges the previously separate gene technology ethics committee and the community consultative committee. It is all about a more efficient framework to take us forward. The complementary amendments in the bill before the house also deal with the streamlining of the process for consideration of licences and the important reduction of the regulatory burden for low-risk dealings which can perhaps be expedited without in any way compromising safety both now and into the future.

The member for Caulfield raised a matter with which I would like to deal. It was a question in relation to the safeguards that are put into place during the making of an EDD (emergency-dealing determination). I want to make it clear that the advice I have is that these are powers of last resort. They are to be used sparingly, if ever. They are powers held by the minister for health at the commonwealth level. An EDD is made after a series of well-defined steps have been taken which relate to the provision of expert advice from, for instance, the chief medical officer, the chief veterinary officer and/or the commonwealth chief plant protection officer.

The commonwealth minister must be satisfied under advice that the threat and the proposed dealing with that threat is an important matter, and they also need to have received advice that gene technology can actually assist with it. All states and territories must be consulted before that emergency-dealing determination is made. It

is our contention, and it is certainly the commonwealth's contention, that there are appropriate safeguards, checks and balances in relation to the making of those determinations. It is with confidence that we put those before the house. I hope that deals with the concern raised by the member for Caulfield. In any event I am happy to have ongoing discussions with her while the bill is between the houses and make officers of my department available to her to resolve that issue.

This is about a modern footing and striking the right balance between the safeguards the community demands of us and the ongoing challenge of making sure that in a fast-paced world where scientific advancement moves forward very quickly, the legal and regulatory framework keeps pace with the change. It is my view as the minister — and the government's view is shared by the commonwealth and the other states and territories — that this is a sensible set of arrangements to take us forward. On that basis I wish these amendments a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).

ADJOURNMENT

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

That the house do now adjourn.

Racial and religious tolerance: freedom of information requests

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Premier in his capacity as Minister for Multicultural Affairs. I ask that the Premier instruct his department or public servants to make available all the legal advice that the government received in relation to the Racial and Religious Tolerance Act.

Almost a year ago I placed an FOI request for all documents relating to legal information that the government had received. This Labor government has refused this request and the matter is now before VCAT (the Victorian Civil and Administrative Tribunal). Having recently heard that this new Premier has promised to be open and transparent, I now call upon him to stand by his commitment and release these documents. He should have nothing to fear.

We, on this side, have a very proud history of supporting racial and religious tolerance in our state and the multicultural nature of the Victorian community. We reject vilification or the incitement to hatred of any person on the basis of either their race or religion. But we do not believe that poor legislation should ever be used to divide communities. Findings of the Equal Opportunity Commission and the subsequent court appeal have led many religious and community leaders to express concern about some consequences of some of the provisions of the legislation. We, therefore, would like to see the legal advice provided to the government to see if any more changes need to be brought into the Parliament in relation to this act. What I want this new Premier to do — he has promised to be open and transparent — is instruct his department and his public servants to make sure they provide me with all the legal documents that they have received in relation to the Racial and Religious Tolerance Act.

Yesterday in question time the Premier failed to respond to a question without notice. During the adjournment debate last night the Minister Assisting the Premier on Multicultural Affairs also refused to answer a matter raised by the member for Caulfield in relation to what programs in schools this government has introduced to ensure that our young people understand and appreciate the advantages of our being a culturally and linguistically diverse society. If this Premier is true to his word and is open and transparent, then I urge him to ensure that all the documents they received with legal advice be provided so that I do not need to spend another 12 months waiting on VCAT to bring down a finding. If he is claiming to be open and transparent, I urge him to release those documents now.

Bacchus Marsh Primary School: synthetic playing surface

Mr NARDELLA (Melton) — The adjournment matter I have is for the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to provide an upgrade of sporting facilities at Bacchus Marsh Primary School. The upgrade would be a synthetic surface for grassed areas which would increase participation and use all year round. Bacchus Marsh Primary School is one of the great schools within my electorate. It has a fantastic principal in

Mr Ian Wren. The teachers there are terrific. The school council is ably led by Mrs Alison Strangio. This matter has been brought to my attention through many visits to the school during my time as the local member. The school oval, especially due to the drought, is really a dust bowl.

