PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 3 December 2008

(Extract from book 17)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
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Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects	The Hon. T. C. Theophanous, MLC
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY (from 30 July 2007)
The Hon. S. P. BRACKS (to 30 July 2007)

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

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Batchelor, Mr Peter John	Thomastown	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [5]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter [2]	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [6]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

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WEDNESDAY, 3 DECEMBER 2008

CONTENTS

Wednesday, 3 December 2008

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 128 to 132 and 207 to 223 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Dr SYKES having given notice of motion:

The SPEAKER — Order! That notice of motion will be reviewed. I would have thought it was longer than the allowable word limit on notices of motion, but the clerks will speak to the member.

Further notices of motion given.

PETITIONS

Following petitions presented to house:

Bass electorate: health services

To the Legislative Assembly of Victoria:

With the withdrawal of local doctors to operate the accident and emergency service for the Bass Coast, the demise of the Warley Hospital on Phillip Island, the rapid increase in growth and ageing population, the increasing tourist population and the proposed desalination project has put and will increase further pressure on the local hospital and ancillary services of this community. To provide specialist services within this community instead of travelling to Melbourne or Traralgon. This has also put extreme pressure on the Rural Ambulance Service to cover the lack of hospital services in this area.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Health to support our petition for funding the upgrade of the health services in the Bass Coast region.

By Mr K. SMITH (Bass) (98 signatures)

Water: desalination plant

To the Legislative Assembly of Victoria:

The petition of residents of Victoria points out to the house that, given the lack of information and consultation with the public, we are totally opposed to the proposed desalination plant on the following grounds:

Desalination is an energy intensive and unnecessarily costly means of addressing water shortages. Any renewable energy offsets need first to be directed to reducing the impact of current levels of energy use.

The construction of the plant poses potential risks to marine and marine park environments. Aboriginal heritage sites are also at risk.

Inappropriate siting of the plant has potential detrimental effects on coastal space, with the likelihood of destroying the very values which attract visitors and residents to Bass Coast.

The development is at conflict with state and local government policies, especially marine protection, Victorian coastal strategy, Victorian coastal spaces study and Bass Coast strategic coastal framework.

The petitioners therefore request that the Legislative Assembly of Victoria directs immediate consultation between government and the local community's representative committee to address the issues as listed above.

By Mr K. SMITH (Bass) (19 signatures)

Schools: Catholic sector

To the Legislative Assembly of Victoria:

The petition of Victorian residents who choose Catholic education, or support this right of choice, draws to the attention of the house that the level of funding provided by the Victorian state government to Catholic schools is inadequate and discriminates against families who choose a Catholic education for their children.

The petitioners therefore request that the Legislative Assembly of Victoria guarantee funding at 25 per cent of the average cost of educating a child in the Victorian government school system, indexed annually and to provide equal funding for children with disabilities who attend a Catholic school.

By Mr TILLEY (Benambra) (274 signatures)
Mr STENSHOLT (Burwood) (616 signatures)
Mr TREZISE (Geelong) (138 signatures)
Mr NORTHE (Morwell) (156 signatures)
Mr WELLER (Rodney) (603 signatures)
Dr NAPTHINE (South-West Coast) (308 signatures)

Rail: Mildura line

To the Legislative Assembly:

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;

2. the urgent need to promote public transport in a global warming context;

3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and

4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (34 signatures)

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of $60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (172 signatures)

Planning: Mornington Peninsula

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the failure of the Minister for Planning to approve Mornington Peninsula Planning Scheme Amendment C87 unanimously adopted by the Mornington Peninsula Shire Council on 8 October 2007, noting that such approval will maintain a minimum 2500 square metre lot size in the approximate 750-hectare area known as 'Woodland' in Mount Eliza, and the preservation of some 11 800 mostly native trees.

The petitioners therefore request that the Legislative Assembly of Victoria ensure the prompt approval of the amendment.

By Mr MORRIS (Mornington) (1763 signatures)

Paterson's curse: control

To the Legislative Assembly of Victoria:

This petition of the citizens of Victoria draws to the attention of the house the critical need for continuing state government support for the eradication of Paterson's curse as a noxious weed, recognising that it has been relegated in importance by the Minister for Agriculture, Joe Helper MP, and the Department of Primary Industry, with other exotic weeds now being given precedence.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to clarify responsibility for the control of noxious weeds, and increase funding levels to all government authorities, including local government, to implement appropriate eradication programs, and to include Paterson's curse.

By Mr JASPER (Murray Valley) (231 signatures)

Essendon Airport: future

To the Legislative Assembly of Victoria:

This petition of the citizens of Victoria draws to the attention of the house the intention of the Victorian Labor government to close Essendon Airport.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to abandon its misconceived policy which is a threat to the location and operations of the Victorian air ambulance, the police air wing, firefighting aircraft and other essential public and private enterprises as well as causing the closure of an important facility for rural and regional Victorians commuting to Melbourne.

By Mr JASPER (Murray Valley) (17 signatures)

Melbourne Markets: trading conditions

To the Legislative Assembly of Victoria:

This petition of the undersigned residents of Victoria draws to the attention of the house the newly imposed Melbourne Market buying and selling times and conditions and registers their opposition to the changes affecting green grocers, growers and sellers.

The new conditions are unjust and unsafe, and, as far as a free market goes, unethical. The petitioners therefore request that the Legislative Assembly of Victoria rejects the current conditions and calls on the state government to bring back the original conditions, which were safer for drivers and provided better trading conditions for all sellers.

By Mr JASPER (Murray Valley) (13 signatures)

Primary Industries: research centres

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the impending closure of five Department of Primary Industries (DPI) research centres and the resultant loss of 70 jobs as a result of a restructure of the department.

The petitioners register their opposition to the closure of the research facilities on the basis that it will result in direct and indirect job losses, and have serious ramifications for the provision of services to the farming community, businesses, government services and the environment.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the DPI restructure and calls on the state government to keep these centres as fully funded and functional DPI facilities.

By Mr JASPER (Murray Valley) (16 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

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

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

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

By Mr JASPER (Murray Valley) (112 signatures)

Rail: Lardners Track level crossing

To the Legislative Assembly of Victoria:

The petition of the undersigned road users of the Lardners Track level crossing between Warragul and Drouin draws to the attention of the house the great concerns and danger felt by users of this level crossing.

In particular concern surrounds the lack of warning signs and safety systems to ensure the safety of vehicles using the crossing. The crossing is currently only controlled by signal alert. Road users fear this does not provide adequate safety measures to ensure their wellbeing when using the crossing.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action to install greater safety measures including the installation of boom gates and the repositioning of current and additional warning signs at the Lardners Track level crossing.

By Mr BLACKWOOD (Narracan) (3920 signatures)

Vision Australia: school closure

To the Legislative Assembly of Victoria:

The petition of the VA VIEU sub-branch supported by the general public draws to the attention of the house that with the sudden decision of Vision Australia to permanently close its school facility, dispense with the visiting teacher service and its staff of specialist teachers, and teacher aides at the end of 2009, the futures of many vision-impaired children with or without additional disabilities are in peril.

The RVIB school, now Vision Australia School, and its visiting teachers, have assisted generations of children who are blind or have low vision in reaching their potential, supported many through the integration process into mainstream schooling and provided training and help for those schools.

We understand that Vision Australia will not overturn its sudden change of policy after 142 years and will not reconsider offering the full range of services, believing education to be the sole responsibility of government.

The petitioners therefore request that the Legislative Assembly of Victoria implement as quickly as possible a vital and effective centre for education which will carry on and expand the essential work of the current school.

The petitioners also request that the Legislative Assembly of Victoria fully provides every state funded school with appropriate services and equipment as well as suitable training for teachers and aides in preparation for the unique challenges faced by each child who is blind or has low vision.

By Mr DIXON (Nepean) (639 signatures)

Motorcycles and scooters: registration tax

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria draws the attention of the house to the $56 a year tax, levied through the Transport Accident Commission (TAC) on motorcycles and scooters registered in this state.

We petitioners request that the Legislative Assembly of Victoria abolish this unfair and discriminatory cost immediately. This TAC tax was introduced without proper consultation with stakeholders. It singles out and penalises a small but legitimate part of the community based on choice of personal transport. When pollution, fuel costs and traffic congestion are very serious problems in our society, responsible authorities should encourage the safe use of environmentally friendly, economical vehicles that do little damage to infrastructure. Responsible authorities should not make motorcycles and scooters more expensive to own because some riders go back to their cars and others spend less on protective clothing and maintenance. We seek the immediate abolition of the $56 TAC tax on motorcycles and scooters.

By Dr NAPTHINE (South-West Coast) (1437 signatures)

Motorcycles and scooters: registration tax

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria draws the attention of the house to the $56 tax levied through the Transport Accident Commission on scooter and motorbike registrations in this state.

The petitioners therefore request that the Legislative Assembly of Victoria immediately withdraw this unfair impost, which was introduced without proper consultation with stakeholders. This tax singles out and penalises a small but legitimate part of the community based on choice of

personal transport. The tax is unfair, particularly for riders with more than one machine and makes motorbikes and scooters more expensive. We seek the abolition of this tax immediately.

By Dr NAPTHINE (South-West Coast) (20 signatures)

Tabled.

Ordered that petitions presented by honourable member for Bass be considered next day on motion of Mr K. SMITH (Bass).

Ordered that petitions presented by honourable member for South-West Coast be considered next day on motion of Mr R. SMITH (Warrandyte).

Ordered that petition presented by honourable member for Narracan be considered next day on motion of Mr BLACKWOOD (Narracan).

Ordered that petition presented by honourable member for Burwood be considered next day on motion of Mr STENSHOLT (Burwood).

Ordered that petition presented by honourable member for Geelong and petition presented by honourable member for Nepean be considered next day on motion of Mr HODGETT (Kilsyth).

Ordered that petition presented by honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).

Ordered that petition presented by honourable member for Benambra be considered next day on motion of Mr TILLEY (Benambra).

Mr TREZISE (Geelong) — I move:

That the petition tabled in my name be considered on the next day of sitting.

The SPEAKER — Order! That motion has already been moved by another member.

Mr Stensholt — On a point of order, Speaker, I seek your guidance about whether a member asking for a petition tabled in the name of another member who is actually present in the house to be taken into consideration is appropriate under standing orders.

The SPEAKER — Order! There is no standing order which precludes any member moving that any petition be noted. However, it would perhaps be advisable that members who wish petitions that have been tabled by other members to be put on the notice paper for the next day of sitting wait until the member concerned, if they are in the chamber, has had the opportunity to move that the petition they have tabled be taken into consideration on the next day sitting.

Honourable members interjecting.

The SPEAKER — Order! I think all members understand that a level of cooperation is needed in the chamber.

Ordered that petition presented by honourable member for Rodney be considered next day on motion of Mr WELLER (Rodney).

Ordered that petition presented by honourable member for Mornington be considered next day on motion of Mr MORRIS (Mornington).

Ordered that petitions presented by honourable member for Mildura are considered next day on motion of Mr CRISP (Mildura).

Ordered that petitions presented by honourable member for Murray Valley are considered next day on motion of Mr JASPER (Murray Valley).

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Management of the Multi-Purpose Taxi Program — Ordered to be printed

Results of Audits for Entities with 30 June 2008 Balance Dates — Ordered to be printed

Financial Management Act 1994 — Budget Update 2008–09

Freedom of Information Act 1982 — Report 2007–08 of the Attorney-General on the operation of the Act

Land Acquisition and Compensation Act 1986 — Certificate under s 7.

MEMBERS STATEMENTS

Mount Waverley Primary School: Discovering Buddha program

Ms MORAND (Minister for Children and Early Childhood Development) — It gave me great pleasure to launch a new educational resource, Discovering Buddha, at Mount Waverley Primary School last month. Discovering Buddha has been developed by the Buddhist education program in line with the Victorian Essential Learning Standards and is the result of four years of collaborative effort by the Buddhist Council of

Victoria, which has a team of volunteer teachers working in Victorian schools. The educational resource is a collection of lesson plans, resource materials and notes suitable for teachers of students in grades 3–6. It presents information on Buddhism in ways that include and engage children whatever their cultural and religious backgrounds or beliefs.

Listening to students at Mount Waverley primary talk about their engagement with studying Buddhism, it was evident that they value the experience, particularly that of meditation and self-reflection. Mount Waverley Primary School, where the resource will be launched, is one of 10 schools across Victoria that will start using the resource in the new year. This was a great place to launch the program, because the city of Monash is very multicultural and has a diverse Buddhist community. Over 8500 people, or 5 per cent of the population of the city, are practising Buddhists of Chinese, Indian, Sinhalese, Vietnamese or other ethnic background. Buddhists are now the largest non-Christian group in Australia, making up 2 per cent of our population.

I would like to acknowledge particularly Peggy Page, convenor of Buddhist Education in Schools, for her work on the resource, and Trevor Saunders, principal of Mount Waverley Primary School.

Carers: government assistance

Mrs FYFFE (Evelyn) — I wish to bring to the attention of the house the case of Fay and her husband, John. Fay, who is in her 80s and has a care package for herself, also cares for her husband, John, who is a quadriplegic. To assist Fay with her husband's care she is reliant upon the services of a local care agency. However, securing a carer to meet their daily requirements is becoming more and more difficult. The Department of Human Services admits there is a chronic shortage of carers to fill shifts, which is resulting in employed carers having to work longer hours to meet the level of demand of our ageing population.

Fay has been in a situation where initially no carer was available for a weekend shift, and she had to cope until an emergency carer became available. The work of a carer is gruelling. Professional carers must be physically strong enough to be able to lift clients out of shower chairs and emotionally strong enough to cope with the daily onslaught of elderly clients who are in many instances losing control of their faculties and bodily functions. The wages are low, the opportunities for career advancement are non-existent and the recognition of the value of carers is lacking. Most carers have to travel long distances just to do a couple of hours work here and there, which is not enough to support a family. This is not the kind of work that we can in good conscience leave for volunteers to fill the gap. The state government must look at options to increase funding to support the work professional carers do to ensure that this vital service continues.

Alex Webb

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — On 30 July I paid tribute to Alex Webb, a 12-year-old Monbulk boy who, tragically, died after a fall at the local BMX track. Today I honour the three boys who bravely tried to save his life. Ryan Grandcourt saw his best friend fall awkwardly. Ryan thought he was winded or, at worst, concussed. However, as he rushed over, Alex began to convulse and vomit. Ryan rolled Alex over onto his side and cleared his airway before running to two other boys, Diarmid McClelland and Jack Shoesmith. Diarmid and Jack sprinted to the school to raise the alarm with teachers, who called the ambulance but, sadly, Alex could not be revived.

Ryan, Jack and Diarmid were recently awarded Ambulance Victoria community hero awards. Ambulance Victoria chief executive officer Greg Sassella said, 'Their awards show ordinary people can be heroes'. The horror of the scene did not root the boys' feet to the ground, it spurred them into clear thinking and decisive action. There was nothing more you could have done, boys. You are truly heroes. Your families, the Webb family and your community are proud of you. Alex would be proud of you.

Frank Crean

Mr MERLINO — I rise to honour the life of a truly great Australian, Frank Crean, who passed away yesterday at the age of 92. Frank served in this house before moving to federal politics where he served as the federal Treasurer, Minister for Overseas Trade and Deputy Prime Minister. Upon leaving politics Frank devoted himself to our multicultural community. He was the founding chair of the Prahran Migrant Resource Centre, which under his leadership became one of the most respected settlement agencies for migrants and refugees. Frank was a truly passionate supporter of our multicultural society, and he will be sorely missed.

George Lekakis, chair of the Victorian Multicultural Commission, told me last night that Frank was a long-time mentor and friend of his. My condolences go to Frank's wife, Mary, and his two sons, Simon and David.

Economy: north-eastern Victoria:

Mr TILLEY (Benambra) — Yesterday's release of the ANZ regional and rural quarterly report for the December quarter shows an alarming drift in north-eastern Victoria, with employment down 10.3 per cent. The employment participation rate has also decreased, placing additional burden on already stressed social infrastructure. The report refers to commercial building investment in the region as languishing, falling to just $20 million in September after hitting a peak of nearly $30 million earlier in the year, and negative employment growth remains the trend in the region. The international environment continues to deteriorate. Developed country economic growth in 2009 will be the weakest since 1982. The economy in north-eastern Victoria was faltering under this state Labor government well before the current global economic meltdown.

One of the north-east's financial entities, Bidgee Finance Ltd, has collapsed due to the federal Labor government's bank guarantees for banks, leaving other lenders such as Bidgee out in the cold, and rural investors now face extreme uncertainty.

The report states:

> 2009 is expected to be challenging and nowhere will this be more apparent than in the many rural communities …

The resilience of rural Australians will be tested further, not helped, by the city-centric state government and its complete lack of understanding of the needs of rural Victoria. A year of action? Pig's bum!

The SPEAKER — Order! I warn the member that unparliamentary language will not be tolerated in this chamber.

Gladstone Views Primary School and Gladstone Park Secondary College: facilities

Ms BEATTIE (Yuroke) — On 20 November I had the great pleasure of attending the official openings of facilities at two Gladstone Park schools in my electorate. Through investment by the schools and the state and federal governments, Gladstone Views Primary School and Gladstone Park Secondary College now have some excellent new facilities.

The official opening of the stadium and performing arts space at Gladstone Views Primary School was held in the new full-sized gymnasium, which provided excellent acoustics for the very talented school choir. I have yet to test my vocal skills in this facility, and the member for Essendon has offered to help me. I am very pleased that the state government contributed over $360 000 to this state-of-the-art facility, which will be used for a multitude of competition sports by both the school and the broader community.

Nearby at Gladstone Park Secondary College, the Ken Thompson Performing Arts Centre and the extended Rex McKenzie sports centre, both named in honour of previous principals of the school, were officially opened. With the state government investment of over $2.7 million, both the performing arts centre and the sports centre will provide flexible-use facilities that will be used for a variety of college programs as well as for the school community. I have been down to that school several times, and I can assure members of the house that the facility is being put to very good use by the students of Gladstone Park Secondary College.

Police: Bayswater electorate

Mrs VICTORIA (Bayswater) — I have lost count of how many times I have heard the Brumby Labor government tell this house that we have more police, less crime and a very safe state. I have also lost count of how many times I have stood in this place and spoken on the plight of the police in Knox and Maroondah, so here I go again with the indisputable proof that I was right.

The recent statistics concerning police rosters released under freedom of information by the future police minister show all those who doubted our claims that the force is stretched to breaking point. Let us look at the woes of the three police stations that service the electorate of Bayswater: Knox is 21 members short of its capacity of 70 members — that is 30 per cent down long term; Ringwood is 19 members short of its capacity of 83; and Boronia — the location of increased incidence of violent crime — is 11 members short and struggling at 76 per cent of capacity.

The government has been spinning its fictitious rhetoric for so long that its members actually believe themselves. Now all Victorians have proof that truth is certainly stranger and uglier than fiction. I say, 'Stop the spin, Mr Brumby. Stop the contempt for our police. Increase academy intakes, take the spinmeisters out of offices and put them back in uniform and back on the streets where they belong!'.

Victorian Jazz Archive: exhibition

Mrs VICTORIA — Congratulations to the multitude of volunteers at the Victorian Jazz Archive for their dedication in capturing our jazz history and preserving it for the future. The current exhibition, Ross

Anderson's New Melbourne Jazz Band, is an outstanding tribute to an Aussie jazz icon. I wish Ross many more years in the music industry.

Community health centres: eastern suburbs

Mr STENSHOLT (Burwood) — Today I would like to commend the work of the community health centres in my local community. The Whitehorse Community Health Service in Carrington Road, Box Hill does an excellent job serving the multiple needs of people. There are dental services, allied health services — including speech pathology, occupational therapy, podiatry and physiotherapy, as well as an extensive counselling service. I also pay tribute to Jim Killeen and his team and the board of that service.

I recently attended the annual general meeting of the Inner East Community Health Service, led by Rod Wilson and his excellent team. It runs the Craig Community Health Centre in Ashburton. This has been a welcome service for this community. Its general practitioners, dentists and allied health services, including children's services and podiatry, all provide a much-needed service for the local community.

The third service in our local community is MonashLink. I commend the work of the people there, who are ably led by Gregg Nicholls and his team. The service at Ashwood focuses on allied health as well as outreach services for group preventive health sessions at local neighbourhood houses. I commend both Rod Wilson and Gregg Nicholls for their work and dedication to the neighbourhood renewal program in that area.

All these centres do great work and are part of the annual $250 million-plus investment by the Labor government in community health services. Over the last nine years we have rebuilt community health and vastly improved services. All these services in my local community are a proud testimony to that achievement.

Nepean Highway–Bay Road, Cheltenham: traffic lights

Mr THOMPSON (Sandringham) — I wish to again document on the parliamentary record the concern of the Bayside community regarding inconsistent yellow light times and unclear standards for yellow light settings as they affect the right-turn arrow at the intersection of Nepean Highway and Bay Road, Cheltenham. The minister has stated in an answer to a question on notice that the time for the operation of the amber light at this intersection is 3 seconds. However, former Victoria Police chief superintendent David Axup gave evidence in court that the time for the yellow arrow over 10 cycles varies between 2.25 seconds and 3.03 seconds, with an average time of 2.75 seconds. With one exception, all times recorded were under 3 seconds.

A question was put to the witness for the police regarding the operation of traffic lights. He was asked by the barrister:

> Based on your knowledge and expertise, are you able to say whether or not the variation in times of the yellow sequence evidences any malfunctions in the traffic lights at that point?

The witness replied:

> No, it is not.

The barrister asked:

> What is it?

The witness replied:

> It is a consequence of a system that is in operation at that intersection. It is called the SCATS system ….

The barrister asked how it worked, to which the witness replied:

> It operates by receiving information from in-road sensors …
>
> So one does expect to see some variation in those phase times.

In my view any variation in the phase times which is less than the standard is a short time frame for the complexity of the intersection and is unacceptable.

Eureka Stockade: anniversary

Mr HOWARD (Ballarat East) — Today is Eureka Day. On 3 December, 154 years ago, miners at the Ballarat diggings who took a stand against corrupt authorities and unjust colonial laws were attacked by colonial forces in a ruthless bloodbath which shocked people across Victoria and many other parts of the world, including England. Soon afterwards there were many changes to the law in Victoria, specifically giving people the right to vote without their needing to be landowners. There were also reviews of the colonial administration to improve people's rights for justice.

Eureka Day is clearly a day of great significance in the history of this country and deserves ongoing recognition. I am pleased to see that this year many commemorative events will be taking place again around the Eureka Stockade Reserve in Ballarat, at many other sites in Ballarat and even in Melbourne. These events have been organised by a range of

organisations, including the Eureka Stockade Memorial Association, the City of Ballarat and many other groups.

As well as events taking place today in Ballarat, tonight the Celtic Club will be the host venue for a Eureka dinner, with guest speaker Julian Burnside, QC. At the weekend many other events will take place, including at the site of the Eureka Stockade, where, among other things, a dinner will be held at which the Minister for Regional and Rural Development, Jacinta Allan, will be the guest speaker. There will be a music festival in the afternoon, a forum on human rights, Eureka and democracy — —

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

Ambulance services: wages and conditions

Mr INGRAM (Gippsland East) — I rise to pay tribute to the hardworking men and women who serve as paramedics and ambulance community officers in my electorate and across the state. Paramedics are regularly required to deal with critical situations and often work in remote areas. I was privileged recently to attend the handover of vital equipment at Bairnsdale, Lakes Entrance and Mallacoota branches. The hardworking men and women of the Bairnsdale ambulance auxiliary were responsible for purchasing four ventilators costing in excess of $30 000, which were presented to the other branches.

These volunteers do a magnificent job, and I commend their ongoing fundraising efforts. There is much support at the community level, but I believe paramedics need more support at the corporate level.

There is concern at the understaffing and workload volumes of paramedics across the state. Recently a paramedic in Bendigo was disciplined for speaking to the media about his concerns. I have also been advised that if any staff member speaks out about staff shortages or other enterprise bargaining agreement matters in a public forum, they risk disciplinary action.

It is obvious from representations that have been made to community members that these concerns need to be addressed. As one person put it to me, most paramedics love what they do, just not who they work for.

Frank Crean

Mr FOLEY (Albert Park) — I note with sadness the loss yesterday of a local giant of the Labor family, a former member of this house as the member for Albert Park, and Deputy Prime Minister Frank Crean. Our sympathy at this time goes to Mary and to his sons David and Simon. I hope to be in a position to say more about Frank's significant contribution to Australia and the Labor movement at a more appropriate time.

World AIDS Day

Mr FOLEY — Monday, 1 December, was World AIDS Day. This year marks the 20th anniversary of World AIDS Day. In Victoria it also marks the annual efforts by the AIDS Council of Victoria, People Living with HIV/AIDS Victoria, and their array of supporters, to raise awareness and action around the issue of HIV/AIDS. These issues include the need for support and understanding for people with HIV/AIDS, as well as education and preventive initiatives. The day in Victoria is also marked by a ceremony that remembers the many people who have died as a result of this disease over the past two decades, and more.

In this year's budget the Victorian government has allocated an extra $16.6 million to fight HIV and other communicable diseases. This has been built on by an announcement this week by the Minister for Health of a series of preventive task forces dealing with high-level policy on HIV prevention, treatment and care, viral hepatitis and sexual and reproductive health issues.

The HIV/AIDS community can be assured that this government takes the joint task of education and advocacy very seriously, and this year's theme of 'Enjoy Life. Take Control. Stop HIV/AIDS' is shared by the government.

Disability services: Sunraysia Resource Centre

Mr CRISP (Mildura) — Today is International Day of Disabled Persons. In 1992, at the conclusion of the United Nations Decade of Disabled Persons, the UN General Assembly proclaimed 3 December as International Day of Disabled Persons, and based on feedback from disabilities sectors in Australia the Australian government adopted today as its annual commemoration day for people with disabilities.

To mark this day in Mildura, Sunraysia Resource Centre at 159 Langtree Avenue will be opened at 11.00 a.m. by Cr Vernon Knight. The resource centre will provide a home for the autism group, the ADHD group, Down Syndrome group, the Parents and Carers Support Group, the Sunraysia Disability Group and the Arthritis Group.

The resource centre will provide a home base for meetings, both formal and informal, and it is also a place for mutual support. The centre will supply informal and referral services in a safe and welcoming

place for older persons with disabilities, and for families and carers. The centre will be manned by volunteers, and this is a grassroots community effort. There is a need for resources for the centre, and I am hoping that as they collect these, they will be successful in applying for some government funding to assist in running these services.

I pay tribute to Joy Clarke for her endless efforts to establish the resource centre as a place where people can come, sit, share and learn about coping with disability.

Schools: Frankston electorate

Dr HARKNESS (Frankston) — The massive $5.6 million redevelopment of Karingal Park Secondary College is nearing completion, and the school year in Frankston has now been capped off with some fantastic news for Ballam Park and Overport primary schools.

At a recent assembly at Ballam Park I was delighted to announce that the school will receive between $300 000 and $500 000 in extra funding to upgrade its facilities as part of the government's Better Schools Today program. The staff and school community are already making suggestions about how the money could best be spent, and I look forward to working with the school to maximise the impact of this funding.

Ballam Park is located in the Karingal cluster of schools, which includes Frankston East, Karingal and Karingal Heights primary schools, each with excellent leadership and energetic and enthusiastic teachers, parents and students. Each offers the Karingal community excellent choice and a variety of programs and initiatives.

Overport Primary School is also set for massive change, as it has been invited to take part in the Building Futures program. This could see a major capital investment in the school, enabling it to upgrade and modernise its infrastructure to create the best possible learning environment for students. Overport boasts a terrific school community, and I know that the principal, Julie Gleeson, and the school council are thrilled and looking forward to a lot of hard work, preparing for a major redevelopment of the school.

I take this opportunity also to congratulate all of the students, staff and friends of the Frankston schools on another great year, and in particular my thoughts are with those students who have just completed their final year 12 exams and are nervously awaiting the release of their results in about two weeks time. I wish them, and all of Victoria's students, all the best in 2009.

Tobias Williams

Mr NORTHE (Morwell) — I refer to an article in the *Herald Sun* of 28 November this year and the circumstances of 15-month-old Tobias Williams and his parents, Julia Williams and Brian Vizard. Tobias suffers from cerebral palsy and severe brain damage following complications at birth, and it would be an understatement to say that these past 15 months have been traumatic for both Julia and Brian. Whilst on a recent visit to the Royal Children's Hospital Brian, who is deaf, ventured to the Royal Victorian Eye and Ear Hospital, where the couple's vehicle was broken into and vital medical equipment for Toby was stolen. In a further blow to the family, Christmas presents for Toby were stolen through a smashed windscreen.

Whilst the car has now been repaired and Toby's medical equipment replaced, further modifications to the vehicle, particularly the provision of improved wheelchair access, would greatly benefit the family. The vehicle, a Kia Carnival, was able to be purchased by Julia and Brian in the first instance through the generosity of the local community along with substantial financial assistance from Dick Smith.

A fund has now been established through disability services charity Scope, and it is hoped that highlighting the family's plight will further encourage the community and the state government to contribute to Toby's future welfare. Toby faces many significant challenges, including the prospect of a major operation later this week. Whilst the family confronts hurdles of this nature into the future, it can be assured of the Latrobe Valley community's continued support and generosity.

Victoria Police Youth Corps: graduation

Mr PERERA (Cranbourne) — Last week I joined the Minister for Sport, Recreation and Youth Affairs at the graduation ceremony of the Victoria Police Youth Corps at the Victoria Police Academy. Graduating on the day was a strong representation from Monterey Secondary College in Frankston North. As the local state member I am proud to say that the 18 students from the college outnumbered all other school representations. I congratulate the following 18 students from Monterey Secondary College who graduated: David Buggy, Danielle Collard, Kimberley Duthie, Melina Edwards, Sara Furborough, Leah Green, Stephanie Hardiman, Matthew Inman, Ashley March, Stephanie Myers, Bradley O'Driscoll, Andrew Sheerin,

Natalie Smith, Nicholas Wilcox, Nyatap Muon, Sarah Miller and Melissa Stevens. Well done — a great effort indeed!

Students from across Victoria celebrated the end of two years of effort in the Victoria Police Youth Corps. The youth corps initiative develops leaders by providing young people with the opportunity to plan projects, meet new people, build skills and make a difference in their community. The program also encourages communities to support and recognise young people's participation and positive role in society.

Cranbourne Turf Club: Trade Union Family Race Day

Mr PERERA — Last weekend many working families attended the annual Trade Union Family Race Day at the wonderful Cranbourne racing complex. Events such as this family race day reinforce the valuable support that unions give to working families as well as the important contribution they make to the Victorian community.

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

Rail: Lardners Track level crossing

Mr BLACKWOOD (Narracan) — The Lardners Track level crossing between Warragul and Drouin is a ticking time bomb. It is a disaster waiting to happen, and the Minister for Public Transport continues to ignore it. I first raised this issue over 12 months ago with both the Minister for Roads and Ports and the Minister for Public Transport, ministers Pallas and Kosky, because of the enormous amount of concern in my community. Just after I first raised in this house the problems of this crossing there was a collision between a train and a four-wheel drive vehicle. Thankfully no-one was seriously injured.

I once again call on the minister to act immediately and address the safety issues at this rail crossing. I know it will also require treatment of the adjacent road intersection, and I realise this will involve significant extra cost. We have a government that has enjoyed record levels of income for nine years, and yet we still have situations at rail crossings right across the state that are putting country lives at extreme risk every day. This government promised to install boom gates at every level crossing used by the fast train in Gippsland. Lardners Track is the only one that has consistently been overlooked. Members of my community have become so outraged by the Brumby government's lack of action that 3920 very concerned people have signed a petition, which I tabled in this house this morning. The petition calls for an urgent upgrade of the Lardners Track level crossing. I plead with the Minister for Public Transport to fix this problem before we lose a country life because of her inaction.

St Albans business group: festival fundraising dinner

Ms KAIROUZ (Kororoit) — On Wednesday, 19 November, I had the pleasure of attending the St Albans business group's fundraising dinner in preparation for the 11th St Albans Lunar New Year Festival. Up to 80 000 people attend this festival in St Albans, and it is regarded as Brimbank's largest and most successful festival. The St Albans business group receives a grant from the state government via the Victorian Multicultural Commission and also receives support from other sponsors.

Volunteers from the local community run the festival, and it attracts up to 80 000 people from all over the state and from other parts of the country. The year 2009 is the Year of the Ox in the lunar calendar. I would like to congratulate Sam Agricola and the St Albans business group for organising this successful fundraising event.

Taylors Road, St Albans: grade separation

Ms KAIROUZ — On Wednesday, 26 November, together with the Minister for Roads and Ports and an upper house member for Western Metropolitan Region, Martin Pakula, I had the privilege of officially switching on the traffic lights to open the new East Esplanade connection at Taylors Road, St Albans. This $54 million Taylors Road underpass project has been completed months ahead of schedule and on budget.

The local community, particularly people living and working around St Albans, welcomes its early completion. I congratulate Martin Pakula and other local MPs for taking a keen interest in this project, and I thank — —

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

Otama: future

Mr BURGESS (Hastings) — The state government's indecisiveness has led to the appalling situation of a world-class submarine being left to languish and rust in the waters of Western Port. The submarine *Otama* is a historic vessel. It is the last Oberon-class submarine built in the world, and it would

be tragic if it were to be lost to the community simply because of Brumby government incompetence.

The Western Port Oberon Association received a grant from the former coalition government to secure the vessel; it was then towed to Western Port from Western Australia in 2002. The association had hoped to turn the submarine into a tourist attraction, accompanied by a maritime museum. Two feasibility studies commissioned by the Mornington Peninsula Shire Council estimated that the *Otama* submarine would generate in excess of $5 million per annum for the local community. Unfortunately for the association and the community, the state government's red tape and indecisiveness has resulted in this fantastic opportunity, along with its planned maritime museum, being lost as the *Otama* has been listed on eBay for sale to the highest bidder.

The complete failure of the state government to secure a site for the submarine will result in the community losing a world-class, non-polluting, comparatively carbon-neutral tourist attraction.

The government stated that the submarine project would be able to go ahead in Hastings if appropriate steps were taken. The Western Port Oberon Association did all that was required, only to find that after more than two years the government reneged on its promise, refusing to allow the submarine to use the site. The association then concentrated on securing a site at Crib Point. Again the government used every possible diversion and stalling tactic to prevent the project from proceeding.

A potential site at Stony Point is now suffering a similar fate at the hands of a government that is either incapable or unwilling to move forward. The association is now running out of time to find a suitable home for the *Otama*. The community now understands that the only obstacle is the state government.

Sue Hill

Mr LANGDON (Ivanhoe) — Today I wish to pay tribute to Sue Hill, an outstanding member of Victoria Police, who is about to retire after 34 years of service.

Sue, who is in the public gallery this morning, joined the women's police section of Victoria Police in 1975. Since that time she has been transferred to various departments within the force, until 1989 when she was appointed to a position in the police schools involvement program. Sue has served in that position since that time with a great deal of distinction.

For her service Sue received the Banyule community Australia Day award in 1999, and in 2001 she received the Victoria Police Youth Officer of the Year Award.

The dedication and commitment that Sue has shown over these years is an example to all. The value and the benefits of Sue's achievements cannot be measured merely by statistics — for example, the number of children she was involved with in the community, or those she helped keep away from drugs, alcohol and other dangers.

Sue is an outstanding police officer whose services to the community will be sadly missed; however, she has decided to move on, and I wish her all the best in her retirement. I know she will be sadly missed by the West Heidelberg community as she was an institution in that area. Thank you very much, Sue.

Substation Community Arts Centre, Newport: opening

Mr NOONAN (Williamstown) — Residents in Melbourne's inner west will now have better access to a community arts space after the redeveloped Substation Community Arts Centre in Newport was officially opened by the Minister for the Arts, Lynne Kosky, on 22 November 2008.

The Newport substation was built in 1915 for the purpose of converting electricity so the suburban rail system in the local area could be electrified. The substation remained in use until 1969 when it was finally locked up. Over the years that followed the building's closure, vandals and thieves damaged or removed almost all of the remaining equipment and fittings. By the 1990s the building had become derelict. It suffered greatly from neglect, so much so that it started to become an eyesore and a new home for squatters.