The children were asked what their major priority for the school would be. The school oval was their answer. Having listened to the young students at the school, I believe it is appropriate for the Bacchus Marsh Primary School to get an upgrade of its oval through the Commonwealth Games legacy. A synthetic surface would be drought proof, it would help the students play sport and it would use no water. It is interesting to note that there is no water available at Bacchus Marsh for this purpose. It could also be used by other community sporting groups, if the appropriate discussions were held with the school. We are attempting to make sure that facilities in schools are open to the whole community. Active communities are strong communities, and a synthetic surface would give the children the best start in life and help them remain fit and healthy.

The grants, as I understand them, are for amounts up to $100 000. Certainly Bacchus Marsh Primary School is awaiting a decision by the government to fund the upgrade of buildings and schoolrooms in the future, but an oval upgrade would give the school community a well-deserved lift whilst it awaits that decision. It is important to make sure that the kids have a very safe playing surface. The school has made application for an upgrade through the installation of a synthetic surface on the oval, and I fully support its application. I urge the minister to grant the funds to the Bacchus Marsh Primary School.

Water: Wimmera–Mallee pipeline

Mr DELAHUNTY (Lowan) — I wish to raise a matter for the attention of the Minister for Water. It concerns last week's revelations that the cost of the Wimmera–Mallee pipeline has blown out to $688 million, excluding on-farm costs. The action I request of the minister is that he outline to the house, and in particular to western Victorians, the process of reviewing this blow-out and, in consultation with the funding partners, how the government intends to complete this icon project in an affordable way.

I have been a strong supporter of the Wimmera–Mallee pipeline. Our environment is fragile, and, particularly in relation to water, we need this project to be finished. At present our reservoirs are only at 9.2 per cent capacity. The old open channel system was innovative and served our region well, but the losses from seepage and evaporation cannot be allowed to continue. One-third of the pipeline has been laid, the other contract has been let and we have one-third of the pipeline to be finished. I hope we will see water flowing through one of those pipelines later this year.

When completed, though, the Wimmera–Mallee pipeline will save enough water to fill about 100 000 Olympic-sized swimming pools. Nearly everyone — and I mean nearly everyone — supports this project, but it has to be affordable. The project was supposed to cost $522 million, which included about $80 million of on-farm costs which have no doubt also increased by this time. The cost announcement last week of $688 million excluding those on-farm costs means the increase is nearly $250 million.

This cost blow-out has hit our community hard. Civic leaders are calling for a public inquiry. Words like 'anger', 'frustration' and 'bewilderment' are being commonly used around the community. Most were unhappy with the communication process of GWMWater, but this project must continue. As I said, I have been a strong supporter of it, and my community, I believe, has hit its affordable cap. Members should not forget that we have to pay one-third of the cost. With the drought still with us, we cannot afford to wear any more pain.

Water is our economic, social and environmental saviour, so my request to the state and federal governments is that they cover the cost of this blow-out and complete this icon project. We need the state to fill its role, because under the constitution it is responsible for water. It should find a funding process and formally request the federal government to lend its support and do it properly — not through the newspapers and the other media. This project must proceed in an affordable way, and we need the two major partners to work together.

Water is our lifeline to the future, and without government support it will be too expensive for a community that is still suffering from the drought to finish this project. The federal member for Mallee, a great supporter of the pipeline project, is also doing his work in the federal area. We need the state government to work with the federal government to make sure this project is completed on time and in an affordable way.

Children: early childhood services

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Children and Early Childhood Development. The action I seek is for her to

commit to the funding of the construction of the $1.2 million children's centre for the city of Whittlesea, as announced by her predecessor in the 2006–07 budget. I congratulate her on her appointment. I know of her longstanding interest in early childhood services — a passion that we both share — and I know she is going to do a great job.

I have raised on many occasions, as others in this house will have heard, the need for services to be built and provided to serve the growing communities of Melbourne's north, particularly schools and early childhood services for suburbs like South Morang, Mernda, Doreen and North Epping. I am pleased to have served on three school planning committees. We have seen the opening of the school at The Lakes, the Epping North East Primary School will be opening next year, and I am currently sitting on the Doreen North-Laurimar school planning committee.