In 1996, two local residents, Nigel Edwards and Darren Williams, had the idea of restoring and adapting the Newport substation into a community arts facility. A committee was then formed, and with the help of hundreds of volunteers and people in the wider community who performed countless hours of volunteer work there, the substation was transformed and their vision was realised.

At the centre's official opening, Minister Kosky announced a $140 000 grant to install a new lift to provide access to people with limited mobility.

The Substation Community Arts Centre has previously received more than $1 million worth of support from the state Labor government, with significant support

also provided from the Hobsons Bay City Council and the local business community.

I congratulate all those involved in this outstanding project.

Lara electorate: federal community cabinet

Mr EREN (Lara) — I congratulate the federal Labor government for following in the footsteps of this great state Labor government by holding community cabinet meetings amongst the community. I am particularly happy and proud about the fact that it will be having a community cabinet in my electorate of Lara, and members may be aware that I share that electorate with the federal member for Corio, Richard Marles, who is proving to be an excellent representative of the area.

I look forward to this weekend when the Prime Minister, Kevin Rudd, and his team will visit the best electorate in the world, the seat of Lara and the seat of Corio. I congratulate all involved in organising this event. It will be a good boost for not only Corio and my seat of Lara, but — —

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

MATTER OF PUBLIC IMPORTANCE

Families: government services

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

> That the house endorses the government's year of action — putting Victorian families first — in contrast to those who stand for nothing.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I am thrilled to have an opportunity to contribute on this very important matter of public importance this morning.

I say firstly that this is a government that takes very seriously the provision of services to Victorian families — whether it is in making our streets safer through our investment in police; whether it is through investing in our health service to improve the quality of our public health system; whether it is through our investment in schools and in early childhood development to ensure that every child has the best possible start in life; or whether it is through our investment in basic infrastructure to make sure that all Victorian families have the services they need and deserve, this government takes this responsibility very seriously.

Today we have an opportunity to reflect on all that has been achieved over the last 12 months — this year of action — and also on the lamentable performance of those opposite as they seek to criticise the investments that the government is making and offer, we would have hoped, their own vision for the direction for Victoria.

Deputy Speaker, it will come as no surprise to you that I intend to focus my remarks on the government's achievements and plans in terms of water and also to identify, if it is possible, what the opposition would do by way of contrast if it found itself in government.

It is now 624 days since the Leader of the Opposition said that the Thomson Dam would run dry in 60 days. That is because those opposite can offer nothing in terms of water policy, but instead try to scare Victorians by creating a sense of crisis and offering no solutions as to how we can manage our water resources.

By contrast, this government has a comprehensive water plan in place. We have been honest with the people of Victoria and said exactly what our plan is. Our plan, firstly, is to make the biggest investment in upgrading irrigation infrastructure in this state's history. Our plan is to connect the state in a statewide water grid — a network of pipelines which will transfer water to where it is needed most and enable us to share water with drought-stressed communities as we face the uncertainty of climate change in the decades ahead.

Our plan is to build Australia's largest desalination plant — a non-rainfall-dependent source of water which will provide a level of security by diversifying our water sources instead of relying almost exclusively on water collected in dams and storages, as we have done over the course of the 20th century.

Our plan is to continue to invest in water recycling projects and to encourage industry, households and farmers to reduce their water consumption so we can continue to meet the needs of growing cities, regional towns and industries that depend on a reliable water supply for their future. It is a comprehensive plan and includes irrigation upgrades, a network of pipelines, desalination, water recycling and ongoing water conservation efforts. It is a plan that Victorians have responded well to.

Victorians' efforts to reduce their water consumption has helped us get through this difficult period. Industry and households have done their bit to reduce their water

consumption. We appreciate the efforts of Victorian households and industry, and in fact those efforts will help us get through this difficult period. But we need to also recognise that significant augmentations are required, and major projects are necessary if we are to provide water security for Victorians in the decades ahead, regardless of where they live.

It is worth reflecting that we have put our plans on the table. We have made it clear where we stand, and we are progressing and pushing ahead with this plan. We understand that some aspects of the plan are controversial. Some Victorians disagree with some aspects of our plan, but nevertheless it is beholden on those opposite to say, where they disagree with our plan, what their alternative is. What is their alternative?

We have made it clear that we support a desalination plant because it is a non-rainfall-dependent source of water. Members opposite would have you believe that they oppose the construction of that plant and do not agree with desalination. Instead they will stand with those protesting against this project and say that they support them. Victorians are entitled to ask: where would the 150 billion litres of water that will come from the desalination plant come from under a coalition government? If a coalition government were to be elected, where would it come from?

Dr Sykes — Carrum!

Mr HOLDING — The member for Benalla interjects and says it would come from Carrum. Now it is on the record: it is opposition policy to drink recycled water. That is exactly what the member said — that the 150 billion litres would come from Carrum.

Dr Sykes — On a point of order, Deputy Speaker, the minister is misleading Parliament.

Honourable members interjecting.

The SPEAKER — Order! The member will come to the point of order quickly.

Dr Sykes — Sorry, I could without the interjections from the other side. My point is not in relation to potable water; it is for water — —

The SPEAKER — Order! The member for Benalla should know that taking a point of order is not an opportunity to enter into the debate.

Mr HOLDING — There we have it. Once again the opposition is trying to be all things to all people. On the irrigation upgrades, opposition members say, 'We support irrigation upgrades. We should have done it years ago'.

Honourable members interjecting.

Mr HOLDING — The member interjects. Opposition members say we should have done it years ago, but the Leader of the Opposition is on record as saying that the savings from the irrigation project are problematic at best. Why do they say this? Because once they are forced to acknowledge that there will be significant savings from the irrigation upgrades that this government is funding, then the case for sharing the savings becomes overwhelming. They want to pretend that the water that will come down the pipeline has somehow been stolen from northern Victoria, when in fact the water that will come down that pipeline and the water that will come from our investment in irrigation upgrades is water that comes from savings.

The member for Rodney shakes his head. Opposition members are not going to get it. While they are on the record saying they support the upgrades and while they say it should have happened years ago, they say in the same breath, 'But you will not get any savings'. Why would they support a $2 billion upgrade and argue that it should be fast-tracked if they do not believe there will be any water savings from it? Because they say anything to please whatever group they are speaking to; they try to be all things to all people.

The opposition is on the record as saying it supports dams and that it is investigating all locations. The Leader of the Opposition said, 'We should be building a dam, and we are investigating all locations'. In fact the opposition has claimed that the construction of a new dam for Victoria will be the spearhead of coalition water policy at the next election.

Yet in the same breath, because it knows it is electoral poison in some parts of Victoria to come out and say that you support dams, some coalition members are saying they do not support dams in their local areas. For example, one of the members for Eastern Victoria Region in the Legislative Council, Philip Davis, put out a press release yesterday saying that not only should there be no dam on the Mitchell River but in fact there should be no dams in the Gippsland catchment other than those that are already there. He is on the record as saying that. He is on the record as positioning the coalition to be able to be all things to all people, to tell people in Melbourne and in other parts of Victoria that it supports dams while local members go out in the areas where those dams would inevitably have to be built and tell their constituents that they do not support dams in those areas.

Once again, the opposition is trying to be all things to all people. That could never have been more amply demonstrated than in relation to the north–south pipeline. The opposition is on the record as being utterly opposed to the pipeline, and the Deputy Leader of the Opposition came out and said that under a coalition government not a drop of water would flow down this pipeline. Not a drop of water! The statement did not go to the shadow cabinet and within no time business groups, Victorians and leading political commentators had condemned this irresponsible, hypocritical, undeliverable policy because everybody knows that the pipeline is being built. As we speak, it is being built.

The goldfields super-pipe was built in the face of opposition from those opposite, but water is flowing down that pipeline and now you would think it had been the opposition's idea. Every time its members are in Ballarat or Bendigo, they are hugging the pipe and saying what a great project this is for Ballarat and Bendigo. It is the same thing with the north–south pipeline. Within days of the Deputy Leader of the Opposition saying, 'Not a drop of water will flow down this pipeline,' she was rolled by her leader, who was forced to say what we all know will happen — water will come down that pipeline under certain circumstances. That is from those opposite.

Once again, they say whatever they think people want to hear. That is the opposition's policy — be all things to all people no matter how unsustainable those positions are. That is the opposition's policy in relation to desalination. That is the opposition's policy in relation to irrigation upgrades. That is the opposition's policy in relation to the north–south pipeline. That is the opposition's policy in relation to recycling water. It offers up the alternative of putting purified water into our drinking supplies, but then in the same breath it leaps up and says, 'But we do not propose to drink it. We are going to get it from somewhere else'.

That is the opposition's policy in relation to dams — say all things to all people in the hope that no-one will ever connect the dots together and compare all the inconsistent and irreconcilable statements and come to the conclusion that the opposition cannot deliver. It could not deliver a pizza! It is trying to be all things to all people in the desperate hope that nobody will compare its statements. Its policy is more about securing votes than it is about securing water.

By contrast, this government has a comprehensive plan in place. We have nailed our colours to the mast. We support desalination and we are getting on with the job of building Australia's largest desalination plant. We support irrigation upgrades. Those irrigation upgrades are under way and are happening right now. The early works program is complete. The irrigation upgrades are occurring and the water savings that will flow from them are occurring as we speak. We support a statewide network of pipelines. That is why we built the goldfields super-pipe. That is why we have fast-tracked the Wimmera–Mallee pipeline. That is why we have plans for the north–south pipeline, which is being laid as we speak, and there are also the Hamilton–Grampians interconnector and the Melbourne–Geelong interconnector.

We have made it clear that we support recycling through the upgrade to the eastern treatment plant and the Gippsland Water Factory. In fact we have already turned Melbourne into Australia's best major city for water recycling. We have great projects that are delivering recycled water in Bendigo, Ballarat North, Hamilton and communities right across the state. We support water conservation efforts, and as recently as last week I was pleased to join with the Premier in the launch of the Target 155 campaign. We have made clear what our plans are, and they are being delivered as we speak. Those opposite offer no solutions.

What a great opportunity for the member for Bass to come in here! The member for Bass will no doubt be standing on the steps of Parliament House tomorrow with those protesting against different parts — —

Mr K. Smith — Proudly standing!

Mr HOLDING — Proudly standing, he says, with those protesting against different parts of the government's water plan. What an opportunity tomorrow's rally will be for the opposition to come clean and say what its water policy is! If it supports a dam, where is it going to put it? Or is it still the position of the Leader of The Nationals that, 'We are not in the business of telling people where we will be building dams'? That is the opposition's position. Now it is time for the opposition to put its cards on the table and say if it supports irrigation upgrades and what volume of savings it thinks will come from them. It is time for the opposition to put its cards on the table and say what it believes and when it believes water will come down the north–south pipeline, in what circumstances and what the policy basis for that is.

Honourable members interjecting.

The DEPUTY SPEAKER — Order!

Mr HOLDING — It is time for those opposite to say if they support a desalination plant. If they do not support a desalination plant, where will the 150 billion

litres of water come from? Theirs is not a plan for securing water, theirs is a plan for securing votes, and Victorians will see through it.

The DEPUTY SPEAKER — Order! Prior to calling the member for Swan Hill, I remind members that if I call for order, I expect order to be adhered to.

Mr WALSH (Swan Hill) — What a fascinating rant that was. There was not one word about Victorian families, which is what I thought this motion was about. It is interesting that the minister may want to have a rant but he is not prepared to stay and listen to the other side of the debate.

We have heard a lot in the rant by the Minister for Water, but he did not talk about all the promises that this government has broken. He ranted and raved about the north–south pipeline and all the issues with the food bowl project, but what he did not say was that the previous Premier stood with his hand on his heart before the 2006 election and said, 'I will never take water from north of the Divide to south of the Divide'.

That promise was a categorical promise made before the 2006 state election. That is what the Minister for Water did not say. He is using bluff and bluster to cover up the fact that the previous Premier of Victoria and the then Treasurer lied to the people of Victoria before the 2006 election. It is the same lie Labor used to get into government in 1999 when it promised it would return water to the Snowy River. It has not happened yet, and it is not going to happen for a long time, if ever. The water that was going back to the Snowy River will come down through the north–south pipeline. The member for Gippsland East is very quiet about this, but the fact is that if you look at the food bowl report, you see that the savings that were to go back to the Snowy River are going to come down the north–south pipeline to Melbourne.

The matter of public importance moved by the member for Lyndhurst talks about action. If you talk about a year of action, it can be best described as a year of press releases, as a year of public announcements and as a year of advertising campaigns. The only people who will have won out of the year of action of this government is Shannon's Way with all the money it has earnt out of the advertising campaigns. While we have had a year of press releases, public announcements and so on, the citizens of Sea Lake have been carrying buckets to water their gardens. We are talking about families in Victoria and the inaction of the government in providing the essential services, one of which is water.

The Premier talks about Melbourne not going to stage 4 water restrictions because it would be too expensive to the community and business would lose too much, but a number of communities across Victoria are on stage 4 water restrictions. The Sea Lake Senior Citizens Club has written to me several times complaining about the fact their 70 and 80-year-old members have to carry buckets every day to keep their gardens going. They are under the same system as and have similar pipes to those used in places where people get 2 hours of water twice a week. The people of Sea Lake and many of the other towns like it have to carry buckets of water to keep their gardens going.

It is interesting that the member for Bendigo East, who is the Minister for Regional and Rural Development, is now in the chamber, because I read a letter in the *Herald Sun* last week from a person in Bendigo who wrote that once a month she had to go to a chiropractor — —

Ms Allan — On a point of order, Deputy Speaker, I would like the member for Swan Hill to correctly identify the author of the letter published in the *Herald Sun* last week and her employer.

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

Mr WALSH — The opinion piece in the *Herald Sun* last week contained a letter from a person in Bendigo having to go to a chiropractor — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The minister will not interject across the table. The member for Swan Hill, without assistance.

Mr WALSH — This person had to go to a chiropractor because she had to carry buckets of water to keep her garden going. Prior to the 2006 election the Minister for Regional and Rural Development promised Bendigo citizens the town would bloom again with water from the super-pipe. I understand that Bendigo is on stage 4 water restrictions and has been since the super-pipe was built. Talk about broken promises! The minister promised that Bendigo would have heaps of water from the super-pipe, yet its citizens are still carrying buckets of water and going to the chiropractors to make sure they can get their backs fixed from having to carry water.

I refer to the government's other broken promises. The Small Towns Water Quality Fund is a fund that was set up for country families. This matter of public importance is about what the government has done for

families, but all it has done for families with the Small Towns Water Quality Fund is make announcements. Recently the government topped up the fund with more money, but it forgot to tell the people of country Victoria that 33 of the 37 original projects have never been started — and some of them have been abandoned. The project at Murrayville has been abandoned. Only 3 of the original 37 projects have been completed. We had a grand announcement that all these small towns would have great water quality into the future and there was a top up of the fund, but the first round of funding has never been implemented. That is fantastic! I remind the Minister for Water that the easy part about supplying water is making a grand announcement; the hard part is doing something about it.

I want to touch on the issue of the small towns sewerage project. This year I was in the Moorabool shire, and I went to Blacktown and Gordon with a member for Western Victoria Region in the Legislative Council, John Vogels. We visited those two small towns because they are desperate to get their small towns sewerage projects done. They are being constantly put off and threatened by Central Highlands Water. It says, 'If you keep making public comments about this issue, we will pull funding away from these projects'. At the behest of the government Central Highlands Water is trying to intimidate those two small towns by saying, 'If you complain about the fact that we are not doing this project, if you complain that this project is not up to scratch as we promised, we will not give you any money at all'.

At Gordon the Moorabool Shire Council had to provide money to make sure the public toilet in the town was connected to the system, because it did not come within the defined guidelines of Central Highlands Water, even though it was supposed to be a government-funded project. While travelling around country Victoria talking about what this government is supposedly doing, all I can see is that there has been inaction. I hear a lot of promises, see a lot of press releases and hear a lot of media announcements, but when it comes to delivering on the ground nothing much happens. People in the Moorabool shire and people in the east as far away as Warragul and to the north are now getting a water bill from Melbourne Water — a drainage charge. Melbourne Water delivers them no services, has never delivered them any services and will never deliver them services in the future, but it is now sending all these people a bill for a drainage charge, supposedly to manage the issues in their areas.

This follows on from another classic broken promise of the Premier, who, when he was in opposition, promised that if Labor was elected to government, it would get rid of the catchment management authorities levy — the levy that made sure people made some contribution to the management of the environment in their catchment and had some ownership in the environment of their catchment. This government took away that levy and promised it would fund the catchment management authorities (CMAs) in the future out of consolidated revenue.

Since then a secret environmental tax has been introduced, and Melbourne Water is out there billing all the people for a drainage charge, with those people knowing that they will never get a service from Melbourne Water, that they will never get any work done by Melbourne Water and that Melbourne Water will probably use that money to pay for the north–south pipeline.

In terms of another issue where the government has not lived up to its particular promises, we had grand announcements about some subsidies for having greener appliances in our homes. There was going to be a $100 rebate to replace inefficient washing machines, as long as the new ones had four-star water ratings. This was a huge announcement which was on the website for a long time, saying you could apply for this rebate, but as people applied for it, they were told, 'We have not quite got the rules worked out yet'.

For the last 18 months that announcement has been sitting out there, and people have not been able to apply for the green washing machine rebate to buy a better washing machine. When inquiries were made as to why this particular program that had been announced by the government had not been activated, the announcement mysteriously disappeared from the website. People now do not even know it was there in the first place. The government is very good at making sure there is a press announcement and that grand media events are held — sometimes even using a red helicopter — but at the end of the day, the announcements disappear, people's memories fade, the government withdraws the program and never actually spends the money or certainly does not deliver on its promises.

The other classic where there is a real inequity in what the government is doing is that a rebate is available to assist people whose homes are connected to reticulated water supply systems to buy tanks, but all those people in country Victoria who are not on reticulated water supply systems cannot access that rebate.

I can remember that a couple of years ago the people of Inglewood, which is very close to the electorate of the member for Bendigo East, the Minister for Regional

and Rural Development, who is at the table, complained and said, 'We have to drive into town, we have to cart water from the town, we rely on the town water reticulated system, but we cannot access a grant to buy a tank like the people in town can'. There is real discrimination against country people.

I can talk too about this government's action on increasing charges to country Victorians. I was in the electorate of the member for Benambra, and we went up to the foreshore of the Hume Reservoir. The people who lease land there, who maintain the foreshore and keep the weeds and vermin under control, have been paying for a lease to Goulburn-Murray Water in the vicinity of $200 to $300; they recently had a letter from Goulburn-Murray Water, saying that those charges will now be $7000.

An honourable member — How much?

Mr WALSH — It was $7000. This government has supposedly had a year of action for families in Victoria, yet the people who do a good job of maintaining the frontage of the Hume Reservoir — I admit they have grazing access to it — are having charges go up by something like 2000 per cent. If you call that action for country Victorians or action for Victorian families, I would hate to see what inaction was.

In his contribution the Minister for Water did not touch on one issue about families. It was just a rant, particularly about the opposition. If you go through the issues about water that are on the table, you see that this government has failed Victorians. It has had a decade to bring in water projects to make sure that Victorians have enough water. One of the basic requirements of any government is to make sure that the humans who live in its territory have a suitable water supply. That is a basic need for human existence, and this government is failing Victorians.

The statistics show that the government has collected something like $2.8 billion in public sector dividend taxes from the water authorities in Victoria. If that money had been invested over the last decade in water projects, we would not be facing the situation we are facing now. The government is using the water authorities as cash cows for consolidated revenue but does not put the money back into vital projects that are needed in Victoria. The minister touched on the issue of the north–south pipeline and the food bowl project, which are two very contentious issues in Victoria — and, I think, issues that will eventually destroy this government.

Ms Allan — The food bowl is contentious, is it?

Mr WALSH — It is contentious. The issue with the north–south pipeline is that Melbourne has other options within its own catchments to solve its water needs into the future. There are some very simple numbers to do with this issue. Currently Melbourne pumps 300 000 megalitres of waste water out to sea every year. That is a wasted resource that should be used here in Melbourne to solve some of the city's water issues — to replace potable water that is being used for non-potable purposes.

The other classic number is that the development of Melbourne means it is effectively one great big roof. Every time it rains, a lot of water — something like 500 000 megalitres of stormwater — runs off the streets and roofs of Melbourne into the bay. If only a percentage of that water were collected and used for non-potable purposes, Melbourne would not have a water shortage.

This government has looked for the silver bullet — the big projects — and some people would say it is going for these big projects because it effectively wants to privatise water in this state, to set things up so that some businesses, particularly the desalination plant operator and future operators of the north–south pipeline, will be relied on to supply water.

Our message back to the minister and to the other side of the house is that Melbourne has other options for its water needs in its own catchments. If this government wants to talk about action for Victorian families, it could make sure that everyone across Victoria has access to the same programs, rebates and benefits as people in Melbourne do. Then you would find that there is some equity for people in Victoria.

Ms ALLAN (Minister for Regional and Rural Development) — I am absolutely delighted to speak on this matter of public importance, which is about the government taking a year of action. I am going to speak on the range of actions we have taken that are dedicated to supporting regional and rural Victorians.

The Deputy Leader of The Nationals just said there should be equity: I am proud to say that in regional and rural Victoria, we are very equitable. We have programs and policies that are dedicated to serving regional and rural communities and families. We have taken action in 2008 on a number of different fronts. We have certainly come a long way from those dark days in the 1990s when the Liberal-National government was slashing and burning regional communities and the economies.

Today it is a very different story. Let me take the house through a quick snapshot. To date in 2008, $61 million has been invested in building four new junior secondary colleges in Bendigo, and $9.5 million has been made available for a new emergency department at Bendigo hospital. The government is investing $2 million in the Goulburn Valley freight and logistics centre near Mooroopna. It has supported the development of Satyam's operations in Geelong, bringing 2000 jobs and an additional $175 million per annum boost to the Victorian economy as a result of that investment.

Then there was the fantastic announcement by Ford during the last week or so. The Brumby government has worked closely with Ford to secure the engine plant in Geelong to beyond 2010.

The government has invested $5 million in the IBM centre at Ballarat University, which will bring 300 jobs to that community. In Wodonga there has been a massive $501 million invested in the rail revitalisation project, which will see a great renaissance in rail in north-east Victoria as well as bringing significant benefits to the Wodonga community. The government has invested $133 million and bought back the rail freight lines after the failed privatisation experiment by the Liberal Party and The Nationals, and it has upgraded the Gold and Silver rail lines.

This could not and would not have happened under the previous government. Its track record, which it can stand by, was one of turning away from regional communities and families. We saw jobs slashed. We remember the infrastructure and services that were lost. People voted with their feet and moved away from regional Victoria. Today investment and jobs are flowing into our regional communities.

Over the last financial year alone, $1.2 billion in government-facilitated investment has flowed into regional Victoria, helping to create more than 2766 new jobs from government-facilitated investment alone. You only achieve this when you have policies and programs that are dedicated to supporting investment in regional communities.

In June this year we took further action in refreshing our Moving Forward action plan with the development of a $68 million package to provide further support for regional and rural Victoria. This includes more funding to boost the planning capacity of our councils, supporting regional industries, supporting skills development, new money for infrastructure, and $10 million for initiatives to help tackle drought and a changing climate. This new package received strong support across regional and rural Victoria. The Municipal Association of Victoria called it 'great news'. Regional Cities Victoria, representing the 10 largest provincial regions in Victoria and significant numbers of people in provincial Victoria, said this package 'proves the Brumby government has not turned its back on regional Victoria'.

That is a lot more than we can say for the Liberal-Nationals coalition. We remember its record, and it is not a pretty one: closing 178 country schools; sacking 2500 teachers; cutting funding from health, particularly in the important area of community health and ageing services; closing six country rail lines and decimating our regional rail transport services; and a chronic failure to invest in regional infrastructure. It clearly have not learnt from its mistakes.

Mr Walsh — What have you done?

Ms ALLAN — What have we done? I am delighted that the Deputy Leader of The Nationals has asked me that question.

What we have done is introduce the Regional Infrastructure Development Fund (RIDF), the first of its kind anywhere in Australia. To date we have committed $590 million; we have committed $432 million to 209 projects with a value of more than $1.2 billion. This is an important point that demonstrates the success of RIDF at the community level.

It has been so successful that we now see many councils in regional Victoria identifying RIDF in their submissions to the federal government on regional infrastructure funding as the model program that the federal government should look at replicating at a national level. That is a strong vote of confidence in not just the fund but in its effective administration.

We have done some evaluation of RIDF. To 2007 the projects funded helped create more than 4000 jobs per annum in provincial Victoria. In a survey of project partners, 65 per cent said their projects would not have gone ahead if it were not for RIDF. These projects certainly would not be happening if the opposition had had its way. It has opposed RIDF from day one and every chance it gets, it talks down this vital fund. The Leader of The Nationals is the main culprit in this regard. When he needlessly slams RIDF, he is directly criticising the incredible hard work and dedication of communities and businesses working with the government to get these much-needed projects off the ground. When he slams RIDF, he is hurting country communities already doing it tough through these difficult drought times.

The Nationals talk down the achievements of RIDF because they have a guilty conscience. They think attack is the best form of defence to deflect attention away from their shameful record. Regional communities see through The Nationals. Regional communities know they would say anything but do nothing. Whether in government or, as we have seen, in opposition, they whinge and carp but have no plan for regional Victoria.

We saw that earlier this year at budget time when a member of The Nationals opposed the $3000 regional first home buyers grant. The Nationals opposed making it more affordable for families to move into regional Victoria. They opposed making it more affordable for people to enter the housing market.

Mr Walsh interjected.

Ms ALLAN — We do not know what they believe in. It is Damian Drum, a member for Northern Victoria Region in the other place, who happens to employ that person who wrote that article the member referred to earlier.

Earlier this year the member for South-West Coast called on the government to speed up the Northern Victoria Irrigation Renewal Project to create more employment in the Goulburn Valley. They do not believe in the water savings from this same project. The member for South-West Coast, at direct odds with his leader, demonstrates the breathtaking hypocrisy of the opposition, and the Minister for Water has already documented that very well this morning.

The Brumby government has worked very hard over the past nine years, and we will continue to work hard and take action to support regional communities, regional economies and regional families into the future. We are investing, and this investment has seen people voting with their feet.

Over the past nine years, 92 000 people have moved to regional and rural Victoria, which is a fantastic vote of confidence in the economies of regional communities. This growth brings some challenges, which we are responding to. Whether they be challenges of adapting to a changing climate, dealing with the effects of a changing economy or issues around housing, services and vital infrastructure, we are determined to tackle those challenges and look at the ways we can manage growth and change in the years ahead.

That is why I am proud to join a number of ministerial colleagues on the ministerial task force for regional planning. The government is leading this work in developing long-term blueprints for the future growth of regional and rural Victoria. We want to identify a framework that will help our regions become more livable, more productive and more sustainable in the years ahead.

My colleague the Minister for Agriculture, who is at the table with me today, is on this task force. We have already visited Horsham, Geelong, Bendigo, Warrnambool, the Latrobe Valley and Ballarat to talk directly with community and business leaders about their views on where their communities are going in the long term. This is an approach that has received an enthusiastic response. I refer to a headline in the *Geelong Advertiser* after our talks in Geelong, which states 'City chiefs elated after state talks'.

This is the approach the Labor Party takes. We work with communities and local business identities for what is in the best interests of regional and rural Victoria, in stark contrast to the approach of the Liberals and The Nationals, whose shameful record of closures and cuts stands today.

Not only do they not have any response to that, but we know they stand for nothing. That is in stark contrast to those of us on this side of the house, who are going to continue to work hard to ensure that we have the policies and programs in place to ensure that regional and rural Victoria remains the best place to live, work and raise a family.

Mr MULDER (Polwarth) — I rise to join the debate on this matter of public importance (MPI). I remind government members that this matter addresses the issue of putting Victorian families first. Families have been mentioned on only one occasion by the government speakers the house has heard so far in the debate. That does not surprise anybody on this side of the house.

When you look across the chamber at those mushrooms, you conclude that most of them swung their way into this place on the coat-tails of the trade union movement, and they forget very quickly their backgrounds, the blood, sweat and tears and the union dues that put them in here. They get wrapped up in the trappings of government and in the lifestyle, and they forget about the people who put them in here. They are absolute hypocrites.

Mr Eren interjected.

Mr MULDER — The member for Lara may laugh, but I recall when the job cuts were announced — Ford losing jobs in Geelong — he said it was a commercial decision. He did not go in and fight for those families. These people who have found their way into this place

on the back of the trade union movement are absolute and utter hypocrites, and they know it.

Very rarely do you find in this place the issue of jobs, work and families being discussed at length by members of the other side. All they want to do is get up and try to give themselves a bit of self-assurance. This MPI is about good old self-congratulation. The former Premier would not have had an MPI like this put forward. This is sheer, utter arrogance on the part of the current Premier when you have headlines day after day about Victorian families — parents — losing their jobs, about jobs being lost to other countries, and the Premier wants a pat on the back. All the members on the other side are going to get up today and say, 'Have a look at the action that has taken place in the last 12 months. Haven't we done a great job?'. However, up to 50 new car dealerships in Victoria could close within weeks, and 2000 to 3000 workers could lose their jobs.

Honourable members interjecting.

Mr MULDER — Where have you all been? You are in government, you have the power, you have the money, you have the ability to plan, but who is out there fighting for these people? When has this been raised in the Victorian Parliament?

Big architectural firms, regarded as the building industry's canary in the coalmine, have started shedding staff rapidly. Families are being affected on a day-to-day basis. No-one wants or is prepared to talk about this. Economic analyst Bill Savage said the credit crunch was being felt by Victorian families and businesses, but we do not hear members on the other side putting forward a comprehensive plan. That is what you are supposed to do in government and that is what you should be planning on, not this absolute rubbish and self-congratulating that we are going through here today to try to build the confidence of the backbench, because you all know out in your own electorates that people are starting to talk your government down. Serious questions are being asked about your government and the absolute arrogance of your Premier.

The DEPUTY SPEAKER — Order! The member will speak through the Chair.

Mr MULDER — The MPI is about action over the last 12 months. Let us have a look at some of the actions that are supposed to help my portfolio area.

The marvellous myki — now there is a bit of action for you! — is $350 million over budget, and it has not carried a single fare-paying passenger to this point in time. It is an absolute dunce of a project. The government could have helped Victorian families with that money. That money could have gone into vital projects. The government could have provided a safe, secure public transport network and not a stupid plastic card that does not work. But that is the sort of money the government has wasted.

We also have the M1 project on track to completion: an extra lane on the West Gate Freeway, an extra lane on the Monash Freeway and some widening works on the West Gate Bridge. It is a $1.3 billion project with a $350 million blow-out — it rolled off the minister's tongue very recently. When you look at VicRoads' actual figures in relation to this project you see we are going to be worse off by 2011 once this project is completed. Road congestion on that stretch of road will be worse than it is today before the project has even started.

Another issue that was raised this week in relation to some action that is supposed to protect Victorian families is the addition of 50 new police to patrol the public transport system. What an absolute load of bull that announcement was. We had 230 transit police; that number was cut by 30; the government today has announced an increase of 50. We get a great announcement that these transit police are going to blitz the public transport network. However, we know very well — the Minister for Police and Emergency Services, who is at the table, would even confirm this — that governments, and politicians in particular, have no power to direct where police resources are placed. The minister confirms that that is right. To say that these officers are going to be blitzing the public transport network and that is where they are going to stay is an absolute load of bunkum, and everybody knows it. The government should not try to fool the public with this type of spin that it seems to be so great with.

I turn to the taxi industry. The government — obviously running short of cash — made the announcement a couple of weeks ago that 530 new taxi licences — 200 conventional and 330 wheelchair accessible — will be printed. That was all at a cost of about $200 million. It had nothing to do with providing additional taxi services for people with disabilities or elderly people, or with providing additional taxi services at peak hour: it was about $200 million worth of licences. The Premier said, in effect, 'Get out the printing press, roll them out. We are running a bit short of dough and I can find a way of producing a couple of hundred million dollars'. When we talk to the people who drive the taxis they tell us that this will be the death of the taxi industry; there is not enough money out there to go around now. These licences are going to

be flooding into the central business district and the taxidrivers will be sitting there during the day twiddling their thumbs and fighting over a shrinking pie. There will be absolute devastation within the industry. As I said, the issue was never about improving taxi services; it was about $200 million for Treasury.

If you talk about protecting families and protecting the taxpayer's money, have a look at the Auditor-General's report today on the multipurpose taxi scheme. The report shows the scheme is absolutely riddled with fraud and has never even been put into the hands of the Victoria Police. Elderly people and families — once again I will say the word for the government if it is struggling with it: 'families' — including elderly parents, are being rorted right under the nose of the minister, right under the nose of this government. Nobody has yet been brought to account. The government knows the system is being rorted, but what is it doing? It is sending out letters to the drivers and issuing warnings. How utterly ridiculous is that? This is creating an absolute feeding frenzy of fraud off the backs of elderly people and disabled people. The government has done absolutely nothing to curb that.

A stupid announcement was made a couple of weeks ago advising of a change to rail timetables for trains coming in from Werribee, Epping and Hurstbridge. Some 77 hours per year have been added to travel time for people who use those lines as a result of those timetable changes. That is about two full-time working weeks that commuters are expected either to stand on a train swinging from a strap because there are no seats, or to hang around or scuttle up and down ramps at railway stations. This is what this government claims to be an improvement for Victorian working families who use the public transport network. It is an utter disgrace. The same situation exists for people coming in from rural areas on the so-called fast train project services. They have also had additional time added to their travelling experience, either swinging from a strap or hanging around railway stations.

Let us have a look at assaults. This is an absolutely disgraceful situation with sexual assaults occurring on the rail network. Crime figures are going up all the time. Families are not being protected. Women are still too scared to travel on the public transport network late at night. I have spoken to some big burly men who said they would not travel on the public transport system late at night. This government has failed to protect families and has failed on every single front in the public transport arena.

Mr CAMERON (Minister for Police and Emergency Services) — As always it is a pleasure to follow the member for Polwarth. What I find particularly unusual about the member's contribution today is that he did not want to have this debate — that was the crux of it — about what is happening and what needs to happen in Victoria. He wanted to put it to one side. He wanted to cast aside this debate and declared it to be rubbish. The simple fact is that the government is taking a series of actions for Victorian families because it believes that Victorian families deserve a go and want a government there to have a go with them.

You would have to say that the contribution made by the member for Polwarth was negative. It was about knocking things like the fast rail project. I understand that, coming from central Victoria, he campaigned vigorously against the fast rail project, but I have to say that the project has been a massive success. People are voting with their feet. They are getting on those trains and saying the service is fantastic. If they care to think about the Liberal Party, they say, 'What in hell were those people on about?'. This is very much an example of why we need action in this state and why we need a government that is prepared to take action. That is why we are very proud that we have a record police budget. That is also why we are very proud that we have record numbers of police across Victoria. We only have to have a look at the crime statistics for last year, which were released by the chief commissioner, to recognise that the enormous investment by the government is being utilised by police to help make Victoria a safe place. Victoria is the safest state in Australia, and we are very proud of the work that the policemen and women across Victoria do every day in their work in making the state the safest place in Australia.

Those figures show that for the last year homicide was down 15 per cent, assaults were down by 0.8 per cent, including a reduction in the rate of non-family violence assaults of 1.2 per cent. Overall crime against property was down 2 per cent and residential burglary was down 4 per cent. Since 2001–02 Chief Commissioner Christine Nixon and her team have achieved reductions in robberies, which are down 30 per cent; in aggravated burglaries, which are down 37 per cent; in residential burglaries, which are down 47 per cent; in thefts from motor vehicles, which are down 25 per cent; and in thefts of motor vehicles, which are down 61 per cent. This government has been prepared to invest and take the necessary action. Across every region in Victoria there are more police. As police commanders have made clear, there are now more front-line police than ever before.

We all know that people are known for their actions and that actions speak louder than words. When it comes to members of the Liberal Party and The

Nationals we know that their action was to cut 800 police, but the action of the Brumby government is to put on record numbers of police and a record budget. Domestic violence is a big issue in our community and in every community, and it is now being treated as a crime by police. As a consequence, the rates of reporting of domestic violence have increased. People are now more confident in coming forward, which ultimately brings about a safer community. This year saw new domestic violence legislation go through the Parliament. It is about going the next step. That action is very important for Victorian families, particularly for vulnerable women and children and occasionally for vulnerable men. That action is needed to help protect our community.

The government acknowledges — and it is openly acknowledged across the community and by police — that alcohol remains a significant problem in the community. Alcohol has always been a significant problem for certain sectors. It is a significant social problem. As an example you would only have to see the effects of alcohol on people on Friday and Saturday nights in the central business district and the inner city. One of the things that we have seen around Melbourne is a changing dynamic, with many more people coming into the city. The Brumby government has taken action to introduce banning notices. The position of the Liberal Party at the last election was that drunken louts should be able to be moved out of an area, but when it came to the crunch, what position did the Liberal Party take? The headline on the front page of the *Herald Sun* of 6 December last year is 'Booze bust — Libs sink laws to make our city safer'. You would have to thank the *Herald Sun* for exposing that and seeing the humiliating backdown by the member for Malvern.

Mr O'Brien interjected.

Mr CAMERON — The member for Malvern seems to think it is not a fact.

Mr O'Brien interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Malvern will cease interjecting in that manner.

Mr CAMERON — Here we have this typical flip-flop. On the one hand opposition members say that drunken louts should be moved on, yet when it came to the crunch they were not prepared to do it. However, the Brumby government has been prepared to do exactly that. We have only to look at the resources this government gives. A year ago in recognition of the problems some 50 police were assigned to the Safe Streets task force, but more had to be done. This government has been prepared to give assistance to police. Fifty more police are being brought forward.

Over the summer period the police are bringing officers in from other areas and paying them overtime. Their usual work will not be affected, but they will be able to help deal with a practical problem in the city in recent weeks. Police believe that strategy is effective, so the government has put in $11 million to fund that initiative. The member for Malvern has made it clear that he is opposed to that, and we understand why. We know the opposition is opposed to these measures — we recognise that; they are consistently opposed — but the Brumby government believes that when there is a problem you say there is a problem, you work on the problem and ultimately you overcome it.

Mr O'Brien interjected.

Mr CAMERON — As the member for Malvern says — —

Mr O'Brien — You won't resource the costs.

Mr CAMERON — The poor old member for Malvern! He wants to go back to the old days of slashing 800 police. He does not like the fact that we have a record number of police in Victoria because of the Brumby government.

There has been an issue with lockouts. Let us talk about lockouts and how successful that initiative has been in Bendigo. We tried that initiative in the city, but it will not happen in a blanket fashion. However, we need lockouts in certain small areas, if that is what the director of liquor licensing says. At the last election opposition members said there should be lockouts and that police should have that flexibility in small and discrete areas, yet — here we go — now they flip-flop. The Liberals stand for absolutely nothing.

We believe Victorian families deserve better, and that is why it is important that Victorian families look at people like the honourable member for Malvern and his flip-flop. They need to look at the fact that he says you should be able to have lockouts at a small number of premises, but that he now says he does not want to give the director of liquor licensing the powers she needs. In Bendigo, with the Victorian Civil and Administrative Tribunal rulings, it would not happen now. I know, and we accept, that the opposition may not particularly care about regional Victoria; I know he may not want to accept what Victoria Police and Bendigo police say about that, but we are a government of action, and we are going to continue to get on with the job.

In terms of the Office of Police Integrity, we are prepared to take action and put in the resources. At the last election the policy of the Liberal Party was to halve the budget of the OPI. This is absolutely shameful. It talks about corruption, yet its policy has been to halve the budget of the OPI. This flip-flop and go-nowhere attitude is totally rejected by the Brumby government, because we believe there needs to be a strong and well resourced OPI to deal with corruption, and that is why we have it in place.

In short, it has been a pleasure to talk on the MPI. We are a government of action. We are looking forward to the future and getting on with the job, and Victorians can be assured we will disregard the views of the opposition.

Mr DIXON (Nepean) — It is interesting. Here we have another self-congratulatory matter of public importance (MPI) from the government. An MPI, as the name implies, is supposed to be a matter of public importance, but as the member for Malvern said, the only way the government will get any congratulations is to submit an MPI itself.

What is important in Victoria at the moment? We should be here debating the state of the budget, the world economic crisis and how that will affect Victoria and all the services the government needs to offer. We should be debating crime in our streets as we have just heard about; we should be talking about the health crisis and what is happening in our hospitals. We should be debating the public transport crisis — that is a matter of public importance and something that affects everyone in the state.

Perhaps we should be talking about education, which is what I will be talking about, or perhaps even about water. They are major issues of public importance that we should be debating here, but instead the government is here to pat itself on the back and use the opportunity to have a go at the opposition. It is negative government. It is a sign of a government which is worried, which is going nowhere, which is arrogant and which is led by a Premier who is arrogant as well.

This government does stand for something in education: it stands for a sell-out. It has sold out to the federal government its responsibility to manage education in this state, and I will go into that in some detail soon. It talks about action for families, but its only action is announcement. All it has done is promise, promise, promise, with very little to see in the way of outcomes. It is a poor record, and it has nothing for which it should be congratulating itself.

Let us look at the government's action in education and how it is affecting families. We have the so-called Rudd education revolution, but what we have seen happen — and this has been steadily happening over the last 12 months; we have seen it come home to roost on the weekend — is that the Brumby government has bailed out. It has abrogated its responsibility to manage state education. It has allowed the federal government to set the agenda, and it has given a green light to the federal government, by saying, 'We cannot do it any more'.

The federal Minister for Education, Julia Gillard, pointed out the abject failure of state and territory governments throughout Australia over the last five or six years. They have failed education, and the federal government had to step in and say, 'This is how we will change it; this is what we have to do. You sign up, we will give you the money and we will fix things'. That is exactly what they have done. All state and territory education ministers have rolled over in front of Minister Gillard, in front of the Prime Minister, and said, 'We will take your money; you do what you want to do'. There has been a pathetic sell-out.

It is fascinating to look at some of the issues that the government has rolled over on in education, as they are issues that the government would have railed against three years ago. They are issues that were very dear to the hearts of coalition members, and we said they were very important educational issues, but the current state government would not have a bar of them. But very slowly the language has been changing over the last 12 to 24 months, and they have now totally and utterly caved in over the weekend, because there was money involved.

This government is running out of money; the federal government has some money, so the state government is saying, 'We will do what you want. We will sign up and abrogate our responsibility'. For example, on the subject of a national curriculum, Labor governments throughout Australia have been totally against any concept of national curriculum. It was anathema to them, they just would not be part of it. But now they have signed up to a national curriculum. They think it is a great idea — the best thing since sliced bread!

Another issue to which the state and territory governments were previously opposed is the area of increased reporting to parents and communities about what is going on in schools. Parents want in-depth results, not just academic results but information on teacher absences, student absences — information on prospective schools for their children. Parents want a whole range of things that previously this government's

union masters said it could not do. The government said, 'It is not fair; we should not be doing it'. But what has it done? It has totally rolled over and said to the federal government, 'Anything goes. We will have it, as long as we get the money'.

In terms of accountability, the government said over many years that it was not accountable to anyone for how it spent its money and how it is spent in schools and regions, but now it will lay it all bare and tell everyone everything that goes on in schools. It has not spoken to teachers or principals about it because they are the ones who will have to fill in the paperwork instead of teaching; they are the ones who will do all the work. The government has said, 'Yes, we will sign our teachers and principals up for that because you will give us some money, which we desperately need'.

The big issue at the moment is the payments for teacher performance. Again it is something that this government has railed against for years and years, but slowly over the last one or two years it has been saying, 'This might be something we ought to look at'. Even the unions — the last people standing on this issue — have been dragged along.

What happened on the weekend? The government totally signed up to it and said it was a fantastic idea. It said, 'Even though we totally objected to it three years ago, this is another thing that we have ditched, another idea, another tenet of our party, and we will throw it out because there is money involved. We will get money from the federal government'.

As to maintenance and school funding, two weeks ago the Auditor-General handed down a report saying the government has a lousy record in terms of funding maintenance in Victorian schools. It is providing some money for maintenance, as is its job, but there is a gap between what is needed in schools and the amount of money provided. In the last few years the amount of maintenance required in schools has been increasing — and that gap is widening. This is not coming from me; it is what the Auditor-General is saying.

The lack of transparency in the handing out of building grants is appalling. It is the old whiteboard scenario all over again. No-one in schools knows when they will receive funding or how much they will get or under what criteria they will get it. They get a tap on the shoulder and are told, 'Apply. Fill out this great big long form, and in about three or four years you will get some money'. No-one knows why they are getting it; they will all sign up to it of course and get it — but that will be the last money they will get for 17 years because this government only gives out $300 000 to $500 000 once in 17 years; then it can say, 'You have a modern school; aren't we wonderful?'. But schools cannot work with that. They need surety, the truth and transparency about when they will receive the funding, how much they will get, and how long it will take before the project actually starts.

I can talk about the funding of independent schools and Catholic schools, about the workforce issues and the massive load that is being placed on teachers and principals, and about the red tape they have to go through. This government has now signed up to even more red tape, as there will be even more writing up of reports for teachers and principals. They are the ones who are going to have to carry that burden.

I want to be positive about this: part of the government's MPI is saying that the opposition stands for nothing, but we are the leaders in education policy in this state. I will give the house a few examples of the leadership shown by the coalition in the education portfolio. Having preschools in the education portfolio was something that both parties — The Nationals and the Liberal Party — were on about for years before we were in coalition. We have said that should happen all along. Families and educationalists have also come to us and to the government and said. 'This is what needs to happen'. That is a policy we took to the last election. The government under the previous Premier absolutely canned it. What happened? Now there is a new Premier and all of a sudden it is a great idea and something the government has now implemented.

Selective entry schools was another policy of the coalition. It has been absolutely railed against by the union and the government over the last few years. They said it was elitist and should not happen for all the usual socialist reasons. But what happened? We now have two brand-new selective entry schools opening in Victoria. We were the ones who brought out that policy. This government first knocked it, and now it has followed it.

In relation to teacher pay rises, we are the ones who came out in April this year and said that Victorian teachers needed to be the best paid and needed pay increases, and that low pay was one of the real reasons we are losing teachers and not attracting teachers. This government in the end rolled over. It was the last one standing against pay increases.

In relation to funding for Catholic schools, once again we are showing leadership on what is really needed in Catholic schools. They do not need funding just to pay salaries for teachers, they need funding for IT, for professional development, for maintenance and for

capital works. This government has provided a pittance. We are the ones showing leadership regarding funding for Catholic schools.

Performance pay is another area where we are the ones who have shown leadership. That was part of our 2006 policy, and this government railed against it. This government has now rolled over and followed our leadership on this issue. It has been shamed into it by the federal government as well.

Mr PALLAS (Minister for Roads and Ports) — It gives me great pleasure to rise to speak in support of this matter of public importance. This indeed has been a year of action by the Brumby government. We have taken action by confirming our investment in Victoria's roads and by confirming our commitment to new and upgraded roads to improve safety and to reduce congestion for all Victorians so they can spend more time at home with their families and less time in traffic. It is important that we recognise that by taking action the Brumby government is demonstrating it cares about Victorian families.

The opposition effectively opposes everything and stands for nothing. But in doing nothing you deliver nothing. We believe that in taking appropriate action you deliver real and substantive benefits to the community. Vitriol is no substitute for vision, and as a government we believe that hard work, diligence and planning get you to where you need to go. They get us such things as work progressing quite appreciably on the Monash-CityLink-West Gate corridor, which is the largest and most important corridor in this state both in economic terms and in terms of sheer volume of traffic. It represents $1.39 billion worth of investment, and as a corridor it demonstrates that this government has a plan and is going about delivering that plan.

This investment will reduce the number of accidents that take place in that corridor by about 20 per cent, and we all know that accidents in that corridor mean congestion. Accidents translate directly into congestion and delay people's lives, particularly at peak-hour times. We also know that by making this investment we will increase the carrying capacity of that corridor by 50 per cent, and that will have an appreciable effect upon the flow and the efficiency of that corridor. We are doing that, and yet the opposition does not even have a policy in respect of the corridor. At the last election we heard not one thing about the most important corridor this state has for servicing freight and providing connectivity between the west, the central business district and the east of Melbourne.

Recently we have heard opposition members talking down what they perceive to be the practical benefits of this project. Let it be noted now that the opposition opposes this project and that we will stand as supporters of it. Ultimately the community will make a judgement when this road opens and traffic is flowing at full capacity in 2010. It will demonstrate quite appreciable benefits to this community; I have no doubt about that.

But the work does not stop there. Together with the federal government we have made a $240 million investment on the West Gate Bridge strengthening project. We have opened EastLink five months early, and that will provide a substantial benefit to communities in the eastern and the south-eastern suburbs of Melbourne. Whenever there is debate about what the volume of traffic on this road is, let us not forget that this is the third most populated road in metropolitan Melbourne and in the state of Victoria — it is that popular. Importantly it is a road that people get a choice about. On Stud Road, Blackburn Road and the Maroondah Highway there is a 20 to 30 per cent reduction in volumes of traffic because people get a choice about which road to use. Who gave them that choice? It was the government that cares about families and their opportunities — the Brumby government.

In addition to that, work is progressing extremely well on the $330 million Deer Park bypass. That road will demonstrate our commitment to the western and northern suburbs of metropolitan Melbourne, and we are funding it in cooperation with the federal government. We have opened the Dandenong and the Pakenham bypasses, which will reduce commercial and freight traffic in Dandenong and Pakenham. We have launched the $112 million congestion plan to ease peak-hour pressure in inner Melbourne. That is not just about making an investment in new infrastructure, it is about recognising that we have to plan for managing $19 billion worth of road infrastructure that exists at the moment to get maximum efficiency out of it not just for road users but also for on-road public transport users. Let us not forget that well over 80 per cent of all public transport journeys are made on roads. If we want to get public transport working efficiently, then we have to be serious about improving the efficiency of our road system. That is what the Brumby government is doing. Why is it doing it? Because it recognises that in developing a plan you put the interests of the community and families first.

We are also as a government taking action in this year's budget by putting in place almost $770 million for roads in Victoria, including $110 million to duplicate Princes Highway west from Waurn Ponds to Winchelsea, $40 million to duplicate the Western

Highway from Melton to Bacchus Marsh, $65 million to complete the Geelong ring-road by connecting it with Princes Highway west, and $36.8 million to upgrade the intersection of Pound Road, the South Gippsland Highway and the South Gippsland Freeway. But when you look at this in context you see that so much has already happened and so much more is planned. Twenty-one rural roads are in the process of being delivered at a cost of $1.3 billion.

Mr Helper — And a passing lane on the Glenelg!

Mr PALLAS — I hear the enthusiasm of the Minister for Agriculture, and that enthusiasm is reflected right across this community, because Victorians understand that making investments in roads builds communities. As a government we have delivered 51 rural roads at a cost of $1.2 billion, we have delivered 54 metropolitan roads at a cost of $1.6 billion, and 22 projects in metropolitan Melbourne are in the process of being delivered at a cost of $2.1 billion. We have not seen a roadbuilding process of this nature ever.

Mr Helper — Since the Romans!

Mr PALLAS — We are doing better than the Romans. They might have invented roads, but this government is perfecting them. Essentially what is going on here is that we as a government are making the investments because we understand exactly what Victorians need in terms of efficient and functioning roads, not just as community connections but as vital parts of our economic infrastructure. The Liberal Party effectively appears to be a policy-free zone in this area. It made no submissions to the Eddington report, and indeed we have heard from the member for Polwarth that the government has — —

Ms Wooldridge — I made a submission to the Eddington report!

Mr PALLAS — From the Liberal Party?

Ms Wooldridge — Yes.

Mr PALLAS — I hear that the shadow minister for drug abuse made a submission to the Eddington report. It is wonderful to see that opposition members have got their priorities right. We did not hear from the member for Polwarth, and we did not hear from the Liberal Party, but we managed to get one member making a submission. I congratulate the member for Doncaster. At least she was prepared to form a view and stand up for it. If only she could convince her caucus to have a view. No position on the rail tunnel has been put forward by the opposition. I think there might be a position on the road tunnel, but I cannot be sure. I did hear that it supports it, but I am sure that position will change.

This government's position is one of unambiguous support for the delivery of vital infrastructure, and of course we will develop a plan. Members of the opposition have no position on the Tarneit rail link. They made no submissions to the environment effects statement process on channel deepening — a vital part of transport infrastructure and a project that is going ahead quite well. They have made no submissions on clearways, and they have failed to elaborate a position on tolls. The Liberals are more interested in criticising than offering any form of productive comment.

Mr O'Brien interjected.

Mr PALLAS — I hear the member for Malvern say that the oppositiong has a position — it opposes the clearway times. It would be good if it could tell all of the industry groups that that is its position, because industry does not know what it is. The Victorian Transport Association, Victorian Employers Chamber of Commerce and Industry and the Road Traffic Authority do not know where the opposition stands. This government is prepared to make the hard decisions to ensure that communities are nurtured, that transport flourishes and that connections can occur.

At the last election the Liberal Party showed it has no interest in reducing deaths on Victorian roads. We have not heard one word from The Nationals in recent times about the road toll in country Victoria, and there is a good reason for that. Our road toll is appreciably below where it was last year, but there is no place for complacency. To date this year 27 fewer lives have been lost in country Victoria than at the same time last year. We should not see this as a reason for complacency or smug satisfaction. We will not use it as a basis for short-term political advantage either. We see it as something that we must tackle diligently.

Why? Because the Brumby government cares about the wellbeing of communities and does not seek to turn these things into short-term political opportunities; rather it wants to turn them into long-term commitments to the viability of this state.

Ms WOOLDRIDGE (Doncaster) — I am very pleased to speak on this matter of public importance because there are very important things in my portfolio area that concern families. What is very clear is that this government, through the Minister for Mental Health, who has much of the responsibility for family issues, and the department that supports her, is failing

Victorian families. This government MPI is really a given in the sense that it so clearly allows me to highlight the failures of the government towards families, particularly over the last year.

One of the clear messages from families across this state — and I will be talking about our policies as well — is that the government's rhetoric does not match the reality that families are facing day in, day out. My portfolio areas cover vulnerable families and individuals, and what they are telling us and the government very comprehensively is that the systems are not working for them.

I would like to quote from the coalition-initiated review of supported accommodation. I have to say that the first part of the government's follow-up terms of reference did not even include the voices of families in the process; they were only inserted at the insistence of the opposition.

This is what parents are saying about this government in relation to supported accommodation: 'It is impossible for parents to depart this world in peace' and, 'Families have to engineer a crisis to get into a community residential unit'; 'Families are asking for help and then do not get any'. A DHS (Department of Human Services) employee, one of the government's own workforce, said that this government is strong in rhetoric but weak in action.

A very clear message that came out of this review was from a woman who said that she had to go to the extent of staging a sit-in at the DHS offices with her disabled child to get any attention from this government. That is an example of a government that is not putting Victorian families first but is avoiding its responsibilities towards vulnerable families across the state.

I would like to talk now about carers. There are 700 000 unpaid family carers who are supporting children and family members with a disability or a chronic illness. Fifty per cent of primary carers are on low incomes and have no opportunity to accumulate superannuation. Data shows that more than one-third of carers are severely or extremely depressed and that carers as a group have the lowest wellbeing of any group overall. It is a very challenging and concerning picture for carers across the board.

When you talk to carers, they say, 'We do not want the help for ourselves, we want it for the people for whom we are caring because the failure of this government to support and put in place programs, particularly in relation to supported accommodation which we have been hearing about, is what is failing us. If that system could be fixed, it would make a substantial difference to us'. I would like to go through some of those details about, firstly, disabilities.

This government has not invested in any new supported accommodation beds in the last six years. Luckily, the allocation of funds was initiated by the federal coalition government for some supported accommodation beds recently, but frankly, it is the state government's responsibility. However, as I said, not $1 has been invested in new beds in the last six years. There are 1358 people with a disability, who are very clearly assessed as needing accommodation now, who are on the disability support register but who cannot get that accommodation. The waiting list does not change because there are no new beds, and this government has failed to provide them.

What we have been hearing about through the submissions to the review is the desperation of families, the failure of this government and the inability of families to understand the situation, because there is no transparency in the process; the failed communication from this government when families need help and the failure to plan for the future comes back to my earlier reference to the impossibility of parents departing this world in peace. Frankly, many families have no hope for the future. There is stress, there is distress, there is anger and frustration, and there is clear evidence of this government's failure to put Victorians first.

I want also to talk briefly about mental health, because 50 per cent of people with a mental illness are not accessing any services. Again we hear a lot of rhetoric about early intervention, but the government-commissioned BCG report has said there is limited early intervention and prevention under Labor; that the number of young people diagnosed and receiving appropriate services is incredibly small; and nothing is changing.

People cannot access the care they need. One-third wait more than 8 hours in the emergency department, 46 per cent of acute beds are blocked, community care units are very hard to access and have limited time frames. The reality is that supported residential services (SRSs) are the only option. They were set up for the frail elderly, but what we now see — and this is mentioned in the supported accommodation review — is that these SRSs are like a de facto psychiatric ward. Two-thirds of people in an SRS have a mental illness, and the staff do not have the skills or the training to be able to treat them.

Community visitors have said every single year of this government that there is a shortage of accommodation, but nothing changes. Once again our supported accommodation review has made a number of critical points very clear. Country people have to travel up to 4 to 5 hours to access care and accommodation because there are no local services. It is a revolving door because there is not the appropriate level of care, and there is a genuine failure to involve families in the care of their child with a mental illness. Families are excluded from knowing what their child's care plan is and what their plans are in terms of the future. So there is once again stress, distress, anger and frustration — a failure by this government to put families first.

To say that the opposition does not have any ideas is not correct. I am very pleased that we have made announcements in the area of mental health. Some positive proposals have been put forward by the Leader of the Opposition as an investment in some of our ideas about what we need to do about mental health.

The first proposal is a mental illness research fund to provide for genuine, collaborative research across the mental illness spectrum. The second proposal is an integrated program for people with a mental illness to ensure that they can complete their education and to make it easier for them to get access to employment. We have set a goal of increasing the employment rate for people with a mental illness from 29 per cent to 50 per cent by 2020 — something that the government is not committing to and has failed to invest in. The third proposal is the central coordination of beds because, as I said, there has been an absolute failure to access acute mental health facilities, so putting in place a responsive inpatient service that is a central coordinator to access whatever acute beds are available when someone needs them will ensure that people with a mental illness can get the care they need when they need it, taking the stress off families and making sure that their loved ones have the care they need.

This statement in the MPI that compares us to those who stand for nothing is frankly untrue, and what we have heard across the board from this government is assertions that are incorrect, including from the last speaker, the Minister for Public Transport, who was wrong and had to be corrected by the opposition. In terms of mental health we have clearly put down some of our ideas about what needs to happen into the future.

What is the reality? This government talks the talk but its translation into reality for parents, for families and for carers is just not happening. Carers are crying out to be listened to. Families are crying out for someone in the government to care. Families and carers are crying out for someone to take a little of the pressure off them so they can relieve some of their own concerns about depression and mental illness because of the care they are providing for their loved one who has a mental illness, disability or chronic illness, and all this government can do is tell them that they should be grateful as they have never had it better.

The percentage of funding has increased by X-amount or Y-amount over time, but the increase in the number of dollars is not translating to outcomes for families. That is the real failure of this government — the failure to understand the impact of the increase in the dollars and the failure to provide the services that it should be providing to families and individuals and carers across Victoria.

There was a very enlightening letter to the editor in the *Geelong Advertiser* on 29 October to Lisa Neville from Marianne in Balnarring, who said:

> Lisa Neville, I suggest you get out of your office more.
>
> If you believe your quote in the *Advertiser* that indicates all is well in the disability world then you have no idea what actually goes on.

This is the view of the community, this is the view of families, and this is the view of carers. This government has lost touch with the impact of its policies. Government members are not getting out of their offices; they are not talking to families; they are not interested in the impact of the failure of their policies on families, on carers and on individuals, and they must make sure they listen to Victorian families instead of asserting the outcomes that families should be experiencing, when really what they are experiencing is the failure of this government to listen, to act and to take action for vulnerable Victorians.

Ms MORAND (Minister for Children and Early Childhood Development) — It is a pleasure to join the debate on the matter of public importance this morning. Today gives us an important opportunity to highlight the government's achievements in early childhood development.

In August last year the new Premier created the new Department of Education and Early Childhood Development. Creating this department was a recognition of the importance of the early years and of early childhood development. Central to this is giving every child the best start in life.

Research, both in Australia and internationally, has shown, particularly over the last couple of years, the importance of investing in the first few years of life. The research shows the profound impact that can be

had on children by investing in the first few years of life. The experiences that children have in those early years can have an impact on them for the rest of their lives.

Since 1999 when the Labor Party came into government we have revitalised the kindergarten sector and increased funding overall by 158 per cent. These investments have included an increase in per capita funding. We have increased kindergarten salaries; we have introduced cluster management funding and increased support for children with disabilities, including support for children with disabilities participating in kindergarten.

When we came into government, kindergarten per capita funding was $949 per child. It is now $1684 per child — a significant boost. Unfortunately, when the previous government was in power it reduced kindergarten funding by 25 per cent, which I think shows a lack of understanding of the importance of investing in the early years.

The member for Nepean talked about the policy that the Liberal Party took to the last election to bring preschools into the department of education. That is true; that was its policy, but the difference between the opposition's policy and what we did is that we included all the services that were already covered in the Office for Children. That includes maternal and child health services, early intervention services, and Best Start, to name just a few. Instead of bringing just kindergartens into the department of education we have brought in all the services that are relevant to children in the early years of life, so it is a more comprehensive policy than the Liberal Party policy took to the election.

This government believes a quality kindergarten should be available to every Victorian child, and we are particularly keen to assist disadvantaged children access kindergarten. That is why since we came into government we have increased the kindergarten subsidy per child from $100 when the previous government was last in power to $730 today. This makes kindergarten effectively free for the children of families who are health card holders. That has removed a barrier — the income barrier, the financial barrier — to participating in kindergarten.

Integrated facilities provide a diverse range of services for children. Children's centres offer a range of different children's services, including kindergarten, early intervention services, maternal and child health services and, in some cases, health services as well. These centres are very important to Victorian communities because they enable them to access services under the one roof. We are committed to rolling out these children's services across Victoria because we know they are so good for Victorian families and their children.

We have invested $43 million so far in children's centre capital funding, and that is providing funding for 95 new children's centres right across Victoria. We have done this by establishing a very strong partnership with local government and local community organisations. So far 45 of these are up and running and 21 are under planning or in the construction stage, and there are more to come. Over the last 12 months I have opened centres across Victoria, in Yea, Kilmore, Ringwood, Yarra Junction, Caroline Springs, Dimboola, Violet Town, Sea Lake, Wyndham, Wangaratta, Cairnlea, Clayton and, most recently, in Pakenham Springs. Pakenham Springs was a great example of bringing the primary school and children's service together at the one location. The Pakenham Springs Primary School and the children's service are not just located on the one location: it is one individual building with a universal access — a door to all the services. So you have a primary school and a children's service, and the children's service offers kindergarten as well as maternal and child health services. It is a fantastic facility.

Under the previous government, no children's centres were opened, so we are getting on with the job. Ninety-five centres have been funded, and in June this year I announced funding of $500 000 for new children's centres in nine locations: in Moreland, St Kilda, Whittlesea, Docklands, Ballarat, Melton, Hawthorn, and — the member for Malvern will be pleased to know — in Malvern, and Port Fairy.

Since 1999 nearly $61 million has been invested in a range of infrastructure and early childhood services; 1837 kindergartens and children's centres have been upgraded, renovated or refurbished. During this year I announced $10.7 million in grants for refurbishment and minor upgrades, and that provided funding for 950 kindergartens and child-care centres across Victoria. The centres that have been benefiting from the major grants — the renovation and refurbishment grants, which are grants up to $100 000 — are in Wallace, Orbost, Box Hill, Marysville, Benalla, Beechworth, Mildura, Swan Hill, Echuca, Sunbury, Carlton and so many other locations that there is not enough time to go through them all.

Victoria is experiencing a once-in-a-generation baby boom, with 73 737 babies born in Victoria last year. This clearly demonstrates that Victorians think Victoria is a great place to live, work and raise a family. You

could even say that Bracks and Brumby have had a positive effect on the fertility rates in Victoria!

The Brumby government is committed to giving every baby born in the state in the last year the best start in life. We have a fantastic maternal and child health service in Victoria, with highly trained, double-degree nurses working in over 700 locations across Victoria. We are supporting that investment in the early years, and we have doubled the funding for maternal and child health service since we came into government. This year alone we are spending $44 million on the service, which will provide for 800 000 visits by children, from babies to four-year-olds. I am pleased to say we have increased participation rates at maternal and child health services. We now have 97 per cent of all newborn babies seeing maternal and child health nurses at 724 centres across this state.

I also want to mention our increased investment in early childhood intervention services. At the last budget we increased spending by $29 million over the next four years, which is going to provide another 1000 early childhood intervention places across Victoria. I announced the individual locations of 500 of those places last month, and in our next budget year there will be another 500 places. All in all we have more than doubled the funding for early childhood intervention places since we came into government.

That is a summary of what we have invested in, particularly in the last 12 months, but I want to finish with what our action will be over the next 12 months. That is implementing the *Blueprint for Education and Early Childhood Development* which the Premier, the Minister for Education and I launched a few months ago.

Some of the actions we will be taking in my portfolio include the development of an early learning framework for children from birth to eight years of age. That framework will allow us to develop transition plans for every child who moves from preschool kindergarten into prep. Each child will have an individual transition plan which will provide their parents and prep teacher with individual information on development milestones agreed by the professionals, which will be of great assistance to the parents and to the children in their first year of school, which is such an important transition year.

We will also be rolling out a maternal and child health service activity framework and developing an ongoing strategy for children with a disability, particularly looking at disability from birth to age 18. Prior to the creation of the new department we will have early child development intervention services in the Department of Human Services (DHS) and the program for students with a disability in the Department of Education. Bringing together those two programs in one department will allow us to have a seamless transition for a child with a disability, so that parents do not have to have two different assessment times, and the disability process will be seen from ages 0 to 18 instead of the child being assessed differently in preschool years to when they start school in a program for children with a disability.

The blueprint was informed by very broad consultation. We have had fantastic feedback on the release of the blueprint and we look forward to rolling out the initiatives over the next few years and seeing the results of that investment in the children in early years services and the children in schools.

In conclusion, we are taking action by investing in the early years to make sure that all Victorian children, no matter where they are in Victoria, get the best possible start in life.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to this debate on the matter of public importance. I will not be endorsing the government, which has excelled only at inaction, neglect, incompetence and arrogance over the last 12 months. Instead of taking action to help Victorian families, as it purports to have done, Labor has devoted plenty of time to throwing dirt at its political opponents and using the politics of sleaze, smear and fear to poison the minds of Victorians.

Labor has done too little for families and instead spends its time smearing people. It has called Victorians protesting against its policies, as the member for Benalla would rightly understand, ‘ugly, ugly people’ and ‘quasi-terrorists’. It has had plenty of practice at the politics of fear, smear and sleaze.

Last year is certainly not the only year in its nine-year term that Labor has substituted smear, sleaze and fear for real action on behalf of struggling families. There are plenty of examples of Labor neglecting the needs of families and instead engaging in the politics of sleaze. Two weeks ago a fake pamphlet purporting to be from Plug the Pipe was sent to coalition MPs. The pamphlet advocated direct action and civil disobedience and included urgings to forget the politics and the political party when protesting against the north–south pipeline.

As we understand it, Plug the Pipe had nothing to do with this pamphlet and advocated only a lawful protest. Whose interest would it be in to smear a legitimate

protest group? Labor has already called Plug the Pipe supporters liars and quasi-terrorists, so it has form on this issue. John Brumby made a great hullabaloo about protesters invading his farm and 'molesting' his sheep earlier this year. But no doubt the Labor dirt unit was working the word processors compiling this material. It did not work, of course. Community anger against Labor over the north–south pipeline is stronger than ever, and Labor's campaign of smear and sleaze has clearly failed.

Despite claims to the contrary, Labor members think it is legitimate to conduct dirty campaigns. They ignore the community's distaste for such sleazy tactics and focus on grubby personal attacks of smear and fear. Not even wives and children are immune from their shameful attacks. In June 2006 a diary belonging to former Premier Bracks's senior adviser, political strategist Tom Cargill, showed that Labor's dirt unit planned to dig into the personal affairs of Ted Baillieu's wife and children.

Honourable members interjecting.

Mr WAKELING — Those opposite might think it is humorous, but I can tell them that we on this side of the house did not. Cargill's diary revealed plans to conduct an 'index search' on Mr Baillieu's wife, Robyn, and their three children. Yet Steve Bracks and former Premier John Cain said there was nothing unusual in Labor's approach. Steve Bracks refused to apologise to the Baillieu family, claiming that families were fair game under Parliament's disclosure obligations. The then privacy commissioner, Paul Chadwick, warned that the public expected that significant personal information collected by state and local government organisations would be handled responsibly.

And whatever happened to Tom Cargill? He is still working in the Premier's office. In fact he has been promoted since his shameful dirt-digging was exposed, and he is still an active player in Labor Unity, which is the Premier's faction. Its tactics were well and truly on display during the Kororoit by-election earlier this year. The Premier was forced to defend a misleading campaign run by Labor's dirt unit against independent candidate Les Twentyman in the by-election. The campaign, spearheaded by Labor's state secretary and former Brumby adviser Stephen Newnham was widely criticised by Labor people for dragging the party into the gutter and damaging its political brand. Newnham and his cronies provided background to the media, using the line that voters expected political parties to hit their opponents below the belt. In this case it was a wild success — Labor's margin in the seat of Kororoit was reduced from 26 per cent to 9 per cent.

Labor's dirt unit produced two brochures. The first misleadingly accused Twentyman of doing a preference deal with the Liberals when in fact he had given his preferences to the Labor Party. The second brochure criticised Twentyman as a supporter of heroin injecting rooms, even though this was once the Labor Party's policy. Twentyman has never advocated heroin injecting rooms in Kororoit. He was once a supporter of so-called safe injecting rooms, back in 1999–2000, when funnily enough the Bracks and Brumby led Labor Party had a policy to trial supervised facilities for heroin addicts in five Melbourne municipalities.

One Labor figure quoted in the media stated that this sort of behaviour by Labor's dirt unit was 'just treating voters with contempt' and that Labor's member for Kororoit 'has got to carry that baggage for a long time'. Labor's tactics were faithfully reported and magnified by Stephen Newnham's favoured conduit, Andrew Landeryou, whose various websites specialise in personal attacks on those least able to defend themselves.

In June this year, in typically arrogant style, the Premier castigated opponents of his beloved north–south pipeline, claiming they were knowingly telling lies about the contentious project. Yet he was happy to endorse the lies being peddled by Labor's dirt unit in the Kororoit by-election. As the *Age* remarked in its coverage of the Kororoit by-election:

> … in John Brumby's Victoria, if you are a danger to the ALP you can expect to be attacked — regardless of the truth.

Even ministers cannot resist using the tactics of sleaze and smear in an attempt to undermine their political opponents. The former member for Kororoit and Minister for Police and Emergency Services, André Haermeyer, was caught out in a disgraceful incident in 2002 when he misused confidential police information to slur Matthew Guy, who is now a Liberal member for Northern Metropolitan Region in the other place. The former member for Kororoit, Mr Haermeyer, outed himself as an active participant in Labor's dirt unit when he sought confidential police information in 2002 to slur the then Liberal candidate for Yan Yean and now Liberal member for Northern Metropolitan Region.

On 10 October 2002 Mr Guy publicly alleged that his late model Ford Laser had been vandalised by his political opponents, causing in excess of $6200 damage. A week later Mr Haermeyer rose to his feet in this house and revealed details of Mr Guy's police

report, even though it is illegal under most circumstances for police to divulge this sort of information. Mr Haermeyer then went on to accuse Mr Guy of being a liar and a thief, wrongly alleging he had stolen signs in 1996. The question had to be asked: how did Mr Haermeyer get access to Mr Guy's police file? An investigation undertaken by the Ombudsman revealed that the husband of a Labor minister's staffer, who was working with the police, had in fact accessed the file of Mr Guy, a political opponent. These were the actions of a dirty, sleazy government going in and investigating the police files of its political opponents. No-one believed Mr Haermeyer's various conflicting explanations over this affair.