One of the great things about these school planning committees is that we are now working hand in glove to ensure that early childhood services development is going along. The Lakes school is benefiting from the investment in the children's hub that opened the year before last. We have a children and families precinct there, with the special development school campus of that school opening next year. We have two kindergartens, maternal and child health, and other specialist children's services operating across the road.

I was delighted that in last year's budget the minister's predecessor announced funding for another children's hub in the city of Whittlesea, but I am not absolutely clear where that centre is going to be established. I am hopeful that it will be established in the Doreen area, alongside the school there, because there is a lot of pressure on that side. The Shire of Nillumbik is also having pressure put on its services from families in the growth corridor. I have had a letter recently from Gina Boskovski expressing concern that she might not be able to access a kindergarten place for her child next year. We have a good record in the provision of childhood services in the growth corridor.

On behalf of my community I would like to find out about the children's hub that was announced last year and reassure my community that that development will be going ahead, hopefully alongside one of the new schools in the area, because we have seen at the Lakes and at South Morang that that is working really well. The federal government has neglected this area. The state government has done a good job, but I want to see this service established soon.

Taxis: Mornington Peninsula

Mr DIXON (Nepean) — I wish to raise an issue with the Minister for Public Transport regarding taxis on the Mornington Peninsula. I am asking the minister to work with the Victorian Taxi Directorate to provide more taxis on the Mornington Peninsula. Peninsula Radio Cabs provides an excellent service, but freely admits that they need more drivers and more taxis to fill in the gaps in the service currently available.

Taxis are very important on the Mornington Peninsula for three groups — the elderly, young people and tourists. The elderly rely on taxis to get them to medical appointments and to social engagements, to go shopping and to take part in the many community groups that so many of them volunteer for. Young people need them for their social lives and often to access part-time jobs. Tourism is very important on the Mornington Peninsula and taxis are another way of getting around to the wineries, golf courses, beaches and other wonderful places to go. Public transport access is not good, especially in the inland towns and hinterland areas, where a lot of the tourist attractions are located, where the young people need to get to jobs and where a lot of the elderly live as well.

As far as young people are concerned, if there is a lack of taxis, there is often risky driver behaviour. They take the risk and say, 'I can't get there; I might drive and take the chance', and also a lot of pedestrian accidents happen where young people, often intoxicated, are walking along roads because they have been unable to get a taxi. Previously the problem existed only on Thursday, Friday and Saturday nights, so a few extra licences were granted. That problem is still there, but there is actually now a new problem in that there are often issues midweek. It seems to be on the pension days and also when the weather is not good that there is a huge call on the taxi services, but they are unable to provide a service on many occasions.

There are three immediate solutions. One is that some after-hours green top licences be provided, especially on Thursday, Friday and Saturday nights, and even perhaps in summer when it is quieter in Melbourne and busier on the Mornington Peninsula. Some licences could be transferred for a couple of months down to the Mornington Peninsula, which would keep the drivers in employment and also provide a better service.

I understand there are three applications pending for three leases, so I ask the minister to help by working to speed up the processing of those applications. I also understand there is at least a 10-week waiting list for a police check for people who want to be taxidrivers.

Often after 10 weeks they just give up, go off and find another job. The chief executive officer of Peninsula Radio Cabs endorses these suggestions and readily accepts the fact that we need many more taxis on the Mornington Peninsula. Therefore I ask the minister to work with the Victorian Taxi Directorate to look through the options I have presented today and to act speedily to provide an improved service for the Mornington Peninsula.

Crime: child homicides

Ms RICHARDSON (Northcote) — The issue I raise is for the Attorney-General. I refer to the important decision by the Premier to introduce legislation to deal specifically with the horrendous crime of killing a child. I ask that the minister act to ensure that a proper consultative process is put in place to ensure that the new law reflects community expectations.