If Labor is trying to restore its tattered credibility with Victorians, it could start by ending the politics of fear, smear and sleaze. Victorians certainly deserve a lot better than the shameful activities of Labor's dirt unit. While those opposite can laugh and bleat about the actions of their own dirt unit, the Victorian community expects better from a government that has been in power for nine years. Instead of worrying about attacking its political opponents, why does it not put in place policies that actually provide for the betterment of this community?

Why does the government not worry about, as this motion so importantly talks about, the needs of Victorian families? Why is the government worrying about the activities of its political opponents rather than the needs of Victorian families? It has been identified that its attention is certainly not on the needs of Victorians. Its activities are about spin, rhetoric and attacking those they do not like, which is the people on this side of the house. More importantly, it is letting down the Victorian community.

Mr ANDREWS (Minister for Health) — I am pleased to rise in support of the matter of public importance before the chamber today. This afternoon I just want to go through some of the action our government has taken through hard work and a focus on improving health services and supporting our dedicated workforce — doctors, nurses and all the others who are such important parts of our health system — to treat more patients and provide improved care and improved outcomes for a growing number of patients. There are a number of examples that I think will summarise our efforts this year. Further to the MPI statement I want to give a couple of examples that clearly outline the difference in approach or in outlook between this government and those opposite.

In broad terms, the work done in 2008 was consistent with our overall approach to health — that is, continued investment to build upon eight years of hard work supporting our dedicated health professionals and the important work they do. This year builds on our efforts in each and every budget in our time in government. It amounts to 112 per cent more recurrent funding than in 1999; 8800 extra nurses across our public hospital systems compared to the levels in 1999; and 2600 extra hospital doctors in our public hospitals compared to 1999 levels. We have the biggest capital works program in health this state has ever seen, with an investment of $4.7 billion, and all of that investment means our health system is in a position to provide first-class health care to a record number of patients across all settings across the entire state.

In essence, 2008 has been about building on a record of investment, a record of achievement, a record of making sure that our health services and the dedicated staff that are so essential to them have the support, the resources and the backing of their government to continue to support their local communities.

There are a few examples that well summarise this year: the decisive, consistent and continued action that we have taken to support our health system and the patients who turn to it for care. There is no better example than elective surgery. I was pleased in the last sitting week to report to all honourable members that as a result of the biggest elective surgery blitz this state has ever seen, a combination of commonwealth and state funding — $35 million from the commonwealth and $25 million from the state, an elective surgery blitz of some $60 million — we will, over the calendar year 2008, provide elective surgery for 9400 additional patients. That means more surgery, faster. What I was able to report in our last sitting week is that we have not simply met that target but have exceeded it.

An honourable member interjected.

Mr ANDREWS — We have exceeded that target — 9918 additional episodes of elective surgery at the end of October. We have met our target two months ahead of time.

We will continue to work hard to do more, treat more patients and ensure we have an even greater performance in relation to elective surgery. That summarises the determined focus that our government has had in 2008 on elective surgery. The opposition's response to what has been the biggest elective surgery blitz this state has ever seen sums up their approach and their outlook to health and human services and the patients who rely upon health services across our state.

Shamefully, the Leader of the Opposition described this elective surgery blitz as a band-aid solution. He went on to say that it was a drop in the ocean.

The original drop in the ocean, the member for Hawthorn, was shamefully describing this elective surgery blitz in those terms, but at the end of October, 9918 Victorians would disagree with the Leader of the Opposition and with all those opposite in their rank or opportunistic opposition, to what is a substantial boost to elective surgery services.

What I say to those opposite is that they should be supporting the Victorian government in these important measures. They should be working with us to support better outcomes for patients, but they have no interest in that. I make the point that there is more to be done in elective surgery. I am very up-front about that. There is more to be done in elective surgery, and we are committed to continuing to work with the commonwealth government and with all those in our health system to deliver better elective surgery outcomes.

I should take this opportunity to thank the surgeons, the doctors, the nurses and the other staff right across our system who have worked so very hard to treat those additional patients. This side of the house is grateful to them; this side of the house is committed to giving them the resources they need to treat those patients — and to treat them faster. That example above all others shows our commitment and our dedication to giving our health services the resources they need. The response of those opposite to that record blitz well summarises their attitude. They are never happier than when they are unhappy — with no plans, no answers and no ideas, only criticism, carping and whingeing.

The easiest thing to do in health is to criticise. What is harder and a good deal more important is to make sure you work hard to give our health services and those in our health system the resources they need to deliver better outcomes for patients in metropolitan Melbourne, in the outer suburbs, in rural and regional communities, and in the state overall. That is what we have done and that, despite the opposition of those opposite, is what we will continue to do.

I could mention, if time were not against me, a whole raft of other investments this year. In ambulance services we have invested $185.7 million for the unification of three separate ambulance services into the one statewide service — the biggest boost to ambulance funding this state has ever seen. There are 59 new or upgraded services in 48 different towns and suburbs, and 258 additional ambulance paramedics. There is not one additional but two additional helicopters, representing the biggest boost to ambulance services the state has ever seen.

Where do members opposite stand? Who would know? They are out there running fear campaigns about auxiliaries and about CERTs (community emergency response teams); they have been coming against a reconfiguration of MICA (mobile intensive care ambulance) services that are designed and seen by experts as being essential to saving lives.

Honourable members interjecting.

Mr ANDREWS — The single responder model was developed by those opposite, so if ever you need a further example of all things to all people at all times, there is one for you.

With the treatment of cancer, a $150 million boost for a comprehensive cancer plan will be launched soon. That will give us a clear sense of where we are heading in cancer treatment and cancer patient care. It is a plan that is based around saving lives; a plan that sets hard targets around survival rates — five years symptom-free rates for the first time embracing not just extra spending but an accountability framework and a target around delivering better outcomes.

I could talk about maternity services. There is a $30.3 million upgrade of capital works across a number of outer suburban services, the opening of the new Royal Women's Hospital, which of course has been criticised by all those opposite, and the growth funding to deal with the baby boom that we need to deal with, giving women choice and access to services close to home, family and friends. There are so many other examples I could also cite that well summarise our efforts, our action and our determined focus to support our doctors, nurses and the others who work in our health system to deliver better outcomes for patients who rely upon those services.

I could of course quote a range of examples of those opposite doing nothing but making ill-informed criticisms and going the easy way, the lazy way. They never put forward an alternative plan or alternative ideas. They swan around the wards of our hospitals patting staff on the back and then go out and do the obligatory media interview out the front slagging the health service. This is the way those opposite operate — and they have no answers to the problems in, no ideas about and provide no support to our health system. They are only ever interested in undermining the community's confidence in the system. I reject that,

this side of the house rejects it and the Victorian community rejects it.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: financial and performance outcomes 2006–07

Ms ASHER (Brighton) — I wish to make a statement on the report of the Public Accounts and Estimates Committee (PAEC) entitled *Report on the 2006–07 Financial and Performance Outcomes* dated May 2008. In particular I want to direct my comments to the government's program to reduce red tape. Members of Parliament would be aware that the government made election commitments in 1999, 2002 and 2006 to reduce red tape on business and in August 2006 released a small business policy document called *Time to Thrive — Supporting the Changing Face of Victorian Small Businesses*, which adopted a reduction-of-red-tape program. The Public Accounts and Estimates Committee has reported on that program, which has the potential to be particularly important, in the report I am about to refer to.

The committee raised the issue of how effective this program is. At page 148 it made the following observation:

> Given that some departments advised the committee that it was too early to demonstrate quantifiable benefits from their initiatives and, in the opinion of the committee, there is a quantum leap to be achieved during 2008–09 in terms of moving from the expectation of saving businesses up to $30 million in 2007–08 from regulatory reform to $154 million per year by July 2009, the committee is of the view that the Department of Treasury and Finance will need to monitor very closely —

the whole program. That recommendation went into the report, and the government has indicated at this stage that it accepts that recommendation.

However, when I look at the government's response on this, I do not believe the government is committing to closely monitor this program at all. The government refers to a Treasurer's report on the progress of this particular program, but that particular Treasurer's report is a strongly vetted document. I guess there is a cause for debate between the two parties on that issue, but I particularly want to look at recommendation 16. In recommendation 16, PAEC strongly advocates progressive reporting about information relating to the government's claims in relation to the reduction of red tape. The government is claiming that it is reducing red tape significantly, and as I said, the Treasurer put out a vetted report bolstering that claim. However, this committee, which has a majority of Labor members, has queried whether or not these estimates will be achieved and further recommended progressive reporting. It is fair to say — I will not quote the recommendation, because it is quite a long one — that the committee called for very comprehensive progressive reporting on this.

I looked at the government's response to this report and saw that it rejected this recommendation. The government has rejected scrutiny of its regulatory reform agenda. The no. 1 plank in its small business policy document *Time to Thrive*, released in 2006, was to reduce red tape. It is a laudable objective, but when members of PAEC asked the Minister for Small Business for any details about this he fudged, and I would be surprised if the documentation he said would be delivered to PAEC was in fact delivered. As I said, the Treasurer's report on the reduction of red tape is a sanitised version of reporting on progress. I am very disappointed that the government has chosen to reject recommendation 16 of the Public Accounts and Estimates Committee report.

The reason the government has given for rejecting this is that there is no nationally or internationally agreed methodology for measuring changes in compliance costs. Is it not odd that the government can launch a program talking about a reduction in compliance costs relating to millions of dollars, yet in a comment buried on page 12 of 58 pages responding to the very good work of PAEC, it can now say there is no agreed methodology in how you measure the changes that it has put forward as its no. 1 objective for assisting small business? I urge the government to reconsider its response and accept this very good recommendation from PAEC.

Electoral Matters Committee: conduct of 2006 Victorian state election

Mr SCOTT (Preston) — I wish to speak on the report of the Electoral Matters Committee entitled *Inquiry into the Conduct of the 2006 Victorian State Election*. Particular issues I wish to touch on — and I note other members of the committee are present — are the declining rates of participation in Victorian state elections between 1992 and 2006, which is highlighted on page 166, and some of the issues that arise from that decline in participation. The report shows that participation in 1992 was 95 per cent of those enrolled to vote and that that declined to just over 92.5 per cent of electors enrolled to vote.

If members take the time to read the report and look at the graph, they will see a steady decline in participation

over a period of years, with a few little bumps along the way. Voter participation is a serious issue, because it is a good measure of the health of our democracy and the seriousness with which this Parliament is taken by the electors we all serve. There are a few issues pertaining to that that I wish to raise, because participation is not just whether people vote, it is also whether they succeed in voting. A number of recommendations raised with but rejected by the committee are worth discussing.

One was that how-to-vote cards be abolished. Submissions were made to the committee by people concerned about the environmental consequences of the distribution of how-to-vote cards. Informality is a serious issue for the electoral system in Victoria. We have quite a complex system compared to many other jurisdictions in the world, and a large number of people fail to navigate successfully through the system. The abolition of how-to-vote cards, I am sure, would lead to a dramatic increase in the number of informal votes in Victoria, which would dilute the democratic efficiency of our system and mean that those elected to this house would be less representative of the people.

Another issue that was raised was the abolition of above-the-line voting for the Legislative Council. People talk about voting with their feet, but people certainly voted with their pens on this issue at the last state election. Approximately 95 per cent of people who voted for the Legislative Council chose to use above-the-line voting. It reduces informality and simplifies the voting process for the elector. We have to be very careful about suggesting changes to this system if those changes would decrease the number of people who participate in the democratic process. It would be a terrible shame if Victoria were to join some of the other democracies around the world where literally less than half the people participate in the democratic process. Members of all persuasions should be confident that they represent the view of the majority of electors.

Other issues raised included the three-month rule. About 10 000 electors were removed from the electoral process and denied a vote because they responded in the negative when asked whether they had resided at their address for the last three months. That is a serious issue relating to the accuracy of the roll, and in very tight electorates the number of people rejected on that basis may well have changed the result in a number of elections. All these issues where the democratic process appears not to be effectively meeting the needs of voters affects not just who is elected but the very right for them to sit in this place.

One positive trend I note is the increase in people taking up the option of early voting. At page 170 the report notes that since 2002 there has been a 45 per cent increase in the number of people voting early. This is not a trend just in Victoria. I noted during the recent United States presidential election that in a number of states nearly 50 per cent of electors chose to vote early. It is a trend that is happening here but also elsewhere. I think slowly over time election methods will suit the convenience of the voter rather than having most voters turn out on the one election day. There has also been an increase over time in postal voting, which is similar to the trend towards early voting. I suspect that is due to the convenience factor and that political parties, particularly in marginal constituencies, will regularly encourage people to use postal votes. I also suspect the experience of postal voting at council elections has led people to enjoy access to this convenient form of voting in their own home — thus the increase. This Parliament should be mindful of whatever methods can be employed which preserve the integrity of the system but allow easy access.

I conclude by noting that more work needs to be done to reach some people, and I make a special plea for the homeless. While steps are taken to ensure the participation of those who are without homes, we should always be looking for more action that can be taken to ensure that the homeless have their voices heard in this Parliament. They are the ones who most need it.

Public Accounts and Estimates Committee: Auditor-General's reports tabled July 2006–February 2007

Mr WELLS (Scoresby) — I rise to speak about the Public Accounts and Estimates Committee's review of the findings and recommendations of the Auditor-General's reports tabled from July 2006 to February 2007, which was presented in the Parliament in November 2008. This was a very difficult inquiry, and the chairman, the member for Burwood, had a difficult task but did a very good job of handling it.

Part of the Auditor-General's investigations focused on the myki ticketing system. Leaks from the Auditor-General's office made what would normally have been a straightforward report even more difficult, and obviously there was a lot more media interest in the public hearings than would have normally been the case. On 18 December last year the *Herald Sun* reported that the Auditor-General had defended leaks to the newspaper that may or may not have come from his office. Hundreds of draft documents were supposedly leaked, and I understand the Auditor-General, Mr Pearson, called in the police to investigate the leaks because he was so concerned. Apart from the issue

surrounding the leaks to the *Herald Sun*, some of the documents that raised concerns involved negative findings and comments by the investigators in the Auditor-General's office about the awarding of the tender in the myki ticketing process, but these were not included in Mr Pearson's final report. That was of concern and raised immediate media interest.

The second matter of equal concern was that the investigators claimed that the government body overseeing the contract had backdated a document. Normal auditing practices would not allow a document to be backdated. What complicated the tender situation even more was a claim that the backdating of that document had meant that one of the tenderers was excluded from the process. Many would say that might have been sour grapes from the losing bidder. It may or may not have been, but it was important that the Public Accounts and Estimates Committee had a clear understanding of why the documentation was backdated, leading to the losing bidder, Downer, being eliminated from the $500 million contract. There was great concern, and there continues to be great concern, about the myki ticketing system, because it seems that every time there is an update on the ticketing system the delivery date is getting later and later. What started off being a $300 million project appears to be blowing out, with operating and capital costs of around $1.3 billion, and that is why there is great interest.

The coalition members of the committee issued a minority report which did not go into a number of the questions we asked the Auditor-General and executives from the ticketing authority but asked that the Auditor-General reinvestigate the myki ticketing system to give us an update. The reason was that the Auditor-General stated in one of his earlier reports that the Transport Ticketing Authority tender process would ensure, in his words, 'value for money' and be 'within the agreed price'. We asked that the Auditor-General, as a matter of priority, instigate a broad-scope audit into the myki ticketing system which would include an examination of the ongoing delays, cost blow-outs, the appointment of the new TTA chief executive and loss of TTA staff. We asked furthermore that the Auditor-General investigate the renegotiated Metcard delivery contract with OneLink.

The reason we ask that in our minority report is that, while the Auditor-General claimed that the contract would ensure value for money within the agreed price, that has simply not been the case. The cost blow-outs have been significant, and the time delays on this project have been totally unacceptable.

Economic Development and Infrastructure Committee: mandatory ethanol and biofuel targets in Victoria

Ms CAMPBELL (Pascoe Vale) — I take this opportunity to speak on the Economic Development and Infrastructure Committee's report on its inquiry into mandatory ethanol and biofuels targets in Victoria which we tabled earlier this year and on which I have commented previously. To recap briefly, this report recommends that the government not introduce a mandatory target for biofuels use at this time because evidence indicates there is potential for costs associated with the introduction of the biofuels mandate to exceed the overall benefits.

Obviously if that was our conclusion a mandatory target would not be appropriate. We identified the fact that smaller and regionally located biodiesel plants would encourage investment in local communities, particularly rural communities, and they should be promoted. We were also able to highlight and stress the need to encourage regional development through biofuels and the fact that the biofuels infrastructure program will continue to prioritise biodiesel initiatives in regional areas. One of the reasons we came down very strongly against the mandated target was that feedstocks are sourced for these projects and have a significantly detrimental effect on production of food stock for animals and, of course, for humans.

Looking to the future though, the committee recommended that the government initiate a pilot program with a public or privately owned public transport provider to use B5. That suggestion is continuing to be explored.

The point I want to make in particular today is that if we are looking to the future, we need to look at second generation biofuels. Biofuels can lead to reductions in greenhouse gas emissions in the transport sector, although they do not comprise the only means for us to reduce GHG emissions. Quite clearly the committee was aware that there are other fuels, such as those derived from natural gas, that provide much greater overall reductions in GHG emissions. Over the last decade there has been significant advancement in our engine efficiency and design resulting in substantial GHG emission reductions in petroleum and diesel engines.

This morning it was interesting to hear media reports that the car industry has put not just its hands but its arms out for billions of dollars of subsidies from USA taxpayers. Of course Australian taxpayers are also subsidising the car industry. All of us want jobs: we are

all committed to ensuring that Australian workers have jobs, because jobs are necessary to ensure we have stronger families and stronger communities. However, the committee is aware that manufacturers need to be looking much more at natural gas and natural gas vehicles giving greater overall reductions in GHG emissions.

We believe also that there are measures required to reduce GHG emissions which should primarily be targeted where the most reductions are obtained with the least cost to the community and to families. The establishment of a national emission trading scheme would enable the allocation of market prices to GHG emissions which, in the opinion of the committee, is the most appropriate method of prioritising different measures to achieve that GHG emission abatement. An emission trading scheme would also allow emissions from all sectors of the Australian economy to be assessed and traded in order to maximise benefits. We are all supportive of ensuring maximising of benefits and doing it in the most cost-effective way.

In conclusion, our investigation determined that internationally and nationally the cost of achieving these emission reductions through biofuel productions is at least five times more than that of obtaining emissions elsewhere.

Family and Community Development Committee: involvement of small and medium size business in corporate social responsibility

Mrs POWELL (Shepparton) — I would like to make a statement on the Family and Community Development Committee's inquiry on the involvement of small and medium-size business in corporate social responsibility, which was tabled in August this year.

I have the honour of being the Deputy Chair of that committee and I would like to thank the members of the committee and its staff for the great work they did. We also look forward to the government's response to our recommendations, because we found some confusing aspects of what communities and businesses felt about what corporate social responsibility was. We have made about nine recommendations, and we hope the government will look favourably on those.

The terms of reference of the committee were that we were to investigate current Australian initiatives where small and medium businesses have developed innovative ways of working with the government and the community. While we were going through our investigation on the websites, we found that the former Howard federal government had a number of good initiatives and it also recognised and awarded businesses that were good corporate citizens. We would like Victoria to take a leaf out of that book and make sure that we recognise those businesses — small and medium as well as large — that are being good citizens and are putting their money back into their community and adding value to their community.

One of the other issues was to examine any international trends which aim to tackle social disadvantage by some of the corporate social responsibility programs. We were able to look through the data to see what worked well in other countries.

Another area of investigation was how small and medium businesses could play a role in tackling social disadvantage in local communities. This was an important part of our committee work where a number of businesses and welfare organisations came to the committee and gave evidence of the types of programs they were bringing forward. Some of those programs gave real value to their communities.

We also had to look at any barriers or drivers to small and medium-sized businesses being involved in corporate social responsibility programs. It is probably fair to say that the committee had different opinions from those of some of the witnesses that came forward. When we discussed what corporate social responsibility (CSR) meant, some of the witnesses said they did not believe philanthropy should be classed as a CSR but should be seen as a good marketing ploy. They believed the fact that a business gave money to organisations such as tennis clubs or sporting facilities should not be seen as making it a good corporate citizen. The committee had varying disagreements with that view, because we felt that in some places the small-to-medium businesses, particularly in smaller communities, were very much the types of businesses that gave back to their community because they felt that that is how they linked to their community.

We looked at the issue of environmental responsibility. We asked ourselves whether it would count if an environmentally irresponsible business were to give money to other organisations and whether one would cancel the other out. The committee looked intently at this issue. It asked whether, if a business degrades the environment, it should be considered as being a not very good corporate citizen. It asked whether, if you are damaging the environment, that should be taken into account and work against you. The committee also looked at equal opportunity issues and whether organisations considered employing people with a disability, considered employing women or mothers

and whether they provided child care. We saw that as good corporate citizenship as well.

Some of the factors against businesses getting involved in CSR programs were the time taken to implement programs and money. A number of organisations did not understand the advantages. The committee put forward nine recommendations which it hoped would encourage businesses to develop corporate social responsible programs and recognise the businesses that did. It is important to realise that if a business gets some advantage other than monetary advantage or the marketing value, it is more likely to become part of a program. We think it adds value to a community when a business becomes part of its community. There were some major issues with what social responsibility is, and the committee has come up with a number of examples of what we believe corporate responsibility to be. We hope the government picks up some of those issues and supports some of those programs.

Public Accounts and Estimates Committee: budget estimates 2008–09 (part 3)

Mr FOLEY (Albert Park) — I rise to comment on part 3 of the report of the Public Accounts and Estimates Committee on the 2008–09 budget estimates, which was tabled in October. Several aspects of the report go to the issues of best practice regulation efforts at both a state and, through the efforts of the Council of Australian Governments, a national level. In this regard I particularly want to focus on some comments that arise from chapter 3 of that report entitled 'COAG reform agenda and productivity in Victoria'. I note for the record that this chapter has been well and truly supplemented by the achievements of the 24th meeting of COAG on 29 November. I certainly look forward to future assessments by PAEC. The Prime Minister has referred to COAG as being the workhorse of the federation, given its priorities to bring into effect serious reform in the social, political and economic climate of this country.

Of course this is happening within the restrictions and difficulties that the current global financial crisis has brought to this state and to this country. The COAG communiqué points out that Victoria and Australia are particularly well positioned to weather this situation, even though none of us is immune from the restrictions of the global financial crisis on economic activity. However, as the global financial and credit crisis has shown, and as the COAG report and indeed the PAEC report detail, the issues around appropriate regulation and deregulation are very much at the forefront of discussions on how we should manage our way through this current crisis. The real issues are not so much around deregulation, which many reports point out has been the trend over the past 30 years, but more about efficiently and appropriately regulating market economies in the interests of communities.

All too often we have seen bad regulation in the interests of constructing particular outcomes for the benefit of special interests and narrow interests rather than good regulation in the public interest. It has all too often been about bad regulation creating, either deliberately or inadvertently, perverse outcomes and contributing to worse social and environmental outcomes. In that respect the work done by COAG is particularly important, as is the work done by PAEC in managing these issues.

The issues around the current global financial regulatory problems that have created the current worldwide instability and generated the global regulatory responses are particularly important as they apply to economic and environmental regulatory systems, none of which can be seen to be operating in isolation from one another. The benefits of leading the way on environmental regulation in particular, as PAEC has noted, are valuable in themselves in achieving domestic results while positioning us to play a part in a global economic solution. The challenge for all governments is how to regulate for the highest economic, environmental and social outcomes whilst curbing the worst aspects of greed and the transfer of bad economic and environmental outcomes associated with an uninhibited market approach to economic activity.

In short, how do we — with the assistance of PAEC and through the COAG process — design a regulatory and high-standard, fair and enforceable system of environmental and economic regulation that will deliver an increasing level of environmental performance and outcomes that facilitate a positive economic future for this state and this country? How do we combine the principles of sustainability, fairness, opportunities for innovation and future economic opportunities? How do we deliver good regulation in the interests of the public and the environment whilst avoiding bad regulatory outcomes in the interests of a few and at the expense of the environment and ultimately of our own community? In this regard the role of PAEC in identifying a good regulatory framework is one based on clear values reflecting community sentiment as underpinning those regulatory systems. It is an important piece of work. It is my hope that PAEC continues this work.

TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL

Statement of compatibility

Ms KOSKY (Minister for Public Transport) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Transport Legislation Amendment (Driver and Industry Standards) Bill 2008.

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

Overview

The purpose of the bill is to amend the Transport Act 1983 (the Transport Act) in relation to accreditations and authorisations and licences.

Other minor amendments are made to the Working with Children Act 2004 in relation to exemptions for accredited drivers of public passenger vehicles.

Human rights issues

Industry and driver accreditation

Clause 4 of the bill amends division 4 of part VI of the Transport Act, which deals with the accreditation of taxicab industry participants with the purpose of facilitating 'the provision of safe, reliable and efficient taxicab services that meet reasonable community expectations by ensuring that only suitable persons hold taxicab licences, operate taxicabs or permit them to be operated or provide taxicab network services'. Taxicab industry participants include providers of taxicab network services and taxicab operators who generally undertake services such as the receipt and dispatch of bookings or orders for the hiring of taxicabs or the provision for taxicabs through a central communications system.

Section 130A of the Transport Act defines tier 1, 2 and 3 offences. Relevantly, the bill amends section 130A of the Transport Act to provide that a reference in division 4 of part VI to 'a person who has been found guilty of an offence' includes people who have been found to be not guilty because of mental impairment. This class includes people found not guilty because of insanity for offences prior to 18 April 1998; and all persons presently and in the future found not guilty because of mental impairment for offences since 1998 (under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997).

Previously the procedure for people falling within this class was that the director could consider whether the person was not 'technically competent and sufficiently fit and healthy to provide the service' or did not satisfy the public care objective under section 164 of the Transport Act. The effect of the amendment is to allow the director to refuse the accreditation, cancel the accreditation, or take disciplinary action in respect of persons that fall within this category. Depending on the type of offence that has been committed, this might be a mandatory, presumptive or discretionary action.

Similarly, clause 3 of the bill makes the equivalent amendment to division 1, part VI of the Transport Act, which applies in respect of driver accreditation for commercial passenger vehicles and private bus services.

Section 25: the right to be presumed innocent

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The right to be presumed innocent may have a direct application at the hearing of a criminal proceeding and also an indirect application to criminal proceedings by restricting public authorities from making public statements affirming the guilt of the accused, particularly where public statements may prejudice the outcome of the criminal trial: *Sabet v. Medical Practitioners Board* (2008) VSC 346.

In respect of persons affected by these provisions, the determination of criminal proceedings has been made and proceedings have been closed. Persons affected by the provisions are no longer charged with a criminal offence and no criminal proceeding is on foot in relation to them. The provisions do not amount to a determination of a criminal charge and nor would they result in prejudice to separate criminal proceedings. Accordingly, it is my opinion that the bill is compatible with section 25(1) of the charter.

Section 8: recognition and equality before the law

Section 8 of the charter is the right to recognition and equality before the law. It provides that every person is equal before the law and is entitled to equal protection of the law without discrimination. The charter aligns with the Equal Opportunity Act 1995 (EO Act). Section 3 of the charter provides that discrimination in relation to a person means discrimination within the meaning of the EO Act, on the basis of an attribute in section 6 of that act, one of which is impairment. The EO Act prohibits both direct and indirect discrimination (section 8(1)).

To amount to direct discrimination, there must be less favourable treatment of a person with a disability who is in the 'same or similar circumstances' as a person without a disability. Differentiation on the basis that a person has committed the physical element of an offence does not amount to direct discrimination, because the person is not being treated less favourably because of their impairment, but rather they are treated differently because they have committed the physical element (or actus reus) of the offence: *Purvis v. New South Wales (Department of Education and Training)* (2003) 217 CLR 92.

Under the Purvis approach, section 8 would not be engaged, because there is no discrimination on the basis of a person's impairment, or any other attribute in section 6 of the EO Act. There is no discrimination, because the comparator is one who, like the person, committed the physical element of the offence.

It is important in this context to have regard to the purpose of the accreditation scheme introduced by the bill: to ensure the highest level of public safety through providing provisions in taxi industry accreditation and driver accreditation for commercial passenger vehicles and private bus services.

When the driver accreditation scheme was originally introduced into the Transport Act, the provisions were drafted to align with the requirements of the Working With Children Act 2005, while still maintaining a stricter regime under the Transport Act due to the wider application of the scheme to the elderly, disabled and often vulnerable persons. The provisions outlined above support the purpose of ensuring public safety and also the right in section 17(2) that children are entitled to such protection as is in his or her best interests by reason of he or she being a child, through a strict system of industry and driver accreditation.

Further, only those found guilty of the serious offences described in the Transport Act as tier 1 or category 1 offences, are excluded from accreditation or suspended on a mandatory basis. Tier 2 and 3 offences trigger discretion on the part of the director, which must be exercised compatibly with the charter. Importantly, any person affected by these provisions may apply to VCAT for review of accreditation pursuant to section 169O of the Transport Act, and having regard to certain factors specified in the Transport Act, VCAT may make a decision to issue, renew or reinstate an accreditation. In relation to the jurisdiction of VCAT with regard to category 1 offenders, clause 15 inserts additional factors that VCAT must be satisfied of if it is to make such an order. It provides that VCAT must only make an order if it is satisfied that it is in the public interest to make the order and making the order would not pose an unjustifiable risk to the safety of persons using services. The provision provides a range of factors VCAT must have regard to, for example the nature and gravity of the offence, the period of time since the offence was committed and any other matter VCAT considers relevant to the application. Relevantly, the amendments do not remove the ability of persons to seek independent review of decisions made against them.

Accordingly, I consider that the bill is compatible with section 8 of the charter.

Lynne Kosky, MP
Minister for Public Transport

Second reading

Ms KOSKY (Minister for Public Transport) — I move:

That this bill be now read a second time.

This bill tightens driver accreditation standards for taxis, hire cars and buses as part of a package of measures to strengthen public confidence in the safe operation of Victoria's public transport system.

A key focus of the bill is to maintain the integrity and effectiveness of the robust accreditation regime that the government has been implementing in the taxi industry over the past two years.

The central objective of the government's new accreditation regime is to provide for safe, reliable and efficient taxi services that meet reasonable community expectations.

The two complementary accreditation schemes — one for all drivers of commercial passenger vehicles, introduced from July 2007, and one for all other taxi industry participants, introduced from the start of this year — are fundamental to the government's extensive efforts to improve the safety and quality of Victoria's taxi services.

Driver accreditation regulates who is allowed to carry out the important responsibilities involved in transporting passengers on our roads as part of our public transport network.

Based on an explicit public care objective, the scheme is focused first and foremost on 'the safety of the travelling public'.

The reasons for this focus are absolutely clear. Drivers of taxis, hire cars and commercial buses provide an essential community service. They are working in positions of responsibility and trust, and public safety must be the paramount consideration.

Public confidence in these services is also crucial, so it is important that passengers have a perception of safety. This is especially true of taxis — the one motor vehicle we are expected, without question, to enter and ride with a stranger at the wheel.

The rights of an individual applicant cannot be the prime consideration in deciding who is a suitable person to be accredited to drive a taxi.

Greater weight must be given to the rights of the many people who need to use taxi services, particularly the disadvantaged or vulnerable and those who have little or no alternative means of transport. Considerable weight must also be given to the importance of maintaining public confidence in the safety of taxi travel.

That is why the existing accreditation schemes make it mandatory for the director of public transport to reject applicants who have been convicted of certain serious criminal offences, including murder, terrorism, rape and sexual offences against children. A conviction for any one of more than 120 criminal offences triggers mandatory refusal.

These amendments make it mandatory for the director of public transport to refuse accreditation if the applicant has been found not guilty of murder on the ground of insanity or mental impairment.

The government wants to make it absolutely clear to the community and the courts that a person who kills while

insane is, in almost all conceivable circumstances, not a suitable person to drive a taxi.

Extending mandatory refusal to such cases sends a clear signal to the regulator, the community and the courts.

However, the avenue of VCAT review remains available for all administrative decisions made by the accreditation regulator, both discretionary and mandatory.

The bill also strengthens the test to be applied by VCAT to refusals of accreditation taken on review by providing that VCAT can only grant accreditation where it is satisfied that:

granting accreditation does not pose an unjustifiable risk; and

in all the circumstances, it is in the public interest to grant the accreditation.

These changes reflect the government's determination to lift standards in the taxi industry and will support the efforts already well under way to improve safety for drivers and passengers.

Since the new commercial passenger vehicle driver accreditation scheme began 17 months ago, the VTD has received approximately 4300 accreditation applications from prospective taxidrivers.

More than 200 applications from people wanting to work as taxidrivers have been refused, while more than 220 existing taxidrivers have had their accreditation cancelled or suspended over the same period.

Applicants are thoroughly assessed before decisions are made and only a tiny percentage end up at VCAT.

Over the past 11 months, the taxi industry accreditation scheme has been implemented progressively in parallel with the driver scheme. More than 2000 taxi licence-holders, operators and network service providers have been required to lodge applications for accreditation by the end of the first year.

Approximately 50 licence-holders or operators have had their accreditation cancelled in that time, and a number of new applicants have been refused accreditation or required to show cause why they should not be refused.

The past year has seen the VTD provided with substantial extra personnel and resources to ensure compliance with the accreditation standards and lift levels of safety and service in the taxi industry.

Major safety initiatives have included:

prepaid taxi fares between 10.00 p.m. and 7.00 a.m. — I interpolate to advise that '7.00 a.m.' should read '5.00 a.m.';

compulsory availability of protection screens for all cabs, with the cost shared between operators and the government;

the current safety audit that will check every taxi in the state.

The government's intentions and actions make it abundantly clear that improving safety standards across the taxi industry is a high priority. These efforts are directed at ensuring that people can feel safe when they get into a cab, and that drivers are as protected as possible every time they get behind the wheel of a cab.

The disqualifying offences regimes for the driver accreditation and taxi industry accreditation schemes provide that applicants for accreditation or those who already hold accreditation must be automatically refused accreditation or have their accreditation cancelled if they have been found guilty of specified criminal offences.

The bill strengthens the disqualifying offences regime for the driver and taxi industry accreditation schemes to cater for recent changes to the Crimes Act.

The bill elevates serious offences against the person, including those involving dangerous driving causing death or serious injury, and offences involving serious acts of violence.

These offences will provide grounds for the director of public transport to refuse or cancel accreditation.

A critical element of the accreditation schemes is the protection of children and vulnerable persons.

When it comes to protection of children, only the highest regulatory standards are acceptable. The government recently strengthened the working-with-children regime, with some disqualification offences being introduced or elevated in importance.

This bill strengthens both accreditation schemes to take account of recent changes to the Crimes Act and to further align them with the working-with-children regime.

The changes also cut red tape, eliminating the need for a person to apply under both accreditation schemes and

the working-with-children scheme where the high standards under both regimes are clearly met.

Finally, the bill also makes a number of minor, miscellaneous and machinery amendments to commercial passenger vehicle driver and taxi industry standards matters contained in the Transport Act.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until later this day.

FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL

Second reading

Debate resumed from 2 December; motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr THOMPSON (Sandringham) — The Fundraising Appeals and Consumer Acts Amendment Bill covers a very important arena of administration that affects many dimensions of civic life across the state of Victoria. The purpose of the bill is to amend the Fundraising Appeals Act 1998 to insert a provision to require the disclosure of the portion of funds directed to fundraising that are received from the supply of goods or services; to enable the director of consumer affairs to reduce the duration of a fundraiser's registration; to amend the Goods Act 1958 and the Warehousemen's Liens Act 1958 relating to contracts of sale for goods forming part of a bulk quantity, where such goods are deposited with warehousemen; and to provide for the prescription of standards for the testing of security cameras at licensed premises, among other matters.

The opposition has a number of areas of concern about the bill, which include the danger that new sections regarding disclosure of the portion of funds from goods or services directed to fundraising may be overly bureaucratic. The example is given of opportunity shops having to calculate the percentage of money that goes to the charity on each item in the shop and to disclose this amount in writing — but this would certainly be an onerous provision.

In the Sandringham electorate there is an opportunity shop which last year celebrated its 50th year of operation. The All Souls opportunity shop began as a vision of Reverend Waterman, when a property adjacent to the church came into church ownership. Over the past 51 years the opportunity shop has raised hundreds of thousands of dollars which have been directed towards a range of worthy charitable purposes.

The current office-bearers of the opportunity shop include the president, being Reverend Philip Higgins, who is the vicar of All Souls church; the vice-presidents, Joyce Izon and Margaret Tait; the shop supervisor, Jenny Lord; the assistant supervisor, Bruce Shorten; the secretary, Hilary D'Sousa; the treasurer, Brian Murdoch; the assistant treasurer, Dorothy Boyd; the roster secretary, Florence Nixon; the assistant roster secretary, Anne Willis; and the committee members, Bill Bingham, Bettina Buckley and Judy Palfrey.

Numbers of members of the organisation have very active roles in other areas of community life, and that wider wisdom has been brought to bear on the part of this committee on behalf of others as well, in the extraordinary range of beneficiaries of the funds raised by the opportunity shop.

It is worthwhile understanding the nature of volunteer activity, the tremendous good work that is undertaken by civic organisations such as the All Souls Opportunity Shop, and the importance of not being burdened by undue bureaucratic processes. I would be pleased later to run through some of the important arenas.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Mr McIntosh — On a point of order, Speaker, yesterday during question time the Premier, in response to a question without notice from the Leader of the Opposition regarding the distribution of GST revenue, stated, 'My credibility is pretty good'. This statement was very clear and was heard by a number of members and indeed, as I understand it, by a number of people in the press gallery. Incredibly this statement was left out of yesterday's proof version of *Hansard*. In accordance with the normal practices and procedures of this house I invite you to examine yesterday's proof of *Hansard* and indeed listen to yesterday's audio recording so that the Premier's arrogant and condescending statement can be included in the parliamentary record for all to see and read.

Mr Hulls — On the point of order, Speaker, this is indeed not a point of order and shows that the member for Kew has no credibility whatsoever.

The SPEAKER — Order! I will discuss the issue raised by the member for Kew with the manager of Hansard and report back to the house.

Economy: performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the national accounts figures released today and ask: can the Premier confirm that these statistics show that Victoria is now the worst performing state, and in particular that Victorian state final demand receded by 1.4 per cent for the quarter, more than that of any other state; that Victorian state final demand for the year was worse than that of any state in Australia, including New South Wales; that private business investment in Victoria has plummeted; and that Victorian households spent less for the second quarter in a row?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. The national accounts data released today shows that there has been a slowing of the national economy and a slowing of the Victorian economy, and indeed a slowing of growth in the Australian economy, with the quarterly result up just 0.1 per cent on June data. Victorian state final demand in the September quarter was 2.3 per cent higher in real terms than at the same time last year. I think that is an important point to make to the Leader of the Opposition, because the economy is 2.3 per cent higher than it was in real terms this time last year.

Quarterly results, as honourable members would be aware, are often volatile, and as we have seen they are frequently subject to revision. The quarterly result for Victoria in this quarter, which was negative 1.4 — —

Honourable members interjecting.

The SPEAKER — Order! There is no need for opposition members to repeat the comments of the Premier. I will not tolerate that level of interjection.

Mr BRUMBY — The quarterly result for state final demand in Victoria in this quarter, which was — —

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass is warned!

Mr BRUMBY — The quarterly result for state final demand in Victoria in this quarter, which was negative 1.4, followed a very strong rise in the June quarter of plus 1.9 per cent. That result was an exceptionally strong result which was ahead of Queensland, New South Wales and South Australia. Honourable members will recall it was almost twice the national average. I think it is also important to understand that it is not uncommon for state final demand results to be negative in a given quarter. In fact over the last decade in our state there have been around 10 occasions when there have been negative quarters of growth.

An honourable member interjected.

Mr BRUMBY — I could find plenty of occasions in the 1990s. Here is one: September 1996, negative 1.6 per cent; annual growth, 1.8 per cent.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte is warned.

Mr BRUMBY — In September 1997 it was negative 1.1 per cent, and on seven other occasions this decade we have seen negative quarters of growth.

In an environment where the Australian economy is slowing and the national economy is slowing, I would have thought that a responsible opposition would have been getting behind all of the positive things that are happening in the Victorian economy.

The final point I make for the benefit of the Leader of the Opposition and the shadow Treasurer is to repeat that these quarterly figures are often very volatile. They are not the gross state product figures, and if you look at the contribution the government is making — and this is in the context of a slowing international economy — the one thing we can do is get the fundamentals right. In other words, we can get the competitiveness of the state right, get the skills base right, and from the perspective of government, do more to stimulate the economy.

I am pleased to say that over the year public fixed capital formation in Victoria — that is, government capital works — grew by 26 per cent compared with 18 per cent nationally, and in the quarter we grew by 7.3 per cent compared with 3.9 per cent nationally.

It is a difficult environment, but I believe all of the measures the government has in place — that is, the most competitive tax system on the eastern seaboard and a huge public sector infrastructure program — will give us the base to go forward. I have full confidence in the fundamentals of the Victorian economy. I believe that we will progress through the international slowdown and that we will progress through it solidly with good growth numbers.

Budget: update

Ms RICHARDSON (Northcote) — My question is to the Premier, and I ask: can the Premier update the house on any recent news affecting Victoria's budgetary position?

Mr BRUMBY (Premier) — I thank the honourable member for her question. As members would be aware, earlier today the Treasurer in another place released the midyear budget update for Victoria.

The budget update is released on the back of other data released yesterday — the Australian Bureau of Statistics population data — which showed that Victoria's population grew over the last year by 1.8 per cent. I might also say that *Age* journalist Tim Colebatch picked up on the fact that Victoria's population growth over the last six months has been larger than that of any other state in Australia.

If you had said a decade or 15 years ago that Victoria would be growing faster than New South Wales or faster than Queensland, frankly, people would have laughed at you. The fact is that Victoria is a great place to live, to work, to invest and to raise a family, and people are moving here in record numbers.

Today's budget update, tabled by the Treasurer, shows that Victoria's financial performance remains strong despite the global financial crisis. I am pleased to say that we are forecasting surpluses above our 1 per cent of revenue target with a revised surplus of $382 million in 2008–09. I am pleased to say also, if honourable members could look at the update document, that over the next four-year period, budget sector capital works will average $4.1 billion per annum. This means that over the forward estimates period, budget sector capital works — schools, hospitals and transport — will be in excess of $16 billion. Again, if we think back to a decade ago, the last budget of the former Kennett government contained $1 billion of capital works. We are spending $4 billion this year, $4 billion next year, $4 billion the year after that, and $4 billion the year after that.

Although, as I have said, growth is slowing I believe the fundamentals in our economy are sound. Since the budget in May, including the initiatives in it, we have provided significant fiscal stimulus. There have been tax cuts worth $1.4 billion, and as I have said, around $4 billion of new capital expenditure. We have announced the upgrading of crucial freight lines, the innovation strategy, the skills statement and the Victorian manufacturing and industry statement.

But not everybody is happy with the budget update. It seems some people are determined to talk down our economy. In response to the budget update this morning I read this criticism, and I quote:

> … Labor's spending has blown out by $600 million at a time of economic uncertainty.

An honourable member — Was that Julie Bishop?

Mr BRUMBY — It was not Julie Bishop. The $600 million of expense revisions, which are referred to on page 30, include a number of large items. They include, for example, Victoria paying out for the commonwealth first home owners boost. They include extra funds for drought assistance. They include extra funds — $7.3 million — to deal with the locust plague, and they include money for fighting bushfires.

I would ask the question: who is it who is opposed to these things? Who is opposed to the commonwealth stimulus for first home buyers? Who is it who is opposed to giving money to farmers for drought? Who is it who is opposed to tackling locusts? Who is it who is opposed to putting money into fighting bushfires? And, Speaker, you guessed it — it is the member for Scoresby!

Honourable members interjecting.

The SPEAKER — Order! The member for Narre Warren North will not interject in that manner, and I ask for some cooperation from the Deputy Premier.

Mr BRUMBY — The exact quote was:

> What is really concerning is that in just six months, Labor's spending has blown out by $600 million …

The SPEAKER — Order! The Premier will address the question.

Mr BRUMBY — One of the things that governments need to do when the economy slows is what the Rudd government has been doing with its $10.4 billion stimulus package. When retail spending is less and when private business investment is less is the time for governments to do more. That is exactly what we are doing. If you look here, you see the aggregate tax take in the Victorian economy in this budget update is less than it was earlier in the year. That is a good thing. That is a stimulus to the Victorian economy. Spending is higher, and that is a good thing too, because it stimulates investment and stimulates jobs. So there is more on the recurrent account and there is $4 billion a year on the capital account. All of these things are about stimulating investment and stimulating jobs.

But the great news story out of today is that even with — —

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast will cease interjecting in that manner.

Mr Donnellan interjected.

The SPEAKER — Order! The member for Narre Warren North has already been warned.

Mr BRUMBY — Because of the very prudent way we have managed state finances since we have been in government, we are able to see tax revenues reduce; we are able to see expenditure increase; and at the same time we are able to deliver a recurrent operating surplus of 1 per cent of revenue, which in turn provides the cash to fund what is the largest infrastructure program in the state's history. That is a good story to tell. It is a positive story to tell, and it marks our state as being amongst very few countries anywhere in the world that are in the position of reducing taxes, increasing spending and still returning a budget surplus.

Fees, fines and charges: increases

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to the budget update released today, and I ask: can the Premier confirm that at a time when Victorian household budgets are under increasing pressure and people are spending less, the Premier is increasing fees, fines and charges by $850 million this year?

Mr BRUMBY (Premier) — There is a table in the midyear budget update which I would recommend that the member for Scoresby look at. If he does that he will see that taxation revenue for 2008–09 is $502.8 million lower than forecast at budget time. The table is there; it is not actually hard to read. If you go into the — —

Mr Wells — On a point of order, Speaker, the question was clearly relating to fees, fines and charges and not taxation, which was the path that the Premier was heading down.

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

An honourable member interjected.

The SPEAKER — Order! The member for Kilsyth will not interject in that manner.

Mr BRUMBY — As I have said, revenue is $503 million lower than estimated in the budget, and it is an average of $204 million lower over the forward estimates period, and that is $288.5 million in 2009–10; $180 million in 2010–11; and $144 million in 2011–12. I might say all of that has been achieved at a time when, as I have told the house before, in terms of our payroll tax and land tax, if you are a medium-sized firm operating in Victoria you pay the lowest combination of those taxes anywhere in Australia.

An honourable member interjected.

Mr BRUMBY — If you want companies to employ people — —

Honourable members interjecting.

The SPEAKER — Order! I ask members once again not to interject in that manner, and I ask the Premier to ignore interjections, which are disorderly.

Mr BRUMBY — If you look at all the revenue that is collected by the Victorian government — all the fees, all the fines, all the taxes, all the charges — and you look at that compared with the other states with which we compete, you see we have a level of competitiveness in this state of which I am proud and on which many commentators have made positive comment. I repeat, in terms of the aggregate fiscal position today, we are reducing the tax levels and increasing expenditure.

Buses: outer suburbs

Ms GREEN (Yan Yean) — My question is to the Minister for Public Transport. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of recent state government action to provide bus services for local communities, particularly in outer growth suburbs?

Ms KOSKY (Minister for Public Transport) — I thank the member for Yan Yean for her question and for her very strong interest in the bus network, particularly in her electorate. She has been very closely involved in the recent bus review that has been conducted in her area.

I think everyone in the house knows the huge investment that we have made in buses — a $650 million commitment in 2006 in addition to the existing budget. With that funding we have been able to have reviews right around the metropolitan area, which are currently under way, and then to roll out additional bus services. We all know that if the frequency of buses

is good and if the coverage in terms of hours on weekdays and weekends is good, people in significant numbers will opt to use buses.

Over the last two years we have put on 115 bus routes. Buses now run right through till 9.00 p.m. seven days a week. That is a fantastic service, and we are seeing great increases in patronage as a result of the increasing frequency and the coverage of hours. On weekends patronage on buses has increased by 21 per cent each year, which is extraordinary. It means, particularly in growth areas such as the member for Yan Yean's electorate, that people who do not have access to heavy rail services can use buses and get around the suburbs much more easily. They can go to school, they can get to work, they can go to the shopping centres or medical appointments and move around those areas much more easily as a result of the commitments we have made.

Today I was with the member for Yan Yean in Doreen and announced a $2.5 million package for bus improvements in that area. Residents in Epping North, Mernda and Doreen will now have seven-day-a-week and late-night bus services. The residents were incredibly appreciative — they have been part of the review — for the increase in their services. It is a significant boost in public transport for these suburban growth areas. We have been able to respond very quickly and provide those services for them.

People who live in Epping North, South Morang, Mernda and Doreen, having been part of the review, will be very pleased with these extra services. We are conducting reviews right around the metropolitan area and particularly in those growth areas where an improvement in public transport is really needed. We are delivering on that through the improvement in bus services.

The bus operators have been fantastic in supporting this government's initiative to improve and increase bus services and have worked very closely with us, with the local community and with local government to make sure people can get on the bus.

Transport: government plan

Mr MULDER (Polwarth) — My question is to the Premier. Can the Premier advise what provision is made in today's budget update for the funding of any projects to be announced in the forthcoming Eddington proposal, and how much?

Mr BRUMBY (Premier) — I thank the honourable member for his question. As I have consistently said, the Victorian transport plan will be released before the end of the year, in the not-too-distant future. It will provide a plan for the whole of the state and will contain short-term, medium-term and longer-term measures. Announcements we make in the plan will be announced at the time, and I do not intend to announce them today.

Disability services: government initiatives

Mr STENSHOLT (Burwood) — My question is to the Minister for Community Services. As a person with a disability, I note that today is International Day of People with Disability, and I ask: what action is the Brumby Labor government taking to support Victorians living with a disability?

Ms NEVILLE (Minister for Community Services) — I thank the member for Burwood for his question and for his ongoing interest in the area of disability services.

This morning I was delighted to attend a great celebration of the International Day of People with Disability, which acknowledges the abilities of over 650 million people across the world who live each day with a disability. It was also an opportunity to mark Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities.

I was joined by many people with a disability, their advocates and tireless workers from the disability services sector, when I launched a plain-English version of the United Nations convention. This is the first legally binding convention addressing the rights of people with a disability. It acknowledges that people with disabilities face discrimination and stigma that others in the community do not face, and it places obligations on countries to address human rights issues.

The convention also serves as an international instrument to help reframe the community's attitudes to disability. Through the work of the Office for Disability, which this government established, we have come a long way in improving community attitudes, but our new community awareness campaign to be run during 2009 will help tackle the negative views which people in the community sometimes hold about people with a disability.

The Brumby government has also been improving the opportunities for people with a disability to live independently, to find employment and to stay healthy and active. But there is always more to do, and one of the most significant developments in disability services in many years was the agreement reached last Saturday at the Council of Australian Governments meeting for a

new disability agreement between the state and federal governments.

The new agreement will deliver $5.3 billion nationally for disability services over the next five years, and it ends the history of underfunding and neglect of disability services that was the hallmark of the Howard government. Importantly it boosts the indexation rate of funding from the inadequate 1.8 per cent to 5.9 per cent, and the new funding is backed up by reforms including improved access to care, the harmonisation of disability aids and equipment programs, workforce capacity building, and better measurement of the level of unmet demand for disability services.

This builds on the historic funding already provided this year by the Brumby and Rudd governments, which will deliver disability services to more than 8000 people in Victoria. This reform will have a real impact on the lives of Victorians with a disability. Instead of the cuts and the neglect that this sector was accustomed to under previous governments, there will be increased planning, increased individual support packages, supported accommodation, respite, aids and equipment as a result of the new era of cooperative federalism.

While these reforms are being rolled out we will not be standing still in Victoria. We continue to lead the way in how we support people with a disability. For example, the Minister for Public Transport recently announced changes to the multipurpose taxi program. The significant improvement of this service includes a doubling of the trip and annual cap, a further 330 licences for wheelchair-accessible taxis and a new booking system. Taxis are a crucial lifeline for people with a disability to stay mobile, to stay active and to stay connected with family and friends. The changes have been wholeheartedly welcomed.

I am sure that all members would agree on this, the International Day of People with a Disability, that it is important that this house acknowledges the unsung work of Victoria's carers — people who give their time and love in caring for people who need additional support and assistance. We could not live without them, and this house thanks them for their tireless and admirable work and commends them for the support they provide to Victorians with a disability.

Curlip II: crew certification

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Roads and Ports. This past weekend the Orbost and Marlo communities celebrated the commissioning of the paddle-steamer *Curlip II*. The tourism potential and viability of this important regional project has been compromised because Marine Safety Victoria will not approve the certification of the *Curlip*'s crew. This includes one operator with 35 years commercial fishing experience who is deemed not to have sufficient sea time. MSV has also failed to define the process needed to approve the marine engine driver certification. Bookings and tours into the future, including a wedding this weekend, will be compromised, and I ask: will the minister guarantee that solutions are immediately put in place to allow the *Curlip* to continue operating?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Gippsland East for his question. The regulations governing the acquisition of maritime certificates of competency are detailed in section 2, part 17, of the federal Uniform Shipping Laws Code. This is a national code, which means it applies to every state in Australia, and amending it would require a national agreement and federal legislation to be changed.

The uniform code was put in place with the express intention of reducing the incidence of maritime accidents right throughout Australia, particularly those that are attributable to human error, to achieve uniformity and portability of skills between states, and importantly, to comply with our United Nations treaty obligations, most notably those under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, to which Australia became a signatory in 1984.

A certificate of service cannot be directly achieved as a consequence of service, so competency needs to be demonstrated. It is my advice that the individual the subject of the member's question needs to successfully complete the appropriate training course that is offered by a registered training organisation. He also needs to achieve the required sea time gained within the last five years, which is an important precondition of the legislation.

I will, however, as a consequence of the approach by the member for Gippsland East, raise this matter with the commonwealth minister to see whether this situation may be addressed. In so saying, however, I want to stress the point that Victoria will not compromise the safety of Victorians in maritime circumstances. In everything we do we seek to ensure that our waterways are as safe as they possibly can be.

Marine Safety Victoria advises me that there are 800 people in Victoria who hold acceptable qualifications under the existing statutory regime. It is my understanding that the paddle-steamer *Curlip II* had

access to an appropriately qualified skipper for its launch. In light of the member for Gippsland East's concern, however, I have asked MSV to work with the community
group — —

Mr Ryan — Already!

Mr PALLAS — That is how quick we are in this government. He asks, we move. This is a government that is responsive.

Honourable members interjecting.

Mr PALLAS — We act because we care. We will be working with the community group in order to secure appropriately qualified personnel to ensure the continuing operation of the *Curlip*. I want to stress the point that the paddle-steamer *Curlip II* is a great initiative and is a fantastic tourism venture for the state of Victoria, one which we have supported in tangible ways, as I understand it. It is important for tourism in and around the Snowy River area, and we have no doubt that this government will continue to do what it can to ensure that the venture succeeds. I must stress again that in so doing, we cannot compromise on matters relating to marine safety.

Health: government initiatives

Ms MARSHALL (Forest Hill) — My question is to the Minister for Health. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on recent actions by the Brumby government to improve health services and facilities so that Victorian families can access the best care?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Forest Hill for her question and for her interest in improved health services and health outcomes in her local community.

As a government we have invested $4.7 billion in health capital works in the last nine years. That is the biggest health infrastructure program this state has ever seen, and every member on this side of the house is proud of it. We have invested $4.7 billion to ensure that the quality of our facilities matches the quality of care provided by our dedicated staff. I have a couple of examples for the member for Forest Hill and all honourable members of that investment and the power of that investment, not only in terms of providing better health services and better health outcomes but also in terms of providing economic stimulus and a great vote of confidence in one particular small rural area.

The first example is the new intensive care unit at Alfred Health. It is a first-class facility made possible through a partnership, with $20 million from our government and $5 million from philanthropic sources. Chief among those is philanthropic sources is Lindsay Fox and his family, and I pay tribute to them for the very substantial contribution they made to the trauma section of the new intensive care unit. Lindsay Fox should be proud of that. His two sons were at the recent opening of that new facility.

It was noted at the opening that in the event you or a loved one need high-quality care — that is, care for the most seriously ill — there is no better facility anywhere in Australia or perhaps in the world at which to get that care. The new intensive care unit was only made possible through the investment, priority and determined focus this government in giving our health services the capital funding they need to improve and upgrade the facilities that are so important.

That is a large project and is one that in many respects, given that the Alfred hospital is a statewide trauma centre, is available to all of us. There are some smaller investments that are no less important. I was very pleased to travel to Dartmoor recently with the honourable member for Lowan to open the new, refurbished Dartmoor bush nursing centre. That is not a multimillion-dollar project but it is very important. The township of Dartmoor, through decisions made by Carter Holt Harvey to close down the mill, is a community that is facing some difficulties going forward.

As a government, we are prepared to support that community and the opening of the new bush nursing centre was a great example of the power of health investment and the power of government investment, so that the local community could come together with a sense of certainty about its future. I am sure the member for Lowan would agree that perhaps 100 or more local residents who were present at the opening were certain and were buoyed by the fact that the $670 000 that our government has provided to upgrade facilities at the centre was in every respect not just about better health outcomes but was a vote of confidence in that town and its future going forward.

Whether it is very substantial investments that benefit every patient across the state or smaller, localised investments, this government proudly has provided the funding that is necessary to upgrade facilities right across Victoria. There is more to be done, and we remain committed to making sure that as a government, we give to our health services the capital grants that are central to ensuring that the quality of the facilities in

which we deliver care matches the quality of the dedicated care provided by our staff.

Manufacturing: rail rolling stock

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the 2003 Bombardier contract to build 38 train sets in Victoria, which specified a minimum of 55 per cent Australian content for the build program and between 80 per cent and 90 per cent for the 15-year maintenance program. I ask: given that the government's recently released manufacturing statement specifies a minimum of only 40 per cent of local content on rail rolling stock on a whole-of-life basis, is it not yet another indication of the government's declining support for Victoria's manufacturers?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. I will get advice for the Leader of The Nationals — —

Honourable members interjecting.

Mr BRUMBY — Well, I will not get the advice! There are a variety of — —

Mr Mulder interjected.

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

Mr BRUMBY — There are a variety of providers for rolling stock in this state. One of those providers is Bombardier, and it is presently constructing the V/Locity carriages. It is not the only provider. I would have thought the Leader of The Nationals would have known that in the train area there were a range of providers in the past including Siemens, Alstom Australia and Bombardier. If you look across the spectrum, including those that have been imported, including under the former government, you see that the level of local content rolling stock that has been achieved in aggregate is below 40 per cent.

We therefore set a target for rolling stock purchases in the future that in aggregate we would aim to achieve a minimum content of 40 per cent of local content. As I said yesterday — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of The Nationals and the Leader of the Opposition to cease interjecting across the table. I ask the Minister for Water to cease interjecting across the table, and the members for South-West Coast and Scoresby to cease interjecting.

Mr BRUMBY — Bombardier in fact is a great example of what our government has been able to achieve. The recent contracts for V/Locity rolling stock have exceptionally high levels of local content, but I would suggest to the Leader of The Nationals that he needs to go back — as he needed to do yesterday — and have a look at the actual factual information in relation to this matter. There has been a variety of sources of rolling stock procurement, some involving Siemens, some involving Alstom, and some involving Bombardier. We have set a target going forward of a minimum local content of 40 per cent which is much higher than was achieved under the former government.

I would have thought — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Education will stop interjecting in that manner.

Mr BRUMBY — I remember when we came to government and inherited some of the mess from the Kennett government — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124 the member for Scoresby will leave the chamber for 30 minutes.

Honourable member for Scoresby withdrew from chamber.

Questions resumed.

The SPEAKER — Order! I ask the Premier not to debate the question.

Mr BRUMBY (Premier) — I have been asked a question about local content in rolling stock, and when we came to government the contracts signed by the former government were basically zero. That is about as close as you get — zero, zilch, none — and they were all offshore. We have been shifting effort back, we have been building up Bombardier, and in the future, as I said, across all the procurement we have set a target of 40 per cent, which I believe will be a positive step forward for local industry.

Family violence: White Ribbon Day

Ms MUNT (Mordialloc) — My question is to the Minister for Children and Early Childhood Development, who is also the Minister for Women's Affairs. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister update the house on action the government is taking to tackle family violence?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Mordialloc for her question and for her commitment to reducing family violence in Victoria. Last Tuesday was White Ribbon Day, an international day for the elimination of violence against women and a day which starts 16 days of action to reduce and eliminate violence against women and children. It is a time for us all to reflect on the devastating impact of family violence and to take a stand against family violence and to say enough is enough. Last Tuesday this chamber was full of men who were white ribbon ambassadors, and all of them are working together and declaring that enough is enough and making a stand against family violence.

White Ribbon Day also allows us as a government to reflect on what we are doing and on further actions we are taking to combat family violence in our state. This month will see the landmark Family Violence Protection Act coming into force. It is replacing the 21-year-old Crimes (Family Violence) Act. The new act will ensure that perpetrators are held accountable for their actions. It was developed in consultation with the people who are faced with family violence victims day to day. The new legislation is aimed at increasing protection for victims by overhauling the intervention system. The new act is also part of an ongoing commitment to addressing family violence with the commitment that has seen investment of over $100 million since 2004.

Since 2004 Victoria's code of practice has seen a significant increase in the number of intervention orders and reports of family violence to police. This is showing a real cultural change, in that more and more women are prepared to come forward and report incidents of family violence. Also the police have been trained in how better to respond to reports, with more than 6400 trained so far. We are also developing a state prevention plan, which is going to also include piloting a family violence prevention project in Victorian schools. We are also training doctors, court staff and maternal and child health nurses to identify and assess the level of risk in the people they see day to day. This is a national first.

One of the most frightening statistics is the level of homicides. Forty-three per cent of homicides in Victoria in 2005–06 were related to family violence. Broadly across Australia homicide rates have fallen, but sadly homicide rates related to family violence have not. Last week the Attorney-General announced a comprehensive review of family violence deaths in Victoria, the first such review in Australia. This review, a four-year pilot program, will allow family violence deaths to be investigated by the coroner, and this investigation by the coroner will allow us to further improve our responses to family violence.

It is sad that last week on White Ribbon Day some people chose to attempt to score cheap political points. The shadow Attorney-General put out a press release that was insensitive and simplistic in its rhetoric. His assertion that government was soft on family violence was not constructive, nor was it accurate.

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question.

Ms MORAND — We need everyone to work with us. We need all people in the community to work with us, including politicians. White Ribbon Day is particularly relevant for men. It is men who are being asked to work together to reduce family violence in the community. Sadly we have a man sitting on that side of the chamber who decided to use that day — —

Honourable members interjecting.

The SPEAKER — Order! The minister will not continue in that vein.

Ms MORAND — I will finish by saying that it is disappointing.

Mr Ryan — On a point of order, Speaker, I, as a male, sit on this side of the house. That is a patently offensive remark on the part of the minister, and it should be withdrawn.

The SPEAKER — Order! It is difficult for me to rule on this point of order, because I had turned the minister's microphone off. I know she continued to speak, but I could not hear what she said. If the Leader of The Nationals has taken offence at remarks by the minister, however, I will ask her to withdraw the remarks the Leader of The Nationals has found offensive.

Ms MORAND — I will withdraw those remarks if the Leader of The Nationals found them offensive.

Mr Ryan interjected.

Ms MORAND — If you find it offensive, I withdraw.

The SPEAKER — Order! I ask the minister to conclude her answer.

Ms MORAND — I will conclude by saying that I hope all of us will continue to work together to reduce the incidence of family violence in our community, which is at unacceptably high levels.

FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL

Second reading

Debate resumed.

Mr THOMPSON (Sandringham) — Before the luncheon break we were debating the Fundraising Appeals and Consumer Acts Amendment Bill, and I was commenting on the outstanding work of the All Souls Opportunity Shop, an organisation that is now in its 51st year. It is important that bills such as the one before the house at the moment do not impose an excessive layer of bureaucracy on organisations that are doing outstanding work in the community. The All Souls Opportunity Shop disburses funds to approximately 200 organisations a year, which is reflective of the charitable sector in Melbourne that is constructively supported by the Sandringham district and the All Souls Opportunity Shop.

I would like to outline for the parliamentary record a number of entities that are beneficiaries of its good work: Alzheimer's Australia, for research; Arthritis Victoria; the Asthma Foundation of Victoria; Kidney Health Australia, formerly the Australian Kidney Foundation; the Australian Leukodystrophy Support Group; Calvary Health Care Bethlehem, Melbourne; the Bone Marrow Donor Institute; the Breast Cancer Network Australia; the Burnet Institute; the Caulfield Cardiac Support Group; Cystic Fibrosis Victoria; lipid metabolic research into diabetes; the Huntington's Disease Research Group; Juvenile Diabetes Research Foundation Australia; Meniere's Support Group of Victoria; the Microsurgery Foundation; Motor Neurone Disease Association of Victoria; Multiple Sclerosis Society of Australia; the National Heart Foundation of Australia; the National Stroke Foundation; the Ovarian Cancer Research Foundation; Parkinson's Victoria; the Peter MacCallum Cancer Institute; the Royal Children's Hospital's Beyond Sight; the Royal Flying Doctor Service; Scleroderma Victoria; the Sir Edward Dunlop Medical Research; the Southern Peninsula Rescue Squad; and St John Ambulance Australia.

Recipient associations that care for the mentally and physically handicapped include Bayley House; the Bayside Special Developmental School; Berendale School; Scope's Chelsea-Moorabbin centre; Scope's Dame Mary Herring Centre; ParaQuad (Vic); Riding for the Disabled Association of Victoria; Reach Out Southern Mental Health; Statewide Autistic Services; and Wheelchair Sports Victoria.

I also nominate a number of the welfare organisations that are supported: Ardoch Youth Foundation; beyondblue; Brighton Benevolent Society; Camp Quality; Caritas Christi Hospice; Carry On (Victoria); Compassionate Friends; Continence Foundation of Australia, with Kid's Flix; Cottage by the Sea, Queenscliff; the David Williams Fund for AIDS; Golden Days Radio; Hanover Welfare Services; Kids Under Cover; Legacy children's holidays; Lifeline; and Monash Kids. Also included are Sandringham and District Memorial Hospital; Sandringham East Primary School; the Sandringham Inter-Church Council; and Sandringham Primary School.

Overseas aid agencies include Action Aid Australia; Amnesty International; Austcare; Christian World Service for refugees; Children First Foundation; Community Aid Abroad; Doctors Without Borders, MSF; Ryder-Cheshire Foundation; Save the Children, Victoria; TEAR Australia; Walk Against Want; and World Vision child sponsorship.

General outreach organisations include Christian Blind Mission International; the Royal Guide Dogs Association; the talking book library; the Fred Hollows Foundation; Vision Australia; Able Australia Services, formerly the Deafblind Association; Better Hearing Australia; Lions Australia Hearing Dogs; St Mary's College for hearing impaired students; and Deaf Children Australia.

There are also a number of other organisations including Melbourne Citymission Palliative Care; the Open Family Foundation; Ozanam House for destitute men; Olive's Place; Portsea children's camp; Regina Coeli for homeless women; SANE Australia; the Sacred Heart Mission, St Kilda; St Kilda Youth Service; Southern FM radio; the State Schools Relief Committee; Telelink, Uniting Church; the Australian AIDS Fund; StreetKids steps ministry; Typo Station; 3RPH; and Very Special Kids.

There are donations to the Victorian Animal Aid Trust; Assistance Dogs Australia; the Blue Cross Animals

Society of Victoria; the Donkey Shelter; the Lost Dogs Home, North Melbourne; the Royal Society for the Prevention of Cruelty to Animals; and the Save A Dog scheme.

There have been a range of one-off donations: Myeloproliferative Disorders Australia; the Holland Foundation; Anglican Health Service of Papua New Guinea; the Elder Abuse Prevention Association; St Vincent's Institute; Rita's Sri Lankan orphanage; Engineers Without Borders; the Walwa Bush Nursing Centre; the Australian paralympic team; Transplant Australia; KOTO, Vietnam; the Wishbone Foundation; the Berry Street Victoria; the Mirabel Foundation; the Australian Animal Protection Society, Keysborough, in memoriam; the former Australian Kidney Foundation; the Country Women's Association for drought relief; and the CBM Australia fistula prevention group.

That is the range of organisations supported in the 2007–08 financial year. All Souls Opportunity Shop has contributed over $1.5 million in its history as a product of the vision of one person faithfully supported by other members of All Souls parish. There are over 90 volunteers who support the work of the opportunity shop, and the funds disbursed cover a wide sector of Victorian and Australian charitable service provision and relief. It is important that a bill such as the one before the house does not apply an unduly bureaucratic overlay to an organisation such as this, so that it can continue its good work and the money raised can be directed towards the areas I have outlined and others which have been supported during the long and proud history of the organisation and the faithful honorary and volunteer services of the people who have supported it.

Mr ROBINSON (Minister for Consumer Affairs) — I would like to thank the members for Malvern, Narre Warren North, Murray Valley, Burwood, Narracan, Geelong, Mildura, Eltham, Swan Hill, Rodney and Sandringham for their contributions to the debate and their support for the bill. I would like to again acknowledge the very good work of the member for Narre Warren North in leading the review of the Fundraising Appeals Act. He did some very good work, and I am pleased that a number of members have recognised that in their contributions.

This is important legislation because it aims to maintain the confidence of Victorians in fundraising activities in this state, and that is a very vital objective. Like other aspects of life in Victoria in 2008, fundraising activities are changing. In recent years we have seen the rise of direct debit practices, as well as television and internet advertising and marketing. We have seen new strategies emerging from private traders who establish relationships with charities for the purposes of boosting their sales, and we expect those changes to continue. I will respond briefly to a number of concerns that have been raised during the debate, some of which were originally passed in advice to opposition members in the briefing they received.

It is the case that there is a typographical error in the clause note on the bill that was circulated. That happens occasionally, and the undertaking has been given that it will be corrected in the final print.

A question was raised as to whether new sections 12A and 12B will apply to commercial fundraisers or traders, and the answer to that is that they will clearly apply to traders. This reflects the chief aim of the bill. We want to place an obligation on commercial, for-profit parties as traders who seek to use a connection with a charitable group as a means of increasing product sales and therefore their commercial returns. Members would be aware of the growing trend for some companies to advertise that a percentage of sales will go to a designated charity or that a set figure in dollar or cent terms from every sale will go to the charity. As I said, it is evident that this is currently a practice in Victoria and Australia, and I believe we will see more of it in years to come.

The obligation in this amendment falls where it should, and that is on traders that seek to profit from these relationships. The example of the Surf Life Saving Foundation and telephone sales was raised. I am very aware of the excellent work that Lifesaving Victoria and its executive officer, Nigel Taylor, have done for many years. The amendments do not cover Surf Lifesaving Victoria in the circumstances that were described, because it is a not-for-profit entity, not a commercial entity seeking to profit privately from a relationship with Lifesaving Victoria. It is a charitable organisation in the first instance. However, if a private company, say Acme Pty Ltd, was ringing the member for Malvern offering to sell products on the basis that it would give some amount from every sale to a group like Surf Lifesaving Victoria, it would be covered, and that is the distinction. The private, for-profit, commercial entities seeking to benefit from relationships with charities are the focus of this bill.

A question was asked about opportunity shops. The bill, as we specified earlier, does not affect them, which is the point made repeatedly, I thought very effectively, by the members for Narre Warren North and Burwood. Opportunity shops are not-for-profit organisations, and the provisions that have been specified by the member for Malvern will not apply to them either.

We will be writing to opportunity shops and to peak bodies to again reiterate that fact; it has been made apparent to lots of groups in the extensive consultation to date, but we will be doing so again to ensure that this is not misunderstood. I, too, am a member of a local service club — the Lions Club of Nunawading — and for many years it has had an involvement with a local opportunity shop. I am very familiar with the great work that that opportunity shop does and, indeed, other opportunity shops right across Victoria do and have done for many years.