The death of Cody Hutchings resulted from an act of monstrous proportions. This little boy suffered horribly and the community responded accordingly when a 10-year minimum jail term was given to the perpetrator. I welcome the decisive move by the Premier, as did the community, to ensure that appropriate charges and sentences are brought against those who perpetrate violence against children, leading to their deaths. And I share the sentiments of Cody's father, Chris Hutchings, who said in the *Herald Sun:*

> It's overwhelming to know that Cody has done more in his five years on this earth than most people will do in their lifetime.
>
> There will now be parents like me in the future that can have some comfort in their pain, knowing that whoever killed their child is going to be judged for what they are, a child murderer.
>
> I will always have some sadness when I think of Cody, but now there will be a lot of pride in knowing that he has caused change for the better.

Like Daniel Valerio, whose death forced mandatory reporting of the abuse of children, and like James Ramage's case, which led to the removal of provocation as a partial defence, Cody Hutchings will forever be remembered as the brave soul who brought about real reform. For the families of these victims, law reform of this kind is critically important. For the community, the death of an innocent child must carry an appropriately harsh penalty. I understand, too, that the police are very keen to support reform to help them win convictions against the perpetrators of such horrendous crime.

I think all members of the house would have been moved by Cody's death and by the deaths of other children over the years. I am pleased that the Premier and the government have acted as decisively as they have, and I look forward to the coming legislation. I call on the minister, though, to consult widely to ensure that the penalties that come into force are in keeping with community expectations of punishment for those who commit the most horrendous crimes against children such as Cody and Daniel.

Rail: Belgrave and Lilydale lines

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Public Transport to immediately review the train timetables for the Belgrave and the Lilydale lines. In 2006 consultation with operational staff was conducted as to how customer service should be improved. In a nutshell, there had been much maligning of Connex in the press due to train lateness, cancellations and the like, and they wanted to address this.

Employees sent in their well-considered recommendations and waited for improvements to occur. In the meantime rail employees endured being abused constantly by passengers whose journeys were disrupted and by those sick of waiting in the cold because their trains were delayed or cancelled and they therefore missed bus or other rail connections. Then came the ray of light. The announcement was for 39 extra services to be introduced on 30 September next — but none on the Belgrave or Lilydale lines. In fact those lines have had the same basic timetables since 2004. Granted, they, along with most other train lines, now have two extra late-night services on Fridays and Saturdays, but that does not help the bulk of commuters, who travel during peak times.

This government wants people to travel by public transport, which would have good outcomes from many angles including improvements to our environment. It even wisely adopted the Liberal Party policy of abolishing public transport zone 3 — something that was unfairly unique to the east and south-east. Naturally this has seen an increase in usage. Along with that, the rising world price of oil and heavily congested roads and freeways make it good sense for people to catch a train.

In the last two years there has been an increase in public transport patronage of over 10 per cent, but there has been no increase in peak train services. The reality is that trains are overcrowded, parking at stations is near impossible unless you leave home in the dark and none of this is getting any better. Couple this with delays and

cancellations, and all of a sudden commuters wonder if they should be heading back to their warm, cosy cars. One would have to question whether, if the minister lived along the Lilydale line, she would be inclined to catch a train regularly — or would the cancellation of 92 or even 290 trains in one month be unacceptable?

On the Lilydale line the average monthly cancellation rate over the past eight months has been 76 trains. On the Belgrave line, which only includes trains that start from or terminate at Box Hill, Blackburn or Ringwood, the average is 37. It is not good enough. I ask the minister to show some respect for the people of the outer east. Zone 3 was grossly unfair and was abolished. Now overcrowding is not only unfair but unnecessary. I ask the minister to review the timetables on the Belgrave and Lilydale lines and increase services to get the people of Bayswater and surrounding districts to and from work.

Geelong: employment initiatives

Mr EREN (Lara) — I raise a matter for the attention of the Minister for Housing. It relates to an issue of urgent public concern relating to the hidden epidemic of worklessness that exists in Corio and Norlane. I am proposing to hold the Northern Futures job summit in Geelong on 24 August, with a specific focus on providing a platform for balanced and equitable economic growth in the northern suburbs of Geelong. To this end I have co-authored a discussion paper in order to raise awareness of these issues and prompt the formation of a Northern Futures executive steering group, whose responsibility it will be to develop and implement an economic independence and social inclusion investment plan for Corio and Norlane.