It is certainly the government's intention to continue to support groups like that. Overwhelmingly groups like that and service clubs want to make sure that Victorians can have confidence that operations like that are raising money for charitable purposes; they support measures which will ensure that traders seeking to profit privately on the back of charitable organisations are subject to the disclosures which are proposed.

The member for Malvern asked about the review of registration. That procedure is under way within Consumer Affairs Victoria, and we anticipate that will be completed next year.

The member for Rodney queried the time taken to implement the changes to the Warehousemen's Liens Act. I will give a short history of this. In 2005 there was a court case in New South Wales. It did not result in a court determination, however, as the matter was settled privately out of court. Following that, a private members bill was introduced into the New South Wales Parliament, as I understand, and resulted in the government adopting that measure and implementing it as part of the government's legislative program.

In parallel the Council of Australian Governments has had a project running for some time on personal property securities, which is a very complex area; as part of that project, it has had the states and the commonwealth looking at the way in which states could repeal or amend their provisions that relate to the personal property security regime operating in Australia.

The Victorian Farmers Federation sought the Victorian government's assistance to reform the Warehousemen's Liens Act. I understand that last year and since that time the Department of Primary Industries has undertaken a very broad, consultative process and dealt in that intervening period with a number of organisations including: the VFF's different constituent groups; GrainCorp; the Grain Industry Association of Victoria; the Australian Bulk Alliance; AWB GrainFlow; ABB Grain; the National Agricultural Commodities Marketing Association; Vicforests; Auspine Limited; SPE Management; South East Fibre Exports; Pentarch Holdings; the Victorian Wine Industry Association; the Refrigerated Warehouse and Transport Association of Australia; the Victorian Bar; and the Law Institute of Victoria. It is on the basis of those extensive consultations that the legislative amendments have been drafted in the way they have.

This is very good legislation. It will reinforce the confidence that Victorians rightly have in the wonderful fundraising efforts that are undertaken right across this state by a great diversity of groups. I appreciate the support that has been expressed for the legislation by all members, and I wish it a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

WATER (COMMONWEALTH POWERS) BILL

Council's amendment

Message from Council relating to following amendment considered:

Clause 3, line 29, after "economic" insert ", environmental".

Mr HOLDING (Minister for Water) — I move:

That the amendment be disagreed with.

This is a very poorly conceived amendment that has been returned to this house for our consideration. The Legislative Council has amended the Water (Commonwealth Powers) Bill to include the word 'environmental' as part of the critical human water needs definition in clause 3(1). This amendment, if it were passed by the Victorian Parliament, would be contradictory to the Murray-Darling Basin reform intergovernmental agreement signed by all basin governments in July this year. On that basis it has the potential to bring the entire referral process to a standstill.

It is worth noting that the lead speaker for the Greens in the upper house, Mr Barber, in proposing an amendment to the definition has proposed an

amendment that is totally at odds with an amendment to the same definition that was proposed by his federal counterparts in the Senate. For the referral to work, every state needs to refer powers to the commonwealth in exactly the same words.

If one state goes it alone and chooses to change those words, then it is highly questionable as to whether the referral will apply in that state. This means that the commonwealth's water act would not operate in Victoria in many important ways. For example, it is likely that the new Murray-Darling Basin Authority would not be able to undertake important river operations to supply water to both irrigators and the environment. This is an uncertainty that we do not need in this time of severe drought.

I cannot believe that members of this Parliament would want to put this important process of reform in jeopardy and at risk by proposing this amendment and then agreeing to it in this house. It is for that reason that the government cannot support the amendment. It is for that reason that we urge members of the upper house to now get on with the task of passing this legislation in the form that it has been agreed to by all basin states, as endorsed as part of the intergovernmental agreement in July this year.

Everyone agrees that the Murray–Darling Basin is in urgent need of reform. Everybody agrees that this is a matter of priority for all jurisdictions and for the commonwealth. It is now up to this Parliament to get on and pass this legislation so this important process can continue.

Whatever your views on the legislation, I think everyone can acknowledge that in the case of an intergovernmental agreement, where the referral needs to be done with exactly the same words in each jurisdiction in order for it to be effective, it is important that basin states consider the legislation on that basis. We cannot have each basin state changing a definition, in this instance of 'critical human needs', to suit their own interests and perspectives. For example, in the South Australian upper house Family First proposed an amendment to the definition of 'critical human needs' that would have prioritised permanent plantations. That Parliament was wise enough to reject that proposition because it was inconsistent with the agreement that had been reached between all basin states.

For exactly the same reason this house must disagree with this amendment, because the insertion of the word 'environment' into the definition of 'critical human needs' would change the definition used in Victoria from that used in other states and from that which formed the basis of the intergovernmental agreement. We cannot have each state creating its own definitions of the key words that are critical for this referral to be effective. If we do, we will undermine the referral itself and delay and jeopardise the very basis of the reform process that we all say we support and that we all believe is urgently necessary.

The government rejects this amendment and calls on all members of this house to reject it. The government hopes this bill will now proceed quickly and urgently through the upper house. Until the Victorian Parliament gets on and passes this legislation the commonwealth cannot conclude its processes and therefore the Murray–Darling Basin arrangements cannot be given effect to. It is December, Christmas is upon us and the parliamentary schedules for the commonwealth Parliament have been set in place, as has the sitting schedule for this Parliament. It is now urgent and imperative that the Victorian Parliament get on and pass this legislation to give the commonwealth the opportunity to give legal effect to the agreement reached between all Murray-Darling Basin states and territories in July this year.

Mr WALSH (Swan Hill) — The last time this legislation was before this house I flagged that we were going to refer this bill to the Legislation Committee of the upper house, and that process was instigated. One of the things that was very disappointing in the subsequent debate and the holding of the Legislation Committee hearings in the upper house was the refusal of the Victorian Minister for Water to attend those hearings. I think all Victorians were disappointed with that.

Mr Holding interjected.

Mr WALSH — The minister scoffs, but there was an opportunity for all Victorians to hear the Legislation Committee asking questions of the minister about this particular referral of powers to the commonwealth and how it would go through. We need to focus on the fact that the minister refused to appear before that committee, which was very disappointing.

The last 24 hours has been an interesting time in Victorian politics. I refer to the misuse of departmental staff. I understand the etiquette of the house is that normally departmental staff are not talked about in the house, but when David Downie, a senior official of the department, was working the phones last night to lobby against this amendment, he was entering into the politics of the debate. I say that is an inappropriate use — —

Mr Holding — He had stakeholders on the phone.

Mr WALSH — He did have stakeholders on the phone. He was very effective with his networks. That is a totally inappropriate use of departmental staff. His boss, Peter Harris, the Secretary of the Department of Sustainability and Environment, needs to have a look at the matter. If that state of affairs is not changed, if Peter Harris allows his departmental staff to be used to play politics, I think it is inappropriate for him to be the secretary of a department in this state.

Mr Wynne — On a point of order, Speaker, the contribution by the member has strayed from the amendment we are considering. He is seeking to attack and besmirch the reputations of senior public servants who do not have the capacity to defend themselves in this house. I suggest that you bring him back to the amendment that is before the house and which is the subject of this debate.

Dr Napthine — On the point of order, Speaker, I think the minister was not listening properly to the presentation from the member for Swan Hill. The member for Swan Hill made it very clear that he is speaking directly to the amendment before the house, because he was explaining how the minister had misused senior public servants to promote a political point of view directly with respect to this amendment and to lobby people directly in relation to this amendment. That is the point — —

Mr Wynne interjected.

The SPEAKER — Order! The Minister for Housing will cease conversation across the table.

Dr Napthine — The point the member for Swan Hill was making was in relation to the activities of a senior public servant and other public servants and their involvement in lobbying with respect to this amendment, so it is entirely relevant to this debate and entirely relevant to this amendment. I ask you, Speaker, to rule that the minister's point of order is out of order.

The SPEAKER — Order! I uphold the point of order. The member for Swan Hill will continue his contribution.

Mr WALSH — As the shadow minister for country water resources my concern is that in future I can never have confidence that I will get frank and fearless advice in briefings from the public service in this state, because they obviously want to enter into the politics of the debate rather than stick to the facts. That is a very sad state of affairs, particularly when water is such an important issue for all of us.

The SPEAKER — Order! That is not addressing the amendment, and I ask the member for Swan Hill to do so.

Mr Ingram interjected.

The SPEAKER — Order! I warn the member for Gippsland East.

Mr WALSH — We are talking about — —

Mr Crutchfield interjected.

The SPEAKER — Order! I warn the member for South Barwon.

Mr WALSH — We are talking about an amendment that was passed by the upper house and which inserts the word 'environmental' in the definition. The environment is one of the key issues in all the discussions we have had on this bill, because it is about the referral of powers to the commonwealth. It is about protecting the rights of irrigators and other consumptive users and about protecting the rights of the environment. This is about Victoria referring powers to the commonwealth. One of the concerns that has been raised about the environment is the fact that under the current rulings the environmental water that is going to be saved for the Living Murray initiative and for the Snowy River is actually going to be brought down the north–south pipeline in 2010–11.

The issue of the environment is very important in these discussions. It would appear that the federal Minister for the Environment, Heritage and the Arts, Minister Garrett, in the referrals that have been going on made a ruling that no environmental water should go down the pipeline in the future. What has been said is that the Victorian government is going to say, 'We are not going to allocate those particular environmental savings to the Living Murray and to the Snowy River immediately. We are going to send those environmental savings to Melbourne for a period of time, and we will get around the ruling of Minister Garrett on that particular environmental issue at that time'. Table 3.7 of the Food Modernisation Project Steering Committee report of November last year clearly sets out the government's intention of doing that.

This process is very much about the environment and raising awareness issues, because the minister would not attend the hearings of the upper house Legislation Committee to answer the relevant questions we wanted him to answer. We now have the opportunity to have further debate on this bill, which is a just and correct part of the parliamentary process. The minister might feel aggrieved that the parliamentary process in this

state is working and people have a right to have a say. I know he wants to be a dictator about this and ram the legislation through without any discussion, but this proposed amendment gives us the opportunity to have further discussion. It is about the environmental issues relating to the referral of powers to the commonwealth.

If you look at the particular issues, the table I mentioned earlier sets out very clearly the environmental water that the minister is proposing to take to Melbourne in 2010–11.

Mr Holding interjected.

Mr WALSH — The minister constantly interjects and wants an answer. He will get his answer in the fullness of time as we go on.

The minister constantly says he is sticking up for Victorians and Victorian irrigators, but the fact that he is prepared to roll over and send the powers to Canberra without due scrutiny says he is not sticking up for Victorians; it is just a game amongst the Labor Party governments of this country.

The SPEAKER — Order! I ask the member to address the amendment.

Mr WALSH — The particular amendment before the house is about the word 'environmental', which has been inserted in one clause by the upper house.

Honourable members interjecting.

Mr WALSH — I would be very happy to talk about dams but the Speaker would not allow me to do it.

The SPEAKER — Order! The Speaker will not allow a discussion on dams.

Mr WALSH — We will not be holding up this legislation, although we do not necessarily agree that the commonwealth legislation is the best legislation possible. There are many things in the commonwealth legislation that Victorians and the minister, if he had any sense of decency for Victorians and for the irrigation industry, would not be happy with; but the fact is that we do need to move forward on this.

There has been a lot of discussion in the Senate about this particular issue and a lot of amendments were moved by various senators in Canberra around the environmental issues on this bill, and it is interesting to look at a quote by Senator Xenophon in one of the speeches that he made prior to the bill coming to the house:

> When Mr Brumby tries to lecture us about responsible water policy it is a bit like Osama bin Laden calling for world peace.

We have a government in Victoria that is prepared to sell out Victoria on some of these issues just for the expediency of dealing with the Rudd government in the future.

The coalition will not be holding up this legislation. I do not necessarily think it is the best legislation possible, but I do understand some of the urgencies by other constituencies that want it passed.

Mr INGRAM (Gippsland East) — I rise to speak on the amendment and the motion moved by the minister. As the only member of this place who voted against the bill, I find it quite interesting that we are back here discussing an amendment made by the other place that supposedly improves the legislation.

Mr Crutchfield interjected.

Mr Weller (to Mr Crutchfield) — Haven't you been warned?

The SPEAKER — Order! And the member for Rodney is now warned. The member for Gippsland East, to continue.

Mr INGRAM — Thank you, Speaker, for that protection. The amendment that has been made in the other place really just adds an environmental clause in the section in relation to critical human water needs. I was elected to this place fighting for the environmental water that is so important for our river systems, and I have a great deal of interest in the environmental condition not only of rivers in my electorate but also the Murray–Darling Basin, and I made that comment during my speech to the house.

For that reason I struggle to accept that an environmental clause belongs under a definition of 'Critical human water needs' because 'environmental water' should have its own clause containing that definition for its protection, which is arguably what the referral powers did. I disagreed with the process of referring states' powers, for constitutional reasons, but we do have a number of these debates whereby joint positions are reached through COAG (Council of Australian Governments), and legislation is standardised across a number of jurisdictions.

However, as soon as one Parliament starts amending legislation and attempts to say, 'We all agree on something and here it is, but this Parliament does not agree with this bit, so we will amend it', that compromises the entire agreement.

I followed with a great deal of interest the amendments made in the Senate, which amendments had major flaws and would have seriously compromised the agreements and the legislation, and would have delved into an area where there were potential constitutional issues or legal challenges that could have materialised out of that situation.

Likewise when you have one state referring to 'critical human water needs', and then saying that part of 'critical human water needs' is actually environmental water, I would argue that that is not the case. The 'critical human water needs' definition in the bill is:

> the needs for a minimum amount of water, that can only reasonably be provided from Basin water resources, required to meet —
>
> (a) core human consumption requirements in urban and rural areas; and
>
> (b) those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs.

The environmental definition there, I would argue, does not belong in that provision. I think it is a misdirected amendment, designed more about, if you like, having a bit of political gain in this debate.

As I indicated, I was the only member who did not support the referral of our powers, but I am afraid I have to agree with the minister that amending legislation that goes forward from this place, when we have a united position across the entire basin states, is ludicrous and patently the wrong thing to be doing.

That said, I reiterate my position. I do not believe it is in the interests of this Parliament or the interests of Victoria to refer our powers; if the bill is not correct, it should have been voted down in the upper house rather than amended. This would have been preferable to referring our powers.

Motion agreed to.

TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL

Second reading

Debate resumed from earlier this day; motion of Ms KOSKY (Minister for Public Transport).

Dr Napthine — Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr MULDER (Polwarth) — I will make a brief contribution to debate on the Transport Legislation Amendment (Driver and Industry Standards) Bill and indicate that the opposition will not be opposing the bill.

The opposition, through the member for Kew, has stated previously that it will cooperate fully with the government in ensuring that there is a speedy passage of this bill. We understand the circumstances surrounding the necessity for haste with this bill and that it is in the best interests of public safety and the individual concerned. I would point out that the bill does not address the issues surrounding that particular individual but it does clearly lay out provisions that ensure the circumstances the government currently face will not be repeated in the future.

It is unfortunate that when previous bills in relation to taxidriver accreditation came before the house the loophole this bill seeks to close was not part of the endeavours of the government, especially given that the government was fully aware of the situation, yet still it chose not to take the appropriate action that would have headed off the problem we now have concerning an individual who is attempting to enter the industry and to drive a taxi. It is the view of both the government and the opposition that it is possibly not in the best interests of that individual or of the community that he be given the opportunity to drive a taxi.

It is important that the house recognise that we have a duty of care to Victorians who choose to travel by taxi and that we afford the same duty of care to the thousands of taxidrivers who move Victorians around the state. The Leader of the Opposition and I met with a group of drivers on Monday night. It is quite evident that many of them are still confronted by aggressive and abusive passengers and that they often fear for their safety. In fact I had a discussion with one driver who said he wants to come into Parliament House to talk to me. He is blind in one eye as a result of an assault that took place in his taxi. His career as a driver is finished, and he has had to seek alternative employment due to that horrendous injury. He told me that compensation still has not been settled on his issue, and I agreed to take the matter up on his behalf.

It is quite clear that not everybody would be suited to such an occupation. It is to be hoped that the government, in administering this legislation along with the driver accreditation program, will ensure that an individual's suitability for a career in taxidriving is thoroughly scrutinised to ensure that we do not have a

repeat of this incident, which has turned out to be an utter embarrassment for the government and caused alarm within the community and unnecessary hardship for the individual concerned, through no fault of his own.

The bill will not deal with the current dilemma the government faces, but it closes the loophole for a future breakdown in the accreditation system. The bill seeks to incorporate a mandatory requirement for the Victorian Taxi Directorate (VTD) and the director of public transport to refuse an applicant for a taxidriver's accreditation if an allegation of a category 1 offence has been found proven, even if the individual concerned was not convicted, which is the case with the circumstances the government is currently attempting to deal with surrounding an individual.

The Victorian Civil and Administrative Tribunal (VCAT) will have to take unjustifiable risk into account rather than just public care if an appeal is lodged by a person who has been refused a taxidriving accreditation by the VTD. It would appear that not having the ability to take into consideration unjustifiable risk was one of the reasons why a driver who is considered not suitable to be driving a taxi — given a host of circumstances which I have spoken about, some of them in particular in relation to the risk that could be inflicted on him as a driver — had his appeal upheld by VCAT.

The minister's timing, although necessary, could not have been worse for the introduction of the bill and the accompanying second-reading speech, as it coincides with the Auditor-General's tabling of *Management of the Multi-Purpose Taxi Program*, which is an absolutely damning report that makes a mockery of the claims the Minister for Public Transport made in her second-reading speech. I will quote what the minister said in her second-reading speech in relation to this particular piece of legislation:

> The government's intentions and actions make it abundantly clear that improving safety standards across the taxi industry is a high priority.
>
> These efforts are directed at ensuring that people can feel safe when they get into a cab, and that drivers are as protected as possible every time they get behind the wheel of a cab.

Yet today we have had tabled in this house, as I said, the Auditor-General's report entitled *Management of the Multi-Purpose Taxi Program*. It would be well known to members of this house that Victorians who use the multipurpose taxi program include the elderly and those with disabilities, who are some of the most vulnerable people in our community. They climb on board a cab and sit alongside a stranger, and it is paramount that we make sure the people who are driving these elderly and vulnerable Victorians are of the highest possible standard. Yet the Auditor-General's report on the multipurpose taxi scheme talks about issues surrounding fraud. The report states:

> In 2004 the Department of Transport (DOT) linked taxi meters directly to EFTPOS terminals in taxis to ensure that only the metered fares could be charged to passengers, with the MPTP —

multipurpose taxi program —

> paying half the fares.
>
> According to MPTP panel reports, this initiative reduced the risk of fraud, saving what VTD estimated as some $3.1 million in 2004–05. However, we were unable to confirm this figure due to the lack of substantiating documentation at VTD.

In other words, the $3.1 million figure appears to have been plucked out of midair, with no chance whatsoever of the VTD being able to substantiate that it actually got on top of rorting of the multipurpose taxi scheme.

The report goes on to say:

> VTD does not have a documented fraud control plan. DOT has fraud prevention guidelines that were last reviewed in 2005 —

even though the problem continues today, the last time it was looked at was in 2005 —

> but the guidelines do not make reference to VTD and it is not evident they are followed by the VTD.
>
> The main types of MPTP fraud identified by VTD included:
>
> - inappropriate use of lost/stolen MPTP cards;
> - collision between taxidrivers and members and/or relatives;
> - use of a member's card by a family member;
> - excessive and/or inappropriate use of emergency vouchers, including claims for trips not taken;
> - taxidrivers using an MPTP member's card when collecting a fare from another passenger;
> - a taxidriver allowing the meter to run before commencing a trip.
>
> VTD does not maintain a fraud risk register and has not systematically identified and assessed risks and developed risk mitigation strategies as part of a fraud control plan. This places VTD at a disadvantage strategically in determining where to maximise the allocation of resourcing to prevent and control fraud.

The report also states that the VTD estimates $800 000 of projected annual savings from detection of suspected fraudulent claims. The Auditor-General also reported

that it found no evidence of any recovery action in relation to the moneys that had been stolen out of the system. In fact, 117 warning letters were sent out, 27 letters were sent asking drivers to explain why they should not have their drivers accreditation suspended or revoked, 2 drivers had their accreditation revoked, and 10 driver accreditations and 5 licences were suspended for between two and six months.

The issue this raises for us is that we have, as I say, elderly and vulnerable people sitting in cabs alongside taxidrivers, some of whom — not all of them, but there are obviously some rogue drivers out there — are rorting the system, and I would say rorting the system in a very large way, given the amounts of money we are talking about today.

Among these elderly people are those who are extremely vulnerable, those who are in wheelchairs and those who are frail, and there will also be those who are suffering from dementia. They may have their handbag, their purse or their wallet alongside a driver who is intent on committing fraud and robbing the system. There is nothing to say that they would not turn their attention to the people sitting alongside them. The simple fact that there have been no charges laid in relation to this massive fraud — and even that the VTD has failed to notify other government agencies that this activity is taking place — is an absolute disgrace.

The minister has now had ample time to deal with the Victorian Taxi Directorate and to try to sort out the problems that occur in that agency on too regular a basis. It seems that every 6, 8 or 10 months we get a string of complaints about issues related to assaults, the slow response in dealing with assaults on drivers and the lack of confidence by drivers in the VTD — they tell me that there is a policy within the directorate not to employ ex-taxidrivers. You would have thought that as a minimum you would want someone in the directorate who has on-the-ground experience. This is what we are being told; this is what the drivers are saying. They do not have a good level of communication with people working in the VTD and do not feel comfortable approaching them. The drivers feel that people in the VTD are a law unto themselves. Given what the Auditor-General was saying it does appear that they are a law unto themselves, but I would say a very unsuccessful one when you look at the details in this report.

I say to the minister, 'Yes, we will help you clean up this mess'. We have said that all along in relation to this unfortunate individual who has been caught up in trying to obtain a drivers licence in Victoria. He has gone to VCAT and it has approved him to be a taxidriver in Victoria. I do not know how the minister intends to deal with this matter as we move forward; this bill does not deal with the problems the government faces with this particular individual. I have asked the government, and been advised that it will get back to me, whether this person is entitled to drive a taxi in other states once he has been accredited in Victoria. I also want to know, if that is the case, how the minister intends to deal with the situation if he goes down the path of getting a licence in Victoria. There would naturally be privacy issues in terms of alerting or talking to would-be employers about concerns the government has about the individual involved. It is an absolute mess. I do not think I have seen a mess like this before, particularly since the government knew and understood that this situation existed. It had the opportunity time and again through legislation to tidy up this anomaly, but chose not to.

On that note I indicate that we support the bill. We are not going to oppose this legislation; we want it to go through. We want to make sure we are not faced with a situation like this again. But it is a very poor state of events when you know very well that the minister and the department were all aware of this situation and failed to act in the best interests of public safety and of the individual involved.

Ms KOSKY (Minister for Public Transport) — In summing up I thank the opposition for its support of this important bill before the house, the Transport Legislation Amendment (Driver and Industry Standards) Bill. In particular I thank the members for Polwarth and Kew for their cooperation in working to ensure the smooth passage of the bill through the house today. I also thank The Nationals and the member for Gippsland East for their cooperation. Finally, I thank the legislative team in the Department of Transport and parliamentary counsel who have worked tirelessly to bring the bill to fruition and to put this legislation forward as a separate stand-alone bill and bring it to fruition.

I want to clarify a number of matters. The hours of operation for prepaid fares in Victorian taxis, as contained in the second-reading speech I made earlier today, were incorrect, as I pointed out at the time. Mandatory prepaid fares will apply between the hours of 10.00 p.m. and 5.00 a.m. I also clarify that the provisions in clause 15 of the bill will not apply retrospectively to matters currently before or already decided by the Victorian Civil and Administrative Tribunal.

In respect of the Auditor-General's report tabled today in relation to the multipurpose taxi program, I indicate

that we have already acted on many of its recommendations. We have been able to sort out a lot of the rorting and fraud in relation to the multipurpose taxi program. We have been able to secure those funds and use them to double the trip cap and the annual cap. We have responded very quickly and earlier than the tabling of the Auditor-General's report to many of its recommendations related to the multipurpose taxi program. I assure the member for Polwarth that we are acting to ensure that rorting does not occur in relation to the MPTP and many measures have already been put in place to ensure that it does not happen again.

I thank everyone who has been involved in this legislation, and I thank members for their cooperation in getting it through the house in a speedy manner.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

SHERIFF BILL

Second reading

Debate resumed from 2 December; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — When the business of the house was interrupted last night I was referring to the report by the Scrutiny of Acts and Regulations Committee (SARC) on this bill in its *Alert Digest* No. 13. The committee highlighted the fact that there was a delayed commencement of the bill in the commencement clause for a period longer than 12 months in that the bill is to come into operation on proclamation but no later than 1 January 2010. I said that the committee indicated in that *Alert Digest* that it would seek further information from the Attorney-General.

In *Alert Digest* No. 15 the committee published the reply it had received from the Attorney-General in which he explained why he thought it necessary to delay commencement of the legislation for more than one year.

I quote from the minister's response:

> The bill introduces a number of new and extended powers for the sheriff, as well as placing some existing powers in legislation for the first time. This will require additional training for sheriff's officers, and substantial changes to policy and procedures manuals. New legislatively mandated documents will also need to be created to support the practices of the sheriff. Further, computer systems may need to be updated to reflect the changes made by the bill.
>
> Accordingly, the commencement date has been chosen to allow adequate time for passage of the bill through Parliament and for these updates to be completed. Depending upon passage through Parliament, it is hoped that most aspects of the bill will commence prior to 1 January 2010.

I make the point that this plea by the Attorney-General for the need for additional time is in the context of a bill based on a review of the sheriff's office, which was commissioned by the Attorney-General some 18 months ago, back in June 2007. That in itself followed an internal departmental review as well as the review by former Chief Commissioner of Police, Neil Comrie, which I referred to yesterday.

Yet, despite all of that, despite well in excess of 18 months having elapsed since investigation and review of the sheriff's office began, the Attorney-General is still saying he needs possibly until 1 January 2010, certainly beyond the normal 12-month maximum period before he can get his act together, before he can issue the necessary instructions and requirements, before the department can therefore get its act together and the sheriff's office can get its act together in order to cope with this new legislation.

One has to ask oneself: what on earth has the Attorney-General been doing over the last 18 months or more that he still requires through to 1 January 2010 before he is confident he can get himself and everything else organised in order for this new legislation to commence? I think if any demonstration is needed that the Attorney-General is totally out of touch with the realities and practicalities of the administration of justice and of access to justice, and instead has his head in the clouds with a whole lot of esoteric issues that do nothing for real justice — if not take the real availability of justice backwards in this state — then it is the time that is being taken to bring this legislation into operation.

The opposition does not oppose this bill. Consolidating the powers of the sheriff in principle is worthwhile. There are some particular aspects of the bill that we believe require close scrutiny in the course of debate, particularly in relation to the implications for privacy and the access to information held by government agencies, and on top of that this Parliament should not

be asked to consider this bill, kept ignorant by the government of the problems that exist in the sheriff's office and of the considerations that have led to the changes that underlie this bill, and the other changes to the sheriff's office that the government is minded to make arising out of the Comrie review — and indeed ignorant of the Comrie review itself, which, as far as I am aware, the government has not made public.

I would certainly say that if the government was genuinely interested in openness, accountability and transparency and interested in a fully informed public debate, it would make the Comrie review public and make it available to this Parliament before debate on this legislation concludes.

I reiterate that we are not opposing the bill, but we are very much looking forward to the contributions that government members make to the debate and to the contribution of the Attorney-General. We will be listening very closely to what is said and looking for far better disclosure of the true state of the sheriff's office than has occurred so far.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Sheriff Bill 2008. The sheriff's office is obviously an important part of the way in which civil and criminal warrants are enforced in Victoria. The sheriff has 150 staff employed in offices throughout Victoria. It executes approximately 515 000 criminal warrants and 10 000 civil warrants per year. The sheriff's office works to ensure the enforcement of sanctions against those who do not comply with court orders. That is an incredibly important function because not only do we want orders to be made in our courts but we also want them enforced and respected.

This bill consolidates the powers of the sheriff, and that is important, too, because the fact is that the sheriff's powers have been drawn from many different sources in the past — from the Magistrates' Court Act, the Supreme Court Act, the County Court Act and the Infringements Act, but there has not been a consolidation of those powers into a single act. This legislation ensures that all of those powers from those several different acts are brought together to make more clear and more understandable to the community what the powers of the sheriff are and to incorporate them into this single piece of legislation.

What we are also doing here is ensuring that the sheriff is not burdened by the various regulations and legislative provisions that have hindered their ability to perform their job as effectively as they might have in the past. The bill consolidates those powers in relation to, for example, the enforcement of warrants around arrest; restraining a person who is hindering the execution of a warrant; entering premises to serve documents and search for persons or property; demand payment; seize property; deal with seized property; request names and addresses, and so on. All of those things are being consolidated here, and that is an important development.

The other important aspect of this bill is new powers, and the power in particular of forced entry when executing civil warrants. This issue was looked at by the parliamentary Law Reform Committee that I chaired, and clearly a major gap existed in relation to the powers of the sheriff. The sheriff could issue a warrant and, for example, under the common law could seek to execute that warrant by gaining access to premises with the agreement of the judgement debtor. Nevertheless, if there was no agreement, the sheriff was not in a position to force entry and to give effect to the warrant that had been executed against that person.

We had all these anomalies. For example, if the door was open, you could go in; if the window was open, you could go in; but you could not actually have forced entry. Whilst we are trying to balance off some important competing principles here, obviously, there is a right to privacy, there is a right to the quiet enjoyment of your own home without being subject to unreasonable intrusions by the authorities. That has been a principle that has been well founded in common law, but equally we do have to have a system where, if someone is wilfully trying to avoid the payment of debts, if they are wilfully trying to frustrate the administration of justice, and if they are trying to prevent a judgement creditor from obtaining the money or the goods that are due to them, then the sheriff has an important role.

The legislation is in fact giving the sheriff, in line with other jurisdictions, the power, if all else fails, to be able to enter premises for the purposes of giving effect to the judgement against the debtor. However, it is important to note that there will be in place a number of safeguards in the bill to ensure that the rights of the occupier are protected as much as they can be. For example, the sheriff must request the consent of the owner-occupier to enter before they actually enter. They must have a reasonable belief that personal property of the person is or may be on the premises.

They can use force to enter only when the owner or occupier unreasonably withholds their consent, when the sheriff cannot contact the owner or occupier after making reasonable attempts to do so or when the sheriff reasonably believes that the owner or occupier is avoiding being contacted by the sheriff. In those cases

sheriff's officers are able to enter premises. So the game that gets played by judgement debtors when they are not at home, when they do not answer the door or when they are generally trying to avoid or frustrate the sheriff will not be able to be played indefinitely. Sheriff's officers will obviously make reasonable efforts to contact the judgement debtor and obtain consent, but if all else fails they will have the right to enter the premises. There is one other important safeguard, which is that they can only enter the premises during reasonable hours, which are spelt out in the bill. That is the result of recommendations made by the Victorian parliamentary Law Reform Committee.

Another new power is the ability for the sheriff to receive payments from third parties. That is important as it puts into legislation something which may have occurred in the past but which was never fully recognised. There will also be a new power enabling the sheriff's office to enforce warrants where they can be viewed and verified electronically. Electronic verification will mean that the sheriff does not need the execution copy of the warrant. Again, this will improve the administration of the sheriff's office and introduce greater efficiency into the proceedings, but will not affect the defendant at all as they never receive the document in the first place. This was clearly just an administrative burden on the sheriff's office that unreasonably affected what the sheriff was doing. Currently when a new warrant comes through and sheriff's officers are in their car, there is no way for them to go forward and proceed because they cannot print the execution copy in the car. This is a huge strain on the system and a break on what the sheriff is doing. It is a huge burden on the system when you understand that 900 000 warrants were issued in 2006–07.

That there is a large number of warrants is highlighted by the fact that in a recent four-day blitz on Bulla Road, Strathmore, more than 80 000 unroadworthy cars and unpaid fines were detected. There were similar results when a blitz was carried out at Melbourne Airport involving Victoria Police, the Victorian Taxi Directorate and the sheriff's office over 6 hours. That blitz resulted in the sheriff's office interviewing about 71 people in relation to approximately $150 000 in fines in relation to taxis and hire cars. Of the 71 people interviewed, 54 were served with notices of intent to execute the warrant if they did not pay their fines in seven days. The sheriff's office was able to play a huge role in the enforcement of the law. These joint operations between the sheriff's office, the police and the Victorian Taxi Directorate showed how the system can work efficiently and effectively in catching serial fine defaulters. The new electronic system will assist in that regard as well.

The Sheriff Bill consolidates in a single bill the powers of the sheriff in relation to warrant procedures. It clarifies the powers of the sheriff in relation to forced entry where previously in many instances the common-law position stymied the sheriff's efforts to enter premises where someone was persistently and flagrantly trying to frustrate the work of the sheriff and the rights of judgement debtors to recover debts. I believe this sends a clear message to the community that the sheriff's office is not a toothless tiger and that it should enforce judgement debts. I commend the bill to the house.

Mr JASPER (Murray Valley) — I am pleased to join the debate on the Sheriff Bill. I have listened with a great deal of interest to the contribution of the member for Box Hill, who gave an excellent overview of the legislation. He mentioned a lot of the clauses. This is a change from what happened years ago, when clauses were usually debated not in the second-reading debate but in the then committee stage, which is now the consideration-in-detail stage. As the Acting Speaker well knows, these days we have very few consideration-in-detail stage debates.

The bill is interesting because the office of sheriff is one of the oldest legal institutions we have. It has spanned more than a millennium, beginning with the eighth century laws of Wessex. An interesting comment was made about the strong sense of history related to the office presenting a stable base for community recognition and awareness as well as the promotion of effective, legitimate enforcement and compliance. That typifies and encompasses the office of the sheriff and the work that is being done by it.

However, I think in debating the bill we need to put it into a better context. I have read the second-reading notes and the statement of compatibility under the Charter of Human Rights and Responsibilities. The bill has been extensively considered by the Scrutiny of Acts and Regulations Committee to make sure that it meets the requirements of the legislation and the charter in particular, but there was no reason to take issue with its compatibility.

The bill consolidates into one piece of legislation a number of key powers currently exercised by the sheriff. These include the powers to arrest a person named in a warrant, restrain persons, enter premises, seize and sell property, demand payment and request names and addresses. The bill also modernises the sheriff's practices in a number of areas listed in the

legislation. Further the bill simplifies procedures for enforcement in certain key areas requiring clarification for the sheriff's office and for the community. These include simplifying procedures for the execution of multiple types of warrants. I am informed that on occasion the sheriff can get up to 200 warrants on a particular issue, and the changes will make it easier for the sheriff when various courts have warrants in relation to a particular person or activity. It will simplify the procedures in the types of warrants at the same time and allow the sheriff to enforce these warrants based on electronic clarification.

I also note what was picked up by the member for Box Hill in his concluding comments when he talked about the date for the legislation to be proclaimed being 1 January 2010. I refer the house to the Scrutiny of Acts and Regulations Committee's practice note no. 1. We always seek to have legislation completed within 12 months, but there is certainly a lengthy time here beyond the 12-month period during which this legislation could be proclaimed. I bring that to the attention of the house because it was mentioned in the report from the Scrutiny of Acts and Regulations Committee, of which I am a member. We try to get all the bills that come before the Parliament to meet the practice notes — there are two sets of practice notes: 1 and 2 — but importantly, legislation should be proclaimed, in effect, prior to the expiration of a 12-month period. I bring the attention of the house to that, as did the member for Box Hill.

It is also interesting to note that the majority of warrants directed to the sheriff are issued from the Supreme, County and Magistrates courts, but I am informed that the sheriff may also be directed on execution issues from the federal courts and other state courts where a defendant to the proceedings resides in Victoria. With my electorate of Murray Valley being on the border between Victoria and New South Wales, the matter of border anomalies is a major issue. Interestingly, though, we see on this occasion that these issues and warrants can be referred by other courts back into Victoria, or back into New South Wales if that is appropriate. I think it is important to note that.

It is interesting also, and again the member for Box Hill mentioned this, that the sheriff's office has often come into disrepute through criticism from a range of people. The sheriff's officers generally need to be appreciated for the work they do, and it is often a thankless task because they are collecting debts and unpaid fines or carrying out court orders on other activities which are inappropriate.

The number of offices in Victoria is 20. We have a number in north-eastern Victoria including in Wodonga, Shepparton and Seymour, and that is all consolidated in one inspector who is based in Wangaratta. He operates from there but there are offices right across north-eastern Victoria and into the Goulburn Valley.

I have done some investigation by talking to people involved in the sheriff's office to get clarification in my own mind as to how it operates and what they do, and there are certainly a huge number of areas that they have to be involved with, including collecting infringement fines from motor car parking offences, toll fines and other areas. In fact 90 per cent of these fines would be paid anyway once the infringement notice is acted on, but if it goes further to the courts and becomes a warrant, it becomes part of the operations of the sheriff's office.

In my discussions I noted concerns about the warrants. This act will consolidate the number of warrants from various courts that have numbers of warrants which should be consolidated. They will now be consolidated back into one action. The bill will also consolidate the operations of the sheriff's office in Victoria and should make it easier for the sheriff's office to carry out its activities and look at civil and criminal warrants.

I want to mention one last thing in relation to this legislation, which the opposition is not opposing. Clause 56 relates to regulations and the regulation-making power, and I would just like to express some concern. I chair the regulation review committee and I have a look at most bills to see if they contain additional regulation-making powers. I think sometimes the regulation-making powers go too far in what they prescribe and seek to allow.

Clause 56(3) of the bill says:

> The regulations may —
>
> (a) be of general or of limited application;
>
> (b) differ according to differences in time, place or circumstance;
>
> (c) confer a discretionary authority or impose a duty on a specified person or a specified class of person.

It covers everybody and everything. I think sometimes the regulation-making powers are far too broad. Clause 56(2) specifies fees, charges and all the actual charges that can be imposed and set out by the regulations. I believe sometimes we need to look at how we handle these powers. A lot of work being done by the regulation review committee should sometimes

be referred back to the Parliament to enable members to make decisions on issues relating to what is contained in the regulation-making powers.

The coalition in opposition generally supports the legislation. It is a move in the right direction, but we are concerned with the time it is taking to get the bill into place and when it will become an act of Parliament. My discussions with people involved with the sheriff's office show that they are supporting the proposed legislation on the basis that it will consolidate their activities and make it easier for them to perform their functions and operate effectively within the state of Victoria.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Sheriff Bill 2008. The government and the Attorney-General, as part of the justice statement 2, committed the government to a range of initiatives to modernise Victoria's justice system. The introduction of a bill for an act to clarify the powers and functions of sheriff's officers was clearly one of these initiatives and was announced by the Attorney-General via a press release in June 2007.

Currently the sheriff is guided by provisions contained in several different acts of Parliament. This bill consolidates, modernises and simplifies the sheriff's operations under a single act and provides clear and concise authority for the obligations and powers of the sheriff. The bill will provide sheriff's officers with modern enforcement practices and clear legislative powers which will assist them to do their job more effectively and efficiently.

As the Attorney-General said in his second-reading speech, and as other members have said earlier, the office of sheriff has a long history, not just in this state but dating back to our forefathers in England to the eighth century laws of Wessex. This will be one of the first times since the sheriff's office was established in Victoria that the Victorian Parliament has had an extensive consolidated resource for the sheriff and her officers. Given that the office dates back to the eighth century it is not before time that the Parliament should empower the sheriff and her officers with their own legislation that is appropriate for the way they need to do their job in the 21st century.

In the 1990s I had a bit to do with sheriff's officers when I was the vice-president of the Community and Public Sector Union, because sheriff's officers are members of that union and I had a number of detailed discussions with them about their work and not just their industrial needs. I got a clear understanding from them firsthand what a difficult job they have to do in sometimes very complex matters and operations. It is important that we put these powers into one act of Parliament so that it is not just easier for the sheriff and her officers to undertake their jobs but also for the community to have greater clarity of understanding of the sheriff's office and its role when they come into contact with that office.

The bill will provide a statutory role for the sheriff, the deputy sheriff and sheriff's officers, and it covers the necessary appointments and delegation provisions. It consolidates key powers to be exercised by the sheriff and her officers, including the power to arrest where authorised by a warrant, to restrain, enter, search and serve documents, demand payment, seize and deal with seized property, request names and addresses and attend roadblocks. These powers are consistent with the current powers that are contained in a range of disparate statutory provisions and at common law. Further, the sheriff's practices will be modernised by the bill, which will provide for a power of forced entry in the civil context, which provision has been drafted with appropriate safeguards. It will enable the service of documents, including seven-day notices, and provides for the ability to receive payment from third parties in particular circumstances. It provides for the ability to request payment on enforcement orders and enables defendants to elect to forgo the seven-day notice period in limited circumstances and enables the sheriff to recover reasonable costs of execution. It provides for address information of defendants to be obtained from state and local government agencies subject to certain limitations.

I wanted to respond to some of the points which were made by the member for Box Hill in his contribution last evening and which were touched on by the member for Murray Valley. I want to reassure the member for Box Hill that some of the concerns he raised were not based on fact and to say that I appreciate the work he has done in researching the bill. The member raised concerns about the accessibility of the Comrie report and claimed that it is a secret report and that the Parliament has been asked to make a decision on the bill without that report. I draw the attention of the house to the Attorney-General's press release issued in June 2007 about the outcomes of the Comrie report. This can hardly be considered as being secretive about the report. Any member of the public may make a freedom-of-information request for the report, and if a request had been lodged by any member of this place or a member of the public in June 2007, it would have been processed well before this debate.

The member for Box Hill raised some concerns about some privacy aspects of the bill. I can assure the

member for Box Hill that the privacy commissioner has been consulted. The Department of Justice consulted extensively with the Office of the Victorian Privacy Commissioner on the bill and particularly in relation to the information collection provisions in division 2 of part 5. Any issues raised by the privacy commissioner have been addressed in the bill. I can reassure the member of that.

The member for Box Hill also raised issues about the Scrutiny of Acts and Regulations Committee letter which queried the default commencement of the bill on 1 January 2010, being more than one year after the introduction date. The Attorney-General responded to the Scrutiny of Acts and Regulations Committee letter on 26 November. The bill has that default commencement date because although, subject to the passage of the bill through Parliament, it is hoped that most aspects of the bill will commence prior to that date, because of the complexity of the introduction of the new and extended powers that are proposed for the sheriff and the placing in legislation for the first time of some of those existing powers, there will be additional training required for sheriff's officers and substantial training on the policy and procedures manual.

There will also be a need for computer systems to be updated to reflect the changes made by the bill, and newly legislatively mandated documents will need to be created to support the practice of the sheriff. That is the reason there is a long lead time. However, if those things are ready prior to the default date, those provisions will commence before then. I reassure the member for Box Hill about those matters.

I support modernisation of the powers of the sheriff and her officers contained in this bill and the placement, for the first time, of the sheriff's powers into one piece of legislation. I think it is consistent with what we have done as a government, particularly given the reforming zeal of the Attorney-General, to drag the justice system, no matter what aspect of it, into the 21st century. The legislation will now adequately address the needs of those who have to work within and utilise the powers it provides in our justice system, and will be transparent and easily understood by those who come in contact with the sheriff's office.

In conclusion, I support the bill and the work done by Department of Justice officers and sheriff's officers, and I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand to speak briefly in the debate on the Sheriff Bill 2008, the main purpose of which is to provide a legislative framework for the appointment of a sheriff, a deputy sheriff and sheriff's officers, and to prescribe their functions, powers and duties.

The sheriff's office provides a valuable service to the Victorian community, and I have to say that at times its members have to work in very difficult situations. According to the Victorian Government Solicitor's Office web page, the functions of the sheriff are to:

> execute and return all warrants and other processes he or she is directed, and do all other acts and duties required by the common law. Where the sheriff is directed a warrant the sheriff has a duty to execute it as soon as practicable, but must do so in accordance with the specific authority conferred under the legislation and procedural rules that may apply to the jurisdiction from which the warrant was issued.

I think this is where the problems have arisen in the past over whether the methods used by the sheriff have been appropriate. On 18 July 2006 I raised a matter for the attention of the Attorney-General during the adjournment debate. I requested that the Attorney-General investigate the methods used by the sheriff's office to reclaim money from a constituent; I asked him to investigate whether the methods used fitted within the guidelines that had been established by the government. According to my constituent an order was made against him for $288. He claimed at the time that he was unaware of this and any proceedings against him, until two sheriff's officers came to his house.

At the time my constituent claimed to have been ill and in bed, but the sheriff's officers were yelling and banging while a frightened three-year-old was watching. It is also alleged that a sheriff's officer tried to talk to my constituent's 11-year-old son while he was walking home from school. The sheriff's officers continued to come to the house, even though my constituent and his wife claim they were attempting to resolve the matter in the relevant courts.

However, the following week my constituent's wife had to collect her three-year-old from a child-care centre. When she pulled into the car park of the child-care centre, a car pulled right in front of her car, blocking her in. As she got out she was advised that the car was being seized and she was not to start the engine again. She tried to explain that she had handed in an application to the court, went on to collect her son and proceeded to strap him into the car. A sheriff's officer at this time banged on the window and screamed at her to turn off the engine.

Her husband arrived and insisted they stop until police arrived. At this stage the three sheriff's officers forced him to the ground while hitting him with a baton in front of his child. Indeed the *Herald Sun* of 22 July had an article which said:

> Phillip said one sheriff was 'going hammer and tongs with the baton, with me face down'.
>
> 'They were like a dog with a bone,' he said.

An article in the *Sunday Age* newspaper, entitled 'Former top cop called in to reform sheriffs', says:

> Former police chief Neil Comrie has been hired under a secret deal to overhaul the sheriff's office after it had failed to catch more than 500 000 fine defaulters owing more than $700 million.
>
> …
>
> The review of the sheriff's office came after a Templestowe father claimed sheriffs had restrained him face down on the ground before repeatedly hitting him with a baton over a $288 outstanding debt.
>
> …
>
> Attorney-General Rob Hulls ordered an inquiry into the man's claims after his local MP, Liberal Nick Kotsiras, raised the claims in Parliament and said they needed to be investigated.
>
> FOI —

freedom of information —

> documents show that the subsequent internal departmental inquiry identified the need for a complete review of the sheriff's office's operating procedures.

Indeed, when the Attorney-General responded to me he said an investigation would take place, that perhaps the Ombudsman would also investigate and that he would advise me of the outcome. In his letter, dated 3 October 2006, the Attorney-General wrote:

> I refer to the adjournment debate matter you raised in the Legislative Assembly on 18 July 2006.
>
> …
>
> My department recommended that procedures be tightened to provide clearer guidance on how sheriff's officers should exercise their powers, focusing on appropriate locations for the execution of warrants and appropriate responses to outstanding debts. This work is currently under way. Sheriff's officers will be trained on the tightened procedures.
>
> My department has communicated the outcomes of the review to the Ombudsman and to your constituents.
>
> Thank you for bringing this matter to my attention.

While I support the sheriff's office and all the good work that sheriff's officers do — and as I said at the start, they have to work sometimes in very difficult situations — at the time I thought the methods they used to try to retrieve $288 were over the top. Therefore I raised it in the Parliament in the hope that the Attorney-General would look at the sheriff's office and undertake a review, which he has done.

This bill goes some way to addressing those concerns. However as the member for Box Hill said, we have a number of other concerns, and it is a shame that the Attorney-General has not done more work to try to ease the concerns of many Victorians when it comes to the sheriff's office. For those reasons, we will not be opposing this legislation.

Mr PERERA (Cranbourne) — I rise to speak very briefly in favour of the Sheriff Bill 2008. The sheriff's office is a vital part of the justice system, promoting effective and legitimate enforcement and compliance. As part of justice statement 2 this government committed to a range of initiatives to modernise Victoria's justice system. The bill follows from the Attorney-General's announcement of June 2007 in relation to a new principal act to consolidate the obligations and powers of the sheriff. Key government and other agencies were consulted during the development of the bill. These included other departments, relevant courts, Victoria Police, the Office of the Victorian Privacy Commissioner, the Municipal Association of Victoria, the Federation of Community Legal Centres and the Law Institute of Victoria.

One of these initiatives was the introduction of a new Sheriff Bill to clarify the powers and functions of the sheriff's office. Currently sheriff's officers are guided by provisions contained in several different acts. The bill consolidates, modernises and simplifies the sheriff's operations under a single act and provides clear and concise authority on the obligations and powers of sheriff's officers. The bill will also ensure that the powers of sheriff's officers complement the powers of other law enforcement agencies. It is significant that one purpose of the bill is to promote greater community awareness of the sheriff's role and powers. This will assist defendants seeking advice when needed.

The bill consolidates a number of the sheriff's key powers in one piece of legislation for the very first time. Previously these powers were located in a range of different sources, creating confusion for those enforcing warrants and those having warrants enforced against them. These key powers are for enforcing warrants which have been issued by the courts for non-payment of money owed in relation to a court order. The key powers that are consolidated in this bill include those to arrest a person where authorised by a warrant, restrain a person who is hindering the execution of a warrant, enter premises to serve documents and search for persons or property, demand payment, seize property, deal with seized property and request a name and address in order to identify whether someone is the person named in a warrant.

The bill provides that where the sheriff has requested information from a specified agency, the agency is required to provide the information within 14 days after receiving the request, unless the agency is a law enforcement agency, which includes Victoria Police and the Office of Police Integrity, or the head of the agency certifies in writing that exceptional circumstances apply that require the agency not to provide the information. This might include where the Department of Human Services holds confidential child protection information or where the agency believes that the disclosure of information might jeopardise the safety of the person involved.

The sheriff's job is not the easiest one under the sun. All defendants would like to avoid an encounter with the sheriff's office. This bill enhances the sheriff's position and makes the work of the office easier. There is currently a requirement that sheriff's officers must have a paper execution copy of the warrant with them when they attempt to execute the warrant. This requirement places a huge strain on the resources of the sheriff and can significantly reduce the operational effectiveness of the office. In addition, with over 900 000 warrants issued in 2006–07, it is an enormous waste of our natural resources. As a result, the bill provides sheriff's officers with the ability to execute warrants where they are able to verify the existence of the warrant by electronic means, thus removing the need for sheriff's officers to have an execution copy of each warrant with them when they attempt to execute the warrant.

The key powers under the bill are able to be delegated by the sheriff to sheriff's officers. The delegation power is necessary to enable the effective enforcement of warrants. Currently the sheriff is unable to execute civil warrants when the owner of a premises refuses entry. In the criminal context, however, the sheriff can break and enter premises to execute a warrant. Civil and criminal warrants are both orders of a court, and the fact that one is a criminal warrant does not necessarily mean the matter is more serious than a civil matter. While the sheriff is empowered to use forced entry to seize assets on a person's premises in respect of a small infringement penalty, the sheriff is currently powerless to enter and seize property to enforce a civil judgement obtained against property or tens of thousands of dollars in wage disputes between employers and employees. The bill provides sheriff's officers with modern enforcement practices and clear legislated powers which will assist officers to do their job more effectively and efficiently. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to talk about this important bill, the Sheriff Bill 2008. The purpose of the bill is to consolidate the law with amendments relating to the appointment, powers and functions of the sheriff and the sheriff's office. There are many provisions, and one I will make a quick comment on relates to compelling various Victorian government agencies to provide address information in certain circumstances. In discussions I have had with my colleagues I raised the issue of the impact on privacy laws. It will be interesting to see if the minister in summing up can explain how he has overcome the privacy laws, which are limiting a lot of activities. I am a member of a parliamentary committee looking at youth recidivism, and one of the things we are concerned about is the impact of privacy laws limiting the ability of agencies working with other agencies to get a good result on behalf of young people. It is interesting to see that we have overcome some of the privacy laws to allow the sheriff's office to do its work.

The role of the sheriff is historically entrenched as an officer of the Crown and is recognised in the laws of Wessex as far back as the eighth century. You have been in this place a long time, Acting Speaker, but you were not here that far back. The functions of a sheriff's officer are many. They include executing and returning all warrants and other process he or she is directed to deal with, and to do all other acts and duties required under common law. The sheriff has a duty to execute warrants as soon as practicable, and that is what I want to speak about. I live in the great town of Horsham in western Victoria. We used to have a couple of sheriff's officers in the town, but since 2006 they have not been there. Under this government sheriff's officers have been moved to central areas such as Melbourne, and the closest to us is about 200 kilometres away from Horsham and the Wimmera region. I am informed that there is one in Warrnambool and two in Ballarat, that Geelong and Bendigo have four or five each and that Mildura, which is another 3 hours to the north, has probably two at most.

We do not have any sheriff's officers in the Horsham area or in the whole Wimmera region, most of which is in my electorate. It is a large area stretching from Ballarat to the border, which is about 320 kilometres, and down to Warrnambool, which is 3 hours away. We have problems because industry and individuals cannot get warrants executed, and the courts are frustrated because we do not have sheriff's officers in the Wimmera area. The County Court, and sometimes the Supreme Court, sits in the area, but most of the time the Magistrates Court sits. In Horsham there is a shared administrative officer who does only some of the

sheriff's role. The inability to execute criminal, traffic, debt and apprehension warrants has been slowing down activities in the western part of Victoria because we have no sheriff's officers there.

Some information about the sheriff in Victoria provided to me by the parliamentary library says the majority of warrants directed to the sheriff are issued by the Supreme, County and Magistrates courts. As I said, they all operate in the Wimmera region. In criminal proceedings warrants may be issued for the arrest or imprisonment of a person or for the seizure of property to satisfy unpaid fines imposed in the proceedings. his, again, is where things have been slowed down where these warrants cannot be issued. I have had planning people and surveyors saying to me that they cannot issue warrants because a sheriff's officer comes to the Wimmera region only about two or three times a month, and that is not good enough.

The reality is that a lot of these people are not at their home when the sheriff's officer calls in, so it is another month before the officer comes back and tries again to issue those warrants. We must do something about getting better service delivery from sheriff's officers, particularly in the Wimmera region and particularly in Horsham. It is a great regional centre that, as I said, up until 2006 used to have sheriff's officers there.

The authority created for the sheriff is under various forms of warrants issued in criminal and civil proceedings and is directed to the sheriff, so it is the sheriff who must personally exercise these powers. As I said, officers in Horsham work on a shared basis, doing some of the administrative roles, but the actual role of administering warrants and other activities must, under law, be done by the sheriff. That enforces the reason why we need to have sheriff's officers located in western Victoria. Whether it be apprehension warrants or possession of property, these types of matters need sheriff's officers to do the work.

I know there are other bills we want to get through this week, so like my coalition colleagues I am not opposing the bill. It consolidates the law governing the sheriff and it is a worthwhile exercise, but I am not in a position to endorse details of the new provisions because I have not been through them in detail. Hopefully the Attorney-General will take on board some of the comments made on behalf of the great electorate of Lowan that I represent.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL

Second reading

Debate resumed from 28 October; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Crimes Legislation Amendment (Food and Drink Spiking) Bill is a short bill which inserts two new offences into the statute book. The first new offence is an amendment to the Crimes Act 1958 to create an offence of administering a drug, matter or thing to a person, or causing a drug, matter or thing to be taken by a person with the intention of rendering that person incapable of resistance and thereby enabling himself or herself or another person to commit or in any way be a party to the commission of an indecent act with that person. That proposed offence will carry a penalty of level 6 imprisonment, which is five years maximum.

The second offence proposed to be created by the bill is an offence to be inserted into the Summary Offences Act 1966 — that is, to create an offence where a person gives a victim or causes a victim to be given or to consume food or drink that contains an intoxicating substance where the person knows that the victim is not aware or is reckless as to whether the victim is aware that the food or drink contains the intoxicating substance or knows that the victim is not aware or is reckless as to whether the victim is aware that the food or drink contains more of an intoxicating substance than the victim would reasonably expect and who intends the victim to be harmed by the consumption of that food or drink. That offence will carry a penalty of a term of imprisonment not exceeding two years.

I should make the point that for the purposes of this second offence an 'intoxicating substance' includes any substance that affects a person's senses or understanding, and the word 'harm' is defined to include impairing the senses or understanding of a person in a way that the person might reasonably be expected to object to in the circumstances.

As far as it goes, this bill contains two worthwhile additions to the current offences relating to food and drink spiking and, accordingly, is supported by the opposition parties. However, we believe that it has a number of shortcomings and leaves a number of areas of concern in relation to the range of offences that deal with the problem of food and drink spiking.

The bill arises out of a report by what is these days called the Model Criminal Law Officers Committee of

the Standing Committee of Attorneys-General, which prepared a report dated July 2007. The report followed on from the fact that in July 2003 the Australian Institute of Criminology (AIC) was commissioned by the Australian government Attorney-General's Department on behalf of the Intergovernmental Committee on Drugs to conduct stage 1 of a national project on drink spiking, which was identified as an emerging issue for examination by the Ministerial Council on Drug Strategy.

The AIC report was accepted by the Ministerial Council on Drug Strategy and published in November 2004. The Ministerial Council on Drug Strategy in turn referred the legal aspects of the report to the Standing Committee of Attorneys-General, which in turn sought the advice of what at that stage was called the Model Criminal Code Officers Committee, which undertook the investigation and prepared the report I have mentioned. It is a very helpful report which deals with many aspects of the issue of food and drink spiking. It contains a useful compilation and analysis of the law in different jurisdictions across Australia and identifies what it considers to be possible gaps in that law.

The report quotes from the Australian Institute of Criminology's study as to the extent of drink spiking in Australia. That report found there was currently no way to determine the exact number of drink-spiking incidents that occur due to high levels of underreporting, fluctuations in reporting due to awareness campaigns, jurisdictional differences in data recording and extraction procedures and difficulty in verifying whether a reported incident actually occurred.

However, the AIC went on to make some estimates which, as it said, should be taken as a rough guide to the number of incidents that people suspect may have occurred to them. That estimate covered the period 2002–03. The AIC roughly estimated that over that 12-month period there were between 3000 and 4000 suspected incidents of drink spiking in Australia, that approximately one-third of those incidents involved sexual assault, that between 60 per cent and 70 per cent of the incidents involved no additional victimisation and that between 15 and 19 suspected drink-spiking incidents occur per 100 000 persons.

The AIC also undertook some analysis of the incidence of drink spiking and its victims and other characteristics based on analyses of police data, sexual assault data and institute of criminology hotline data. On that basis the institute reported that four out of five victims were females, that about half of drink-spiking victims were aged under 24 years while about one-third were aged between 25 and 34 years and that the majority of reported drink-spiking incidents had no associated criminal victimisation, which the AIC thought might indicate that what it described as prank spiking may be a common motivation for drink spiking.

The institute also found that between 20 per cent and 30 per cent of incidents reported to police involved sexual assault, while it was estimated that about one-third of all drink-spiking incidents were associated with sexual assault. About 5 per cent of incidents involved robbery and about two-thirds of suspected incidents occurred in licensed premises, although the institute made the point that for sexual assault victims the location was equally likely to be the victim's home or the offender's home or another location.

The AIC found that many victims did not know who the offender was, that where offenders could be identified drink spiking could be perpetrated by strangers or known acquaintances while incidents involving sexual assault were more likely to occur with a known offender, that many victims experience memory loss after drink spiking, that apprehension of offenders was very uncommon, that forensic testing of blood and urine samples was relatively rare and often did not conclusively prove that drink spiking had occurred, and that the vast majority of incidents of drink spiking were not reported to police. The report went on to say it was estimated that less than 15 per cent of suspected drink-spiking sexual assaults and between 20 per cent and 25 per cent of suspected drink-spiking non-sexual assault cases were reported to police.

The report made reference to encouraging people to report incidents of drink spiking and said that reporting rates could be improved through a public perception that all incidents of drink spiking will be treated seriously by police, regardless of knowledge of offender, memory loss and associated victimisation.

The AIC also made some observations about drugs used in drink spiking. In its report it stated:

> Despite … media and public perceptions concerning the prevalence of drugs such as flunitrazepam, GHB and Ketamine being used in drink spiking, the forensic evidence to data does not support these claims. Alcohol has tended to dominate results and it is not clear whether this is because (a) alcohol is commonly used to spike drinks, (b) other drugs have left the body by the time of testing and so only alcohol is left to detect, or (c) people are unaware how much alcohol they are actually drinking. The only way to test for the presence of drugs is to conduct scientific analyses. However scientific analyses can only confirm whether or not drugs or alcohol are in the body at the time of testing and cannot confirm that a positive result means that a drink was spiked.

That very useful and succinct analysis of the prevalence of drink spiking presented in fairly straightforward terms should not disguise the fact, or lead people not to recognise, that drink spiking is a very traumatic and stressful experience for those who are victims of it and that it is used to prey on victims in an aggressive and unfair manner that should not be tolerated by the community. It is important that, firstly, we ensure that the legislative regime clearly makes an offence of unacceptable conduct in relation to drink spiking and, secondly, that all possible efforts are made to discourage the commission of these offences and that if they do occur for them to be taken seriously by the police force and by other authorities and that every effort be made to apprehend the perpetrators.

It is this message of needing action on the part of the authorities that also comes through quite clearly from the report. Clearly the bill before the house deals only with the legislative components of the issue. From the opposition point of view we would welcome an indication, particularly from the government speakers and from the Attorney-General in closing the debate, as to how the government intends to back up the legislative measures in this bill with practical steps that will continue to attempt to deter drink-spiking offences and to apprehend offenders.

The report by the Model Criminal Law Officers Committee of the Standing Committee of Attorneys-General also assessed a number of the legislative and definitional aspects of the issue. It described the different circumstances in which drink spiking could occur. The report stated that with the most serious cases:

> The aim is to induce an extremely inebriated state in the victim with the additional intention of taking sexual advantage of the victim …

It also stated:

> Another situation that could still have serious consequences would involve the addition of extra alcohol in a known alcoholic drink as a 'prank' — to see the victim make a fool of themselves, for example.

Thus it is important to note that the model officers committee had raised so-called prank drink spiking as an activity that could have serious consequences, as indeed it can.

As I indicated earlier, the committee had a very useful compilation of the different offences that exist in different jurisdictions and an assessment of potential gaps in those offences. They are set out in appendix B of its report. In relation to Victoria, the committee stated that drink spiking resulting in death in Victoria would constitute an offence of murder or manslaughter. In relation to drink spiking causing or having the intent to cause injury or harm, there is in Victoria an offence of administering without consent any substance capable of interfering substantially with the bodily functions of another person — for example, one that is capable of inducing unconsciousness or sleep. That bears a penalty of up to five years imprisonment under section 19 of the Crimes Act.

There is also the existing offence of recklessly engaging in conduct that places another person in danger of death, which bears a 10-year maximum penalty, or serious injury, which bears a 5-year maximum penalty in sections 22 and 23 of the Crimes Act. In relation to drink spiking with the intent to commit a sexual offence, currently section 53 of the Crimes Act creates an offence of administering a drug or other substance with the intention of rendering that person incapable of resistance, and enabling an act of sexual penetration.

The committee identified a potential gap and in its report stated:

> This offence does not cover drink spiking with intent to commit sexual offences other than sexual penetration. Whilst this situation would probably be covered by some of the other offences, such as administration offences, those penalties may not be considered sufficient. Victoria does not have a general offence of administering a drug with intent to commit an indictable offence.

In part, the first of the amendments made by the bill — that is, creating a new offence in the Crimes Act — goes some way towards covering this gap, because it creates an offence of administering a drug with the intention of allowing an indecent act to be committed against the person, and that is clearly a welcome extension.

We make the point, however, that it does not create a general offence of administering a drug with the intent to commit an indictable offence, as was flagged as an omission by the committee, and the opposition would be interested to hear the government's reasoning as to why that aspect of the officers committee report and the potential gap identified by the officers committee has not been covered in the bill.

The next aspect addressed by the committee was expressly this issue of drink spiking with an intent to commit an indictable offence, which I have covered. The committee also addressed the topic of drink spiking with drugs other than alcohol without a lawful excuse, and its assessment in relation to Victoria was that administering, without consent, any substance capable of interfering substantially with the bodily functions of the other person, such as inducing unconsciousness or

sleep, was an offence under section 19 of the Crimes Act, as I mentioned earlier; and that there was also the offence of introducing a drug of dependence into the body of another person without authorisation, which bears a maximum penalty of one year's imprisonment, as provided in section 74 of the Drugs, Poisons and Controlled Substances Act.

The last area addressed by the committee was that of drink spiking with alcohol for a prank. That also was identified as a potential gap in Victoria's drink-spiking laws, and the committee said:

> Possible that offence of administering, without consent, any substance capable of interfering substantially with the bodily functions of the other person would apply — may depend on how much alcohol is administered.

Because it was unclear as to the extent of the coverage of the existing offence, there is a gap, and it is that gap which the second offence created by the bill is intended to address — the offence to be inserted in the Summary Offences Act.

I want to turn in particular to the detail of that offence because the opposition is concerned that it may not be drafted adequately to achieve its purposes. The offence rightly says that a person could give food or drink containing an intoxicating substance to another person knowing that the victim was not aware or reckless as to whether the victim was aware about the food or drink containing the intoxicating substance, or reckless or knowing that the victim did not know how much of the substance was in there, and that there was more than the victim realised.

However, when it comes to the actual motivation for the offence it is necessary for the offence to be made out to show that the perpetrator intends the victim to be harmed by the consumption of that food or drink, and it is that requirement of intention that may be unduly limiting and may therefore prevent the section being used to deter people who ought to be punished and deterred; because as members may know, Australian law — Victorian law in particular — distinguishes between doing an act with an intention of bringing about a particular result, and doing an act knowing that a particular result may follow and being reckless as to whether or not it occurs.

It is an important distinction, and in this jurisdiction offences such as murder can be made out either with the intention of killing someone or committing an act that is known to have the likelihood of killing someone and reckless as to whether or not that death occurs. However, here reckless conduct in the sense of giving someone a drink laced with a drug or laced with excessive alcohol not intending to harm the victim but knowing that harm may follow and reckless as to that result will not constitute an offence; and it seems to us that that form of reckless conduct ought to constitute an offence.

We are also questioning whether the reference to harm is adequate. The Attorney-General, in his second-reading speech, seemed particularly to go to some length to draw a distinction between what he referred to as 'an extra birthday shot given as a gesture of goodwill' on the one hand and an intention to harm the other person on the other hand. 'Harm' is defined in the bill as impairing the senses in a way that the person may reasonably be expected to object to in the circumstances.

One could argue that harm is fairly broadly drawn. But we are worried about the Attorney-General's apparent condoning of drink spiking in some situations. It may be a fine line, but if the community were led to take a very liberal attitude to what is described by the Attorney-General as goodwill, if the community were led to think it is okay to dose people's drinks up with excessive quantities of alcohol or other drugs as long as there is not an intention to harm the other person, then that may well be sending the wrong message and may well not be making an offence of conduct that is potentially likely to cause harm.

Clearly if such conduct occurs in circumstances where there is no likelihood of harm resulting then maybe it is not appropriate that it be criminalised, but we need to send very clear messages as to what is and is not acceptable, and secretly dosing people with excessive quantities of alcohol can be a very dangerous activity indeed, and we certainly raise the issue of whether or not doing that recklessly should be an offence rather than just with the intention of causing harm.

That is an issue not only as a matter of principle but as a matter of practicality, because if you have someone before the court, the prosecution has to show, in the way the government proposes to define the offence, not only that harm has followed and that it was patently obvious that the accused would have realised that harm was likely to follow — it is not enough to show just that — but for the prosecution to succeed it would have to show a positive intention on the part of the accused to cause harm to the victim, and that is likely to be also a practical impediment to the ability of the prosecution to succeed. As I indicated earlier, the report of the Model Criminal Law Officers Committee certainly did not take the indulgent attitude to so-called prank

spiking that at least one reading of the Attorney-General's second-reading speech would seem to imply.

In conclusion, the bill fills two gaps that have been identified in the Victorian legislative response to drink spiking, but two major areas of apparent continued omission remain: firstly, there is no general offence of administering a drug or other substance in food or drink spiking with the intent to commit an indictable offence; and secondly, in relation to administering a substance to someone where that is likely to result in harm, there is the gap that intention has to be proved and recklessness is not sufficient. We certainly hope our concerns about both those gaps will be responded to by government speakers and by the Attorney-General during the consideration of this bill.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. This bill creates an offence of drink and food spiking where a person gives another person or causes that person to be given or to consume food or drink that is spiked, knows that the victim is not aware or is reckless as to whether the victim is aware that the food or drink is spiked, and intends the victim to be harmed by the consumption of the food or drink.

The member for Box Hill has raised the question of whether or not reckless acts should be encompassed within the offence. I understand what the member for Box Hill is saying, but I think what we are trying to deal with is a situation where harm is intended, which is therefore a criminal act. You might get some poor practices at a party where someone puts too much alcohol in a punchbowl or something like that which affects a person. That may be reckless behaviour and even poor practice, but I do not think we really want to criminalise that sort of act, and this bill is clearly trying to focus on what are criminal acts.

The bill also amends the Crimes Act and expands the definition of an indecent act to include an indecent assault. That is because the current legislation applies only to those instances where a person is incapable of resisting sexual penetration. The bill widens that term to encompass sexual assault as well as sexual penetration.

This bill sends a clear and unambiguous message that the spiking of food and drink is unacceptable, and that we want to increase the protections available to our young people when they are out having a good time, because it is young people who are the most vulnerable to these heinous acts. The vulnerability of young people was outlined in the report commissioned by the Ministerial Council on Drug Strategy. It found that about half of drink-spiking victims were under the age of 24 and that one-third were aged between 25 and 34.

There have been some chilling and repugnant cases publicised in recent times. We had the example of the 'hot chocolate rapist' who terrorised the central business district and the South Yarra and Albert Park areas. He drugged, raped and assaulted women after befriending them in the early hours of the morning. He presented as a respectable gentleman, but he would buy his victims hot chocolate drinks and then lace their drinks with substances. We also had the recent case involving a small-time actor, Michael McLindon, who had appeared in *Neighbours*. He laced a young woman's drink with morphine and then raped her. He was sentenced to six years in prison and was ordered to serve at least three and a half years before being eligible for parole.

These kinds of stories are obviously just the tip of the iceberg, and that is why it is important that we strengthen the law in this area. Whilst there are the well-known cases, we do not know how common drink spiking is. The data provided by Victoria Police would suggest that perhaps this is a minor crime in the sense that there are not many reported incidents. If you look at the data for 2006–07, you see that there were only 10 offences of administering a substance to interfere with a bodily function, 33 offences of introducing a drug into the body of another, and only 5 offences of administering a drug for sexual penetration. However, the fact is that the rate at which drink spiking occurs is very difficult to establish. There were 660 reported incidents of drink spiking across Australia and 51 in Victoria between 2002 and 2003, but there is huge underreporting. Most experts in this area say there would probably be 3000 to 4000 suspected incidents across Australia in that time frame. Almost one-third of those cases of drink spiking involve sexual assault, and we know that it is more likely to happen to young women in particular, given that four out of five victims are female.

I think that focuses on what this issue of drink spiking is about. It is not just about pranks and not just about mucking around; it is actually an extension of the violence against women in our society. I do not know what is in the minds of these men who spike drinks. Maybe it helps them to distance themselves from the fact that in other circumstances, if the drinks were not spiked and if the women were not drugged, the women would resist these assaults. Perhaps they can kid themselves that in fact they are engaging in an activity where the woman does not resist. But the fact of the

matter is that this is a serious crime and it should be treated as a crime against women in particular.

There are terrible side effects from drink spiking, including muscle spasms, short-term memory loss, loss of consciousness, vomiting, respiratory difficulties, slurred speech, paralysis and hallucinations, but in addition there are the after-effects that women experience. Drink spiking is a particularly heinous crime because unless the victim presents within a time frame when a urine or blood sample can be taken which shows traces of the spiking, it can be very difficult to detect, because drugs pass through the body in a very short time.