The action I seek from the minister is the provision of resources to support the work of the Northern Futures executive steering group through neighbourhood renewal. Significant investment has already been made through the Corio and Norlane neighbourhood renewal project to increase education, employment and economic development outcomes for local residents. Since December 2002 neighbourhood renewal has committed a total of $100 000 with a further $343 000 in partnership funding specifically to increase education, employment and economic development outcomes for the local community.

I understand 487 residents have been employed through a range of initiatives including social enterprises, employment programs and school-based new apprenticeships, supporting the development of four local social enterprises including Create@Work, the Rosewall training cafe, Northerly Aspects and Curtain Connection. A further 502 residents have participated in the training. While neighbourhood renewal is doing much to support significant improvements in Corio and Norlane, there are a number of key factors predicted to impact on Geelong's economy over the next 30 years, including population change, skills gaps and the effects of globalisation. Understanding these pressures and positioning ourselves to meet the changing demands of the local and global environment will be essential in ensuring that the northern suburbs of Geelong can refocus its economy, grow its workforce and maintain a competitive advantage in the world marketplace.

Ford's recent announcement that 600 jobs will be lost from the northern suburbs of Geelong is evidence of the need for industry to position itself so that it is competitive in the global market as well as the domestic marketplace. The next five years represent a time of unprecedented opportunity. That is why the resources that I seek from the minister through neighbourhood renewal are so important for my areas that are so economically depressed.

Land Victoria: electronic conveyancing project

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Environment and Climate Change in the other place, who I understand has responsibility for Land Victoria, which has been undertaking work in relation to an electronic conveyancing project in Victoria. At a time when home loan affordability has moved out of the reach of many Victorians and the government regulatory cost exceeds $100 000 on certain criteria for an average home, I seek a deputation with the minister to ask for Victoria to take a stronger role in reducing the cost of housing for Victorians.

In particular I am gravely concerned with the continuing investment by the Victorian government in the Electronic Conveyancing Victoria project, including an allocation of $6 million in the last state budget. At a time when communication technologies are best coordinated on a national scale, the Victorian government has maintained a parochial, head-in-the-sand attitude reflective of the narrow self-interest groups that left Australian states with different rail gauge widths in the 19th century.

Recently the Australian Bankers Association has raised its concerns, stating:

> … the Victorian government is looking to implement the Victorian electronic conveyancing system in Victoria prior to what is being developed at a national level. The development of dual systems would create duplication, confusion and additional compliance costs.

It argues:

> … ECV must be placed on a national consultative and implementation project footing.
>
> …
>
> The ABA and its member banks believe that a national project team is required; a team that comprises representatives of key stakeholders possessing the necessary technical, specialist knowledge of electronic conveyancing and settlement to work collectively and collaboratively in delivering NECS.

It goes on to say:

> Only through a national project … can banks and other stakeholders approach a NECS project with confidence that there is one project, one process and one national outcome. Without this, banks will not be able to recommit to work on a project that lacks any certainty of a national roll-out or application.

The failure of the Bracks and Brumby governments to deliver a new housing maintenance contract system on time and on budget in 2004 is another example of the Victorian government's flawed approach to the implementation of information and communication technologies in this state. The Victorian Auditor-General's report recently provided a scathing assessment of the housing project.

It is time for the Brumby government to show leadership and take the advice of organisations such as the Law Council of Australia, the Australian Bankers Association and other stakeholders in the national interest, rather than wasting state taxpayers money and taking the great Australian dream of buying your own home further out of reach through direct and indirect tax imposts.

Consumer affairs: payday lending

Mr SCOTT (Preston) — I raise in tonight's adjournment debate an issue for the Minister for Consumer Affairs that relates to the provision of credit to poor and disadvantaged people by so-called payday lenders and pawnbrokers. I am requesting that the minister investigate the level of loan fees which greatly increase the effective interest rate for such loans.

I note that there are three payday lenders within a short walking distance of my electorate office. A constituent, a disabled individual with mental health problems, had borrowed $70 from one of these lenders some months previously, leaving his mobile phone as security. He had paid his monthly charge in the intervening period but was having difficulty in redeeming his pledge as he had mislaid some documentation. The response of the lender to his protestations was to call the police and have him ejected. My office managed to sort out the identification issue and get his phone back, but it emerged that this pensioner, whose only income is Centrelink benefits, had paid his original debt many times over.

The charge made by this latter-day pawnbroker on a $70 secured debt was $28 each month — an effective interest rate of 40 per cent per month, or 480 per cent a year. Frankly, that is usury. It makes the payment of a pound of flesh in Shakespeare's play seem like a generous arrangement. This man's $70 debt had cost him nearly $200 in various service charges before he had repaid it. I note that so-called payday lenders and pawnbrokers are clustered in poorer suburbs. Constituents such as these are poor enough without their being exploited by ruthless and heartless loan sharks who exploit the mentally ill. In conclusion, I hope the minister can take action to ensure that the interests of my constituents are looked after.

Responses

Mr HOLDING (Minister for Water) — I thank the member for Lowan for raising a matter in relation to the Wimmera–Mallee pipeline and some recent reports that indicate that there are some significant additional costs in relation to the delivery of that project. Independent consultants are currently examining Grampians Wimmera Mallee Water's estimates, which suggest that the cost of building the pipeline may rise by $248 million. In the meantime all parties to the joint funding agreement — the water authorities, the state government and the federal government — need to work together to identify an appropriate solution.

This is of course — as the member for Lowan and all members of the house know — a critically important project which will secure water supplies in a critically drought-affected region. As The Nationals federal member for Mallee, Mr John Forrest, has already said, we cannot afford to let the pipeline get bogged down in arguments over who should pay. All of us understand that we are in this together — the local community, the state government and the federal government — and I trust that with goodwill and good faith on all sides we will be able to develop a solution.

Ms MORAND (Minister for Children and Early Childhood Development) — I want to respond to the member for Yan Yean regarding the government's commitment of $1.2 million towards the children's centre in Whittlesea. The government is committed to helping working families give their children the best start in life, and investing in early childhood services

and early childhood development is the best investment a government can make.

For working families one of the biggest issues is the accessibility and affordability of quality child care and kindergarten services. In relation to child care, we know from Australian Bureau of Statistics surveys that 13 000 Victorians are not working due to the cost, the quality and the accessibility of child care and that there are no services available for nearly 42 per cent of Victorian parents, with some families waiting up to three years for a place. Child-care costs have risen by nearly 13 per cent in the past year, which is nearly six times the inflation rate. Despite what the federal Minister for Families, Community Services and Indigenous Affairs, Mal Brough, said yesterday about the accessibility of child-care places, I think he and the Howard government are out of touch with reality. In my experience what people are coming to me about is the lack of accessibility to child-care places near where they work or where they live.

The Victorian child-care task force identified a shortfall of at least 14 000 places across Victoria, so we call on the federal government to increase funding for child-care places to meet this demand. The Brumby government is investing in child-care infrastructure, with 55 integrated children's centres already commissioned or operating and with a further 40 planned over the next four years. The one-stop children's hubs are developed in partnership with local government on the condition that the centres provide both kindergarten and long-day care that is integrated with other early childhood services. These children's hubs are already providing more than 700 new child-care places and 650 new kindergarten places.

I thank the member for Yan Yean for her interest in the provision of quality children's services in her electorate. In relation to funding of $1.2 million for the children's centre in Whittlesea that the member referred to, in rare instances — such as in Whittlesea — a council has asked to be exempted from the provision of long-day care in a children's centre due to child care being available in an adjacent facility. In seeking an exemption the Whittlesea council was required to guarantee that the children from the child-care centre could access the sessional kindergarten at the children's centre when there was no kindergarten program at the child-care centre.

I can reassure the member for Yan Yean that funding has been committed to the children's centre in Whittlesea and that this government will ensure that early childhood services are delivered to the families in the member's electorate.

Mr WYNNE (Minister for Housing) — I applaud the proposal to hold a Northern Futures job summit and the development of an economic independence and social inclusion investment plan. I am very pleased to be working with the member for Lara to improve both the employment and the education and training opportunities for the residents of Corio-Norlane. This approach, as the member knows very well, is consistent with the government's neighbourhood renewal program. As he knows, neighbourhood renewal is a new approach that is successfully bringing together the resources and ideas of, most importantly, residents, the government and business and community groups to tackle concentrations of disadvantage.

I am happy to support a targeting of neighbourhood renewal resources to what I think is going to be a very important initiative. In particular the proposal is consistent with the existing allocation of funding of $1.2 million per annum which I have made available for 17 dedicated, community-based, employment learning coordinator positions to better link residents to improved employment and learning opportunities across all of the 19 neighbourhood renewal sites. Not only will the employment and learning coordinator resources support the Northern Futures job summit to develop and implement an economic independence and social inclusion investment plan, but I will ensure that neighbourhood renewal in Corio-Norlane is integrated and continues the significant work it is already undertaking, as demonstrated by our neighbourhood renewal job creation program. To date that has created 487 jobs in the Corio-Norlane area, which I think is an extraordinarily good outcome.

In parallel, neighbourhood renewal will continue to create new and innovative approaches to improve employment and learning opportunities. I was with the member for Preston and the member for Ivanhoe last week. We had a fantastic day at the Preston town hall, where we saw a really wonderful display of some of the great outcomes of neighbourhood renewal, particularly around the social enterprises that have sprung up through that neighbourhood renewal work. It was a wonderful showcase of what you can do when you invest in communities and you allow that innovation to flourish.

There was a fantastic range of opportunities being taken up, ranging from people who were making fishing rods — for those of us who are fishers it was wonderful to see the creative activity going on there — through to people involved in gardening projects that have become community enterprises. Another organisation that has sprung up is making Roman blinds in Ballarat, and that is not only providing contractual services to the

ministry of housing but also going more broadly into the community. There are fantastic success stories right across Victoria in relation to our neighbourhood renewal work.

I am keen to ensure that the Norlane regeneration project not only provides new homes and improved physical amenities but also maximises training and employment opportunities. Neighbourhood renewal is demonstrating that investing in community-based solutions results in a positive engagement of people in improved employment and education training and of course enterprise development opportunities. Corio-Norlane is a typical example of how neighbourhood renewal works across the state. Those neighbourhoods have experienced unacceptably high levels of disadvantage and worklessness. As stated by the member for Lara, it is only by working with the community, schools, businesses, community organisations and of course government agencies that we will make a difference in those communities.

Again I commend the proposal put forward by the local member, and I wish him every success in holding the Northern Futures job summit proposed for 24 August this year, which I think is going to be a very important turning point. I am sure the house will look forward to hearing from the member again about the outcomes of that work.

The member for Bulleen asked for a matter to be addressed by the Premier about legal advice regarding the Racial and Religious Tolerance Act. I will refer that matter to the Premier.

The member for Melton raised a very important matter for the Minister for Sport, Recreation and Youth Affairs in relation to the much-needed upgrade of the play facilities at the Bacchus March Primary School. I will make sure that the minister is aware of that.

The member for Nepean raised a matter for the Minister for Public Transport in relation to the provision of taxi services on the Mornington Peninsula, particularly late in the week, at nights and at weekends. I will raise that matter with the minister.

The member for Northcote raised a matter for the Attorney-General in relation to child homicide, asking the minister to ensure proper consultation. I will make sure that the Attorney-General is aware of that matter.

The member for Bayswater raised a matter for the Minister for Public Transport in relation to the Lilydale train line, timetabling and the frequency of services. That matter will be addressed to the minister.

The member for Sandringham raised a matter for the Minister for Environment and Climate Change in the other place concerning the minister's particular areas of responsibility for public land — —

Mr Thompson — Land Victoria.

Mr WYNNE — It was about Land Victoria, and he sought a deputation to the minister to express some reservations about the electronic conveyancing project in particular. I will raise that matter for the minister's attention.

Finally, the member for Preston referred to a sad story about the alleged exploitation of a person with a mental illness by a payday lender in the member's area. He wishes that matter to be brought to the attention of the Minister for Consumer Affairs. I am sure that matter will be taken up by minister.

The SPEAKER — Order! The house is now adjourned.

House adjourned 4.38 p.m. until Tuesday, 18 September.