There is also the shame the victims experience and a range of barriers that prevent women from reporting incidents of drink spiking. They may see this as something that they contributed to and believe that they were off guard, that they should have noted who they were socialising with and perhaps they should have watched their drinks more carefully. They can feel totally embarrassed that they have been put in a situation where they have been drugged. They obviously do not want their families or friends to know about the incident. In fact many victims do not even regain consciousness until a day or two later in the most severe examples of drink spiking. They may believe that because there is no proof — because they were unconscious — the police or their friends will not believe them and that no action will be taken.

Those things contribute to underreporting, but I think the important thing about this bill is that it is reinforcing that drink spiking is a crime and it is expanding the nature of the offence. It will, I hope, encourage women in particular to report drink spiking and to speak out about this criminal behaviour, because in many instances it shatters women's lives. It certainly shatters their confidence, because it is an abuse of trust. You were drinking at a bar, you thought you were with people you could relax with and spend time with who were friendly towards you, but in fact they were intending to abuse you. They wanted to exercise power, and they were engaged in predatory behaviour against you so that they could inflict sexual assault and a crime of violence upon you. That sense of power and control that the perpetrator experiences must be tackled by making it very clear that this is something that will not be tolerated in our community. It is something that we do not accept, and we will pursue perpetrators of drink spiking with the full force of the law.

This bill recognises that enormous harm is caused by drink spiking; that it is an offence to spike a drink even if the person does not consume it; that we are not going to tolerate pranks; that we are not going to tolerate what are actually wilful acts of sexual violence against women, the prelude to which is the spiking of drinks; and that we are not going to tolerate a situation where women are made vulnerable and rendered unconscious by these kinds of acts. We will be cracking down on perpetrators with the full force of the law and ensuring they are brought to justice. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak about the Crimes Legislation Amendment (Food and Drink Spiking) Bill and indicate my intention to support the bill. I would also like to reflect on and generally be supportive of the comments made by the members for Box Hill and Bentleigh.

The purpose of this bill, as described by the members for Box Hill and Bentleigh, is, firstly, to:

> amend the Crimes Act 1958 to extend the offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration to also apply to an indecent act;

Its second purpose is to:

> amend the Summary Offences Act 1966 to create a new offence for the spiking of another person's food or drink.

Previous speakers have touched on more detailed aspects of the bill. I wish to talk about the subject in the context of the issue of drink spiking. As has been mentioned, it is difficult to determine the exact rate of drink spiking, but according to a very useful publication prepared by the parliamentary library research service, it has been suggested that the incidence of drink spiking in Australia between July 2002 and June 2003 was of the order of 3000 to 4000 people. Another key message from that research is that drink spiking with alcohol is the most common form of spiking.

It is interesting that this issue was investigated previously by the parliamentary Drugs and Crime Prevention Committee as part of an inquiry that committee undertook in 2002 into amphetamine and party drug use. I was a member of the committee, and at that stage it identified the issue of drink spiking. In fact it made a recommendation, which I will read:

> The committee recommends that consideration be given to the creation of a new general offence of 'drink spiking' with a sufficient level of penalty to reflect the gravity of this crime. Such an offence should be in addition to and not in substitution of the provisions of section 53 of the Crimes Act 1958 …

That issue was identified by the Drugs and Crime Prevention Committee in 2002. The government's

response to the committee's recommendations was to advise that it was in consultation with stakeholders and specialists and would subsequently take action. In 2008 action has been taken, and I certainly welcome it.

I want to spend a little more time on the contents of the Drugs and Crime Prevention Committee report. It highlights the fact that drink spiking is not new; it goes back a long time. The report talks about the links between people having their drinks spiked and then being whisked away for the slave trade — that is going back a long time. The report also identifies a number of risk situations, some involving particular nightclubs.

Schoolies week, particularly on the Gold Coast, was identified as a high-risk situation. Men, both heterosexual and homosexual, often feature in drink-spiking incidents. Also of interest is that the report notes that whilst a major objective of drink spiking is often to involve the victim in non-consensual sex, there are other reasons for drink spiking. Some of them seem to be just trialling a drug at different dosage rates to see what happens. The perpetrator might be involved in conducting dose-rate response trials in a nightclub situation.

There are other situations where sometimes drinks are spiked just to make someone look silly. One case mentioned in the Drugs and Crime Prevention Committee report was where a man had split from his wife who was 5 foot 10 inches tall and blonde. He took great pleasure in going around and spiking the drinks of anyone who looked like his wife. Anyone who was 5 foot 10 inches tall, blonde and female was at risk of having their drink spiked because this person was taking revenge on anyone who looked like his wife. As I said, there is a history to the development of this piece of legislation, and for that reason, given my background on the Drugs and Crime Prevention Committee, I support it.

It is also worth putting the general issue of a regulatory approach to this problem into context. One of my colleagues, the member for Mildura, had a briefing prepared for him by a young girl who had been a victim of drink spiking. Her final comment was that this legislative measure must be part of a wider approach. As I just said, that comment came from a victim of drink spiking.

If we look at the wider issues, there is firstly the issue of the culture of drinking. Unfortunately, amongst young people in particular, there is a culture of drinking to get drunk as fast as you can. Often those who drink in that manner are very young and may be between the ages of 10 and 13. Along with one of the members for Northern Victoria Region in the upper house, Damian Drum, I was involved in interviewing students about their attitudes to smoking, and whilst young people collectively said that someone who smoked turned them off, when it came to drinking there was an absolutely totally different view. They said, 'Yes, everyone drinks. Yes, we drink to get drunk'. Those answers were coming from people who were under the legal age of drinking, so that is a key issue.

Another key issue is the challenge for people to accept taking responsibility for their own actions and therefore, if they are going to drink, drinking a level of alcohol that does not interfere with their ability to make judgements. Equally importantly we must all take responsibility for looking after our friends. Very often young people do go out in groups and make sure they look after each other. In the event that someone has too much to drink voluntarily or has their food or drink spiked, then there are friends around to look after them. Fortunately that was the case with the young girl I referred to earlier whose drink was spiked. Her friends were there with her, and as soon as she collapsed to the floor they took her quickly to hospital, and there were no other undesirable consequences as a result of that incident.

Coming back to the fact that the majority of drink spiking involves the use of alcohol, the other key issue is responsible service of alcohol in nightclubs and other venues. I encourage members, if they are short on light reading over Christmas, to look at the report prepared by the Drugs and Crime Prevention Committee on its inquiry into strategies for reducing the harmful effects of alcohol consumption. There are two volumes comprising around about 1400 pages of extremely valuable information that provide a further insight into the broader issue of the abuse of alcohol, which can include drink spiking but which is often the self-inflicted abuse of alcohol.

In conclusion, I support this legislation because it improves the ability of the police to take action against people who are doing the wrong thing and setting up other people to be violated. But in saying that, I reiterate what was said by the young person who was a victim of drink spiking, which was to highlight that this legislation should be part of a wider approach that includes a cultural change on the part of young people so that they do not get themselves into those situations and involves people taking responsibility for their own actions and looking after their friends.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak in the second-reading debate on this bill, because I think it is a very important piece of legislation. I am most pleased that all sides of the house are supporting this bill. The issue of food and drink spiking is as old as time itself. It is probably as old as the oldest profession in the world. Many Roman emperors and medieval kings had a food and drink taster in case their drinks and food were poisoned. I believe that most recently the dictator, Saddam Hussein, had somebody tasting his food and drink in case he was the victim of food and drink spiking.

I commend to the house television advertisements that are being screened at the moment. They do not address the issue of food and drink spiking but the dangers of binge drinking. They certainly show the danger of being impaired by alcohol or drugs. I commend those advertisements to members, because they show the things that can happen to you when you are impaired by drinking too much of your own volition. It also shows in frightening detail a young girl being the victim of a sexual assault and also a young man presumably who has no control over his actions and wanders in front of an oncoming car. The intent of people who indulge in food and drink spiking is that their victim will be impaired to the extent that they have no control over what they are doing. Most of all it is for the purposes of sexual penetration, but it can be for other things. You might spike a drink with the intention of stealing somebody's wallet or their goods, but most of the time it is for sexual reasons.

We will all be aware that one of the most recent cases involved the hot chocolate rapist. He had many victims, probably a lot more victims than have come forward, because many of his victims cannot really remember what went on. They have a blurred recollection that something happened to them and they feel ashamed. They also feel foolish that they let something happen to them. Both women and men have the right to go to any social function — to a nightclub or dinner at a friend's house — and feel safe. The predators who are involved in drink spiking want people to feel unsafe. We all know that alcohol relaxes the muscles, so people are vulnerable because of that initial taking of the alcohol and then they may have a drug or something put in the drink that takes their resistance down even further. There have been many instances of drink and food spiking.

We want to build a friendly, confident and safe community, and this legislation fits in very nicely with the Growing Victoria Together policy, because people have a right to go out anywhere, feel safe and not be violated. Under this bill it is not just the act of spiking itself that constitutes an offence. You do not have to have taken the food and drink for an offence to have occurred. Often the victim is not aware, as probably happens in most nightclubs, that somebody has slipped something into their drink. Some of the drugs that are put into drinks are tasteless and have no smell, so the first you know that you perhaps have been a victim is when you wake up with a blurry head the next morning. That is what happened to the victims of the hot chocolate rapist.

There is a gap at the moment at the lower end of the spectrum, so the committee recommended that the new offence should carry a maximum sentence of two years imprisonment, which is why it is in the Summary Offences Act. It covers cases where alcoholic drinks are spiked with additional alcohol or drugs. Members may well ask what if a well-intentioned barman on the night, perhaps a friend of one of the patrons, says, 'We'll give her an extra shot of vodka'? The offence will apply only if the person spiking the food or drink intends the victim to be harmed by the consumption of it. It will not capture well-intentioned acts, such as a partner or a friend giving someone an extra shot.

This is good legislation. I am very pleased that both sides of the house are supporting it. People are entitled to go out and feel safe — safe from predators, safe from somebody who thinks they are having a bit of a lark by spiking someone's drink or food. The crime is a serious one that affects a lot of young people. I know one young lad that it happened to. His mates thought it would be a lark if they gave him a bit of vodka disguised in orange drink. They thought it was very funny when he started telling jokes, but as the evening progressed, unfortunately this young man passed out. An ambulance had to be called because apart from a few young people, nobody knew what was wrong with him. He was 15 years old. His parents were called, and then they realised that his orange juice had been spiked with vodka.

I commend all parties in this house that are supporting this bill. It protects our young people. Everybody has a right to go out to a club or a bar or to go out for dinner and feel that they are safe from predators. This bill will allow that to happen, and I commend it to the house.

Mr R. SMITH (Warrandyte) — I rise to speak on the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. I would just like to note at the outset that Western Australia, Queensland and South Australia have also introduced legislation on drink spiking, and I am pleased that Victoria has followed suit.

This bill amends the Crimes Act 1958 to extend the offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration to also apply to an indecent act. Clause 3 sets out a maximum penalty of five years imprisonment for this offence. The bill also amends the Summary Offences Act 1966 to create a new food or drink-spiking offence. The offence carries a maximum penalty of two years imprisonment, according to the bill.

In 2004 the national Ministerial Council on Drug Strategy handed down a report on the incidence and prevalence of drink spiking in Australia. The report found that during the period of 1 July 2002 to 30 June 2003 there were between 3000 and 4000 suspected incidents of drink spiking. One-third of these incidents involved sexual assault, and 80 per cent of victims were female. These are extraordinarily high figures, which certainly justify this legislation.

In terms of the prevalence of alcohol being the drug used in spiking incidents, a briefing paper prepared by the Australian Centre for the Study of Sexual Assault and titled *Beyond Drink Spiking* had the following things to say:

> While police and sexual assault services have become more alert to the phenomenon of drink spiking with illicit substances, they have rightly assumed that alcohol is by far the most common drug used in this context.

The report also states that service providers have been keen to communicate that alcohol be recognised as the key spiking agent, and that alcohol can have similar physiological effects to rape drugs like Rohypnol. The report reiterates time and again that alcohol is the primary drug used in these offences.

The Attorney-General picked this important issue up in his second-reading speech, which says:

> The offence is also made out if the victim has been given more of an intoxicating substance than they could reasonably expect their food or drink to contain. This means that it captures the spiking of an alcoholic drink with additional alcohol where the elements of the offence are also satisfied.

I support this aspect of the bill. I do, however, have some concerns with what the Attorney-General said in the next line. I quote:

> As such the offence does not criminalise all instances in which a person gives another person more alcohol than they are aware of — for example, the extra 'birthday' shot given as a gesture of goodwill — but it will capture this behaviour if there is an intention to harm the other person.

I certainly understand and agree with what the Attorney-General is trying to say with this statement, and the member for Bentleigh also highlighted this intent in his contribution — that amongst friends who mean no harm to each other, this sort of behaviour can be acceptable.

But we need to be careful about what a gesture of goodwill means in the mind of a perpetrator. The attitudes of those that spike drinks are highlighted in a nationwide study conducted by psychologist Bridget McPherson at RMIT University. That study found that almost half of all drink spikers say they do it for fun. It found that almost one-third of perpetrators said they thought that spiking a victim's drink would put them in the mood for sex, and it found that one in five said it was easier to approach someone for sex if the victim was drugged or drunk.

The National Ministerial Council on Drug Strategy that I mentioned earlier also highlights these issues. It says:

> It was suggested that many males also consider that spiking drinks with alcohol to facilitate 'seduction' is also acceptable.

It also found, almost unbelievably, that:

> … some males may not view drink spiking followed by non-consensual sexual intercourse with an unconscious —

person —

> … as illegal.

So while this legislation addresses the issue of those who commit these offences, we see that there is a need to be more proactive. While there are those out there who have these casual views about drink spiking, I would like to see the government go still further with this legislation and perhaps accompany it with an advertising campaign to educate people, particularly young men, that drink spiking is not just fun, and that it is not acceptable to fill a victim up with alcohol to make them more compliant for sex.

I would also like to take this opportunity to once again urge the government to support rape victims and allocate more funding for counselling services. I have raised in this house before, during the debate on the Crimes Amendment (Rape) Bill, the long time that many victims of rape have to wait for counselling — sometimes they have to wait up to six months before they are able to access counselling services. This state of affairs continues to be unacceptable, and I urge the government to ensure that rape victims receive the support and funding they need to get the counselling at the earliest possible opportunity. With that said, this legislation is certainly a step in the right direction, and I support the bill before the house.

Mr STENSHOLT (Burwood) — I also rise to support the Crimes Legislation Amendment (Food and Drink Spiking) Bill. I commend it to the house for support because the community is concerned about food and drink spiking and particularly about binge drinking. Those of us who are parents and have children under 25 are obviously somewhat concerned about what might happen to them. We know that sometimes, for example, various parties get out of hand, and we read in the newspaper or we hear on the bush telegraph that something has happened down the street or in the suburbs with regard to a party getting out of hand or the people attending it binge drinking.

My daughters are now aged 19 and 20, and I have heard many stories from them over the years, particularly stories about some of the boys going to parties and binge drinking every week, taking along a slab and consuming it, and also stories about drink spiking and the very common act of putting some colourless liquid, whether it be ouzo or gin or something like that, in a drink. Or it might be a bourbon and coke but the proportions are about half bourbon and half coke. Of course someone unsuspectingly drinking this would rapidly become drunk and no longer be in control.

This bill is aimed at regulating spiking where people do it with intent. Other speakers have talked about clause 4(2)(c) under which the person has to intend the victim to be harmed by the consumption of that food or drink.

Clause 4(2)(b)(ii) also requires that:

> the food or drink contains more of an intoxicating substance than the victim would reasonably expect it to contain.

Actually quite a common part of drink spiking is adding extra alcohol to the drink to get people drunk, particularly in the case where there is an intention to get them drunk enough so they are a bit more passive and compliant, particularly with regard to having sex, in which case it becomes sexual assault or rape if there is no agreement.

A number of studies have been done, and this bill is the result of the work of the Model Criminal Law Officers Code working for the Standing Committee of Attorneys-General (SCAG). There were a number of studies, many of which have been quoted by people, particularly studies by the Australian Institute of Criminology and we are all very much familiar with the issue.

We talk about mickey finns and things like that, but it has been brought to our attention, as others have mentioned, that it is not just alcohol. In the case of the hot chocolate rapist, it was very much close to home in the local area. There are a number of drugs that can be administered, and clause 3 of the bill deals with that particular aspect, covering what seemed to be a loophole according to the various studies which have been done for SCAG.

This bill is aimed at making sure that people are not exploited and are not vulnerable, that they can go out and have dinner or go to a nightclub or party with some certainty and some safety. The bill also provides that where spiking occurs, the food or drink does not have to be consumed; then all the difficult tests do not need be done afterwards to establish evidence. The intent was clearly there because the food or drink was actually spiked and therefore some charges can be made in this regard.

This bill helps make sure that Victoria is a great place to live, work and raise a family, and also be safe. It is the intent of this bill that our young people can do that safely and sensibly without fear, and without thinking that they may well be compromised; it means they need not worry about their drinks.

I know that young people worry, and young women have strategies to look after their drinks. They talk among themselves, saying, ‘Make sure you keep it in sight at all times. Let’s make sure we look after each other’. Of course they do, but it is a worry that this has to be a constant concern of theirs. This bill gives them some more protection, safety and assurance, and I commend it to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to debate on the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. This bill fundamentally does two things: it amends the Summary Offences Act 1966 to create a new offence for the spiking of another person’s food or drink, and it also amends the Crimes Act 1958 to extend the offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration to also apply to an indecent act.

The coalition supports the bill and the principle of providing our police with additional powers to apprehend those who are engaging in food and drink spiking and ensure that they are brought to justice and that the appropriate penalties are applied.

Previous speakers referred to the unknown incidences and prevalence of food and drink spiking, as does the second-reading speech. The member for Benalla and

the member for Warrandyte referred to some possible statistics of 3000 to 4000 people who may have been victims of food and drink spiking. I contest that, because I think the figures would go much higher than that. I know that from my own experiences and from hearing evidence of younger people who believe that they have been the victims of drink spiking in nightclubs. They have not reported those cases because they were not sure whether they had or had not been victims.

I hear stories of these acts unfortunately occurring in the Latrobe Valley and the Traralgon entertainment precinct. Earlier we heard members speak on the one hand about people with intent and purpose and on the other hand about those who might spike drinks because they see it as a bit of fun. In the case of the Traralgon entertainment precinct and nightclubs and other premises where these type of activities occur, in the first instance we should have appropriate and responsible service of alcohol while ensuring we also have appropriate surveillance within such precincts. It is good having the legislation now before us, but we need to make sure we have closed-circuit television, where appropriate, and surveillance cameras within those areas or precincts. Smaller measures are also important, such as ensuring that you do not leave your drinks exposed when with a group of people and making sure that if you do depart for a short time, your friends — that is, your real friends — make sure that your drink is not spiked while you are away.

The member for Bentleigh mentioned a couple of high-profile cases in Melbourne, with the hot chocolate rapist being one. It is abhorrent to hear the stories associated with that case. Those who undertake that type of predatory behaviour are nothing short of cowards. They spike women's drinks for the sole purpose of their sexual gratification. Like the member for Burwood, I, too, have teenage children.

Mr Kotsiras interjected.

Mr NORTHE — I know it is surprising that a young-looking man like me would have teenage children, but it is always a concern when they get to that age of entering entertainment precincts. Parents always have the fear that their child may be a victim of drink spiking. I know from previous encounters of people who have consumed too much alcohol and have not woken up the next day.

It is a concern whether this bill goes far enough in terms of the birthday shot scenario, which will not be captured in this legislation. The member for Warrandyte said that it is a very dangerous practice and once the legislation is passed by Parliament, I hope an appropriate advertising campaign takes place to ensure our young people understand this legislation that will form part of the principal act and that the penalties to apply for these type of offences will be carried out to the letter of the law.

That aspect of the legislation is a concern, and I think the bill should have gone further. I am sure the intent of the Attorney-General is not to support the birthday shot scenario, but I believe we need to provide greater education and understanding for young people, because the repercussions and practice of spiking your mate's drink for a bit of fun and joy can have dire consequences.

The member for Benalla mentioned some of the work that was previously undertaken by the Drugs and Crime Prevention Committee. As the member suggested, if you are looking for some light reading, you could read the committee's report on its inquiry into strategies to reduce harmful alcohol consumption. I had the opportunity to read the drink-spiking aspect of that report. It is interesting to see some of the statistics and figures about drink spiking, and the consequences involved. Like the member for Benalla, I ask members to read that particular aspect of the report.

In summary, I do not need to say too much more because of what other members have said in this debate, other than that there is some concern about the intent aspect of this legislation. Overall, the coalition supports the legislation that the Attorney-General has introduced. The legislation is a step in the right direction, and we look forward to its speedy passage.

Ms THOMSON (Footscray) — I rise to support the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. I do so while acknowledging that all members of the house are supporting the legislation. The bill has come about from the recommendations of the Model Criminal Law Officers Committee code and its final report on drink spiking.

Two of the elements that have come out of this are that it creates an offence of food or drink spiking where a person gives another person or causes another person to be given or to consume food or drink that is spiked and knows that the victim is not aware or is reckless as to whether the victim is aware that the food or drink is spiked and intends the victim to be harmed by the consumption of the food or drink. This is a preparatory offence so it is not necessary for the food or drink to be consumed for it to be made out.

This is legislation that I think we would prefer did not have to be put in place, but the truth is that when most of us were younger, and going out and having fun, the last thing we would think about is whether our drinks or our food had been spiked. We went out to have a good time and, in the main, most of us probably did have a good time. When you hear the stories and see the statistics from the work of the Australian Institute of Criminology that indicate four out of five drink-spiking victims are female, that about half of them are under 24 years, that two-thirds of expected incidences occurred in licensed premises, and a staggering one-third of those are associated with sexual assault, then it is serious; and it does require action to be taken. I commend the Attorney-General and the government for proceeding with this legislation.

We have heard about the incidents, the stories and the horrific incident about the hot chocolate rapist. Like many members of this Parliament — it must say something about the age of most members of this chamber — I, too, have a daughter and a son who fall within that age bracket. I remember when my daughter first started to go out that my biggest fear was drink spiking. I was absolutely confident about how she would conduct herself, but I was not necessarily confident about the people who might be in those licensed premises or out partying, how they might conduct themselves, and the effect it might have on my daughter and her friends.

I was pretty heartened to hear the strategies they had put in place to protect themselves, but it meant they had to be forever vigilant about the way they conducted themselves — and to be mindful of each other's drinks. They had this kind of protective code they put in place amongst themselves to ensure their drinks were kept safe. They would not keep drinking them if they thought that at any stage they had not been securely observed by one of the friends. In some of these crowded venues we have today spiking can happen so easily without anyone realising it. Next thing they know, they are not quite sure what happened on the night. They are not quite sure what activities took place, and they might end up in a place totally different from the place they started out at without knowing how they got there. This is not acceptable.

If we are getting underreporting of these incidents — and everyone believes that is the case — then we need to give people an opportunity to feel they can report. By legislating we are giving them the okay to report — to say that it goes on, that we acknowledge that it goes on and that we need to act in relation to it.

At the end of section 53 of the Crimes Act the bill inserts the following:

> (2) A person must not —
>
> (a) administer a drug, matter or thing to a person; or
>
> (b) cause a drug, matter or thing to be taken by a person —
>
> with the intention of rendering that person incapable of resistance and thereby enabling himself or herself or another person to commit, or in any way be a party to the commission of, an indecent act with that person.

This offence attracts level 6 imprisonment, with a maximum of five years. I think this indicates the seriousness with which we view drink or food spiking and the effect it can have on predominantly young women. This is a reassurance to those young women that we do take their concerns seriously. I know it will have an effect on my daughter and her friends and that they will feel that there is action that can be taken against those who may spike their drinks. Those who may intend to spike but never get to carry it out are also covered by this legislation.

Members have spoken on the issue of intention, referring to the odd party shot at a birthday celebration or someone saying, 'Let's give them an extra shot to celebrate their birthday', never with the intention of causing harm, even though sometimes it might. Other members in this chamber have mentioned the need for an education program, and some of us may have seen the new advertisements that are currently on TV regarding drinking and proper behaviour by young people. The question is whether you really want to drink too much and conduct yourself in the ways in which those advertisements suggest you might if you drink too much.

Education is a very important element in this. It is important that people know that even if they are acting in fun, they need to understand the impact of what they might do. I also do not believe that is a matter we can legislate for. There has to be intent to cause harm. This legislation balances those matters out and adequately covers that. I support the bill, and I look forward to its passage.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak in the debate on the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. At present there is no separate offence category in any Australian jurisdiction for the act of spiking someone's drink. Rather the use of criminal laws to prosecute drink spiking depends on the state or territory in which the incident occurs, the motivation of the person

spiking the drink, the type of substance used to spike the drink and the effects of the spiking. In July 2003 the Australian Institute of Criminology was commissioned by the commonwealth Attorney-General's Department to conduct stage 1 of a national project on drink spiking. This bill represents the incorporation of the advice to the AIC of the Model Criminal Code Officers Committee.

I turn to the main provisions of the bill. It amends the Crimes Act 1958 to extend the offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration to also apply to an indecent act. As the Attorney-General explained to the house, the current legislation applies only to situations where a person has been rendered incapable of resisting sexual penetration. The bill defines 'indecent act' in the new section as meaning an indecent assault or act in the circumstances provided for under other sections of the Crimes Act. The penalty for this new offence is five years maximum imprisonment.

The bill also amends the Summary Offences Act 1966 to create a new offence of the spiking of another person's food or drink. Section 41H(1) of a new division defines terms related to food and drink spiking as following. 'Give' is defined as to prepare food or drink and to make food or drink available for consumption. 'Harm' includes impairing the senses or understanding of a person in a way that the person might reasonably be expected to object to in the circumstances. 'Impair' includes to further impair. 'Intoxicating substance' includes a substance that affects a person's senses or understanding.

A person is guilty of an offence if they intend for the victim to be harmed by the consumption of the food or drink. However, the bill does not criminalise all instances in which a person gives another more alcohol than they are aware of — for example, an extra shot of alcohol for being a good customer. Rather the focus is on the intent to do harm.

A discussion paper on drink spiking made very interesting background reading on this bill. The statistics I will quote are derived from 2002–03 data, because they are the most comprehensive due to the difficulties associated with verifying whether an incident actually occurred. Four out of five victims of drink spiking are female. It is estimated that only 15 per cent of suspected drink-spiking sexual assaults are reported to police and that between 20 and 25 per cent of suspected drink-spiking non-sexual assault cases are reported to police. By extension, very few perpetrators are apprehended.

About half of all drink-spiking victims are aged under 24, while about one-third are aged between 25 and 34. The majority of reported drink-spiking incidents have no associated criminal victimisation, indicating that prank spiking may be a common motivation for drink spiking.

That is very different to what now appear to have been days of innocence, when the non-alcoholic punch at the family parties was loaded with a bottle of vodka or gin with the intention of watching the aunts and elderly people get a little bit silly. Growing up in a household with a Presbyterian-Methodist background, where drinking alcohol was considered quite sinful, we received terrible punishment when it was discovered that we had spiked the non-alcoholic punch. How innocent that appears compared to what is happening now.

Between 20 and 30 per cent of incidents reported to police involve sexual assault, while it is estimated that about one-third of all drink-spiking incidents are associated with sexual assault. About 5 per cent of incidents involve robbery. My family has just experienced a drink-spiking and robbery incident. My niece, who is aged 18 and currently travelling through Europe with a group of teenagers, was robbed on Wednesday of last week. She discovered that her drink had been spiked and money taken from her handbag.

Fortunately that was all that happened. She passed out at a table in Paris, and her companions looked after her. It is horrifying to think what might have happened if she had not had her companions with her. She has no idea who spiked her drink. There is no possibility of anyone ever being able to identify whoever did that. Whether the perpetrator intended for her to pass out or whether they just intended for her to become a little bit woozy and not be aware of her situation so they could steal her money, we do not know. We are just thankful it did not extend to something more serious.

Many victims experience memory loss after drink spiking, and that occurred in my niece's case. She has not had forensic testing of blood and urine samples because she is travelling, but it is relatively rare to have blood and urine samples tested, and it does not always conclusively prove that drink spiking has occurred.

The vast majority of drink-spiking incidents are not reported to the police, and one can understand why that is, because if you are out and have had a few drinks, you might think you have had one too many. This bill deals with punishing the offence, but we really should be working a lot more on intervention and prevention. We should have campaigns about never leaving your

drink unattended, about buying your own drinks and about looking out for your friends. But there are always shortcomings associated with any behavioural interventions, and this puts all the responsibility for prevention on women. There is very seldom a change in male attitudes. They do not believe they have done anything wrong. Others believe the victim has just drunk too much and is using the oldest excuse in the book when she registers a complaint.

Some pubs and clubs have been using Drink Safe Technology's drink-spike detector and have had anti-drink-spiking technology available to them for a number of years. It allows patrons to perform a do-it-yourself drug test on drinks using a drink coaster. While this legislation is being passed, it would be good if the government were to conduct a very focused campaign encouraging clubs, hotels and various other places to use these coasters and make them a marketing point for their venues.

There has been some reluctance about that, with some of the places saying they do not want to do that because it may be seen to be saying that drinkers at their venue are going to be more susceptible to having their drinks spiked. But in the way that we have responsible service of alcohol, we could also have care for the customers. There is a lot that needs to be done.

Mr Burgess — There's a lot more to be done.

Mrs FYFFE — There is a lot more to be done, as the member for Hastings has pointed out, as the technology grows and the drugs become more readily available and more sophisticated, which sadly is happening. A lot of this is done with very serious intent to commit serious crime. I do not think a lot of it is done for fun in the way we used to put alcohol in the non-alcoholic punch. It really was an innocent time when those sorts of things were done.

What sorts of things am I asking the government to do? There should be poster-style advertisements in toilet areas at pubs and nightclubs, with displays near handbasins and hand dryers, and on the backs of doors. We need to make sure that Victorian police are familiar with new developments in this crime, and we need to encourage the expansion of liquor industry partnerships so that licensed premises see they have a vested interest in preventing drink spiking and providing a safe venue for the customers.

Student volunteers at the University of Western Australia regularly distribute wallet cards at open days and functions where alcohol is served. That is something else we should be doing, particularly at universities where young people aged 18 are experiencing the freedom of being away from home. We should also be in schools more with senior students, explaining what is happening, the dangers they face and that they must look out for each other and be careful about what they are doing and what they are drinking.

I call on the government to conduct a marketing campaign so that this legislation, which I support, is not just a stick with which to hit those who commit the crimes but to help prevent any more crimes being committed.

Mr NOONAN (Williamstown) — I rise to speak in support of this important bill, the Crimes Legislation Amendment (Food and Drink Spiking) Bill. I will keep my contribution brief, and I note the cross-party support for this legislation. Victoria already has a range of offences governing drink spiking — from administering intoxicating substances without consent or knowledge right through to manslaughter and murder. This legislation will close a gap at the lower end of the offending spectrum and strengthen the maximum jail sentences for perpetrators of these types of crimes.

Drink spiking has gained considerable media coverage and interest in recent times. Instances of drink spiking most commonly reported in the media involve adding what is called the date rape drug to a drink, commonly an alcoholic drink, without the knowledge of the victim. The aim is to induce an extremely inebriated state in the victim with the additional intention of taking sexual advantage of the victim. These crimes are cold and calculated and unfortunately often involve groups of people.

The disgusting events of the Dianne Brimble case are evidence of the despicable nature of these types of spiking crimes. It is good to see that after six years of investigations, charges are to be filed against three of the eight men involved in the Brimble case. Unfortunately there are also other disgraceful cases involving men who have been convicted of and charged with multiple offences of a sexual nature, including rape, involving drink spiking.

To be clear, the purpose of the bill is twofold: to amend the Crimes Act 1958 to extend the offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration to also apply to an indecent act, and to amend the Summary Offences Act to create a new offence for the spiking of another person's food or drink.

The bill creates an offence where a person gives another person or causes another person to be given or to consume food or drink that is spiked; knows that the victim is not aware, or is reckless as to whether the victim is aware that the food or drink is spiked; or intends the victim to be harmed by the consumption of the spiked food or drink.

One of the deficiencies in our current laws is that they do not apply to a drink that has not been consumed. This legislation will make spiking a drink an offence, whether the drink is consumed or not. In other words, intent alone will now qualify as an offence. Penalties for this type of offence will carry a maximum sentence of up to two years jail even if the drink is not consumed. That is an important message. These types of penalties should send a very strong message that drink and food spiking in Victoria is a very serious offence and that these new laws are there to protect young people in particular from harm and sexual assault.

There have been a couple of references made to community awareness about this issue. The member for Footscray went to the issue of binge drinking, and the member for Evelyn talked about some early campaigns in this area. I want to touch on those.

In research for my contribution on this bill I noted that successful awareness campaigns in crime prevention initiatives have existed in Victoria since about 2002. In 2004 the Victorian Law Enforcement Drug Fund, in partnership with Crime Prevention Victoria, conducted a spiking awareness campaign through Convenience Advertising, which placed ads in more than 100 licensed venues across Victoria. I have since spoken to David Stanley, the chief executive of Convenience Advertising, about that campaign. He was able to inform me about a Western Australian campaign in this area and also of a national campaign involving the police.

In terms of the Victorian campaign, one of the aspects that really impressed me was the strategy to target hotel workers. Clearly they are well placed in serving alcohol to take note of any suspicious behaviour that might occur among their patrons. Whilst not experts, they are at the front line.

As part of the Keep an Eye Open campaign, Convenience Advertising also developed separate messages for men and women in a targeted age range. It would be beneficial to continue this type of awareness building, and I urge the Attorney-General to work with the commonwealth government to deliver such programs in a targeted fashion across those licensed venues. These are community issues: we can create all the laws in the world, but the community must take responsibility. Let us put the tools in

the hands of those people who are well placed to determine whether or not this activity is going on and to be able to report that activity.

In summary, this is good legislation that should remove any gaps or other shortcomings in current legislation in relation to various aspects of drink or food spiking. It will mean Victorians will be better protected from the threat of harm and sexual assault. It will create harsher penalties for perpetrators, including lengthy jail terms for those who are convicted. It will send out a strong message that drink spiking will not be tolerated in the state of Victoria. I support the bill and wish it a speedy passage through the Parliament.

Mr DELAHUNTY (Lowan) — I rise proudly on behalf of the electorate of Lowan to speak on the Crimes Legislation Amendment (Food and Drink Spiking) Bill. The main purpose of the bill is to create a new offence under the Summary Offences Act 1966 dealing with the spiking of another person's food or drink and to extend an existing offence under the Crimes Act 1958 to apply to the administration of a drug with the intention of performing an indecent act.

Like most members I have heard discussing the bill, I will be supporting it. I know of two ladies who have been caught having had their drinks spiked; I have also known of a male who had his drink spiked. They were left with a shocking experience, and it is something that we should do everything we can to make sure does not happen. As the shadow minister for youth affairs, I am concerned about the impact of this on young people, particularly as the bill deals with alcohol and drug abuse.

The bill creates an offence of giving another person or causing another person to be given or to consume food or drink that is spiked knowing that the victim is not aware or being reckless as to whether the victim is aware that their food or drink is spiked, with the intent of the victim being harmed by the consumption of that food or drink. It has often been talked about, and members in this place have spoken about it, that up to 3000 to 4000 people per year are impacted by this offence. It is important that we step in and do something about it.

The shadow Attorney-General spoke about our concerns that the new summary offence does not apply where a person is reckless as to whether the victim has been harmed by the consumption. This will make

convictions harder, as it will be difficult to prove actual intent.

Great things are being done in country Victoria, as you, Acting Speaker, would know. I have a newsletter from Rainbow Secondary College expressing concern about excessive consumption of alcohol. Under the heading 'Health matters' it states:

> Alcohol is the most widely used recreational drug in Australia.

You, Acting Speaker, have been a member of the Drugs and Crime Prevention Committee, and I am on it at the moment. The main concern is with alcohol, and we know that a lot of young people — in fact, 10 per cent of Australian teenagers binge drink every week — experiment with alcohol; often they are not aware of some of the things that are happening to them even from the pure alcohol that they consume. When it has been spiked, it causes major ramifications.

I congratulate the Rainbow Secondary College on the work it is doing in informing its students and the parents about what goes on with the excessive consumption of alcohol but also the concerns about drink spiking and even, in some cases, food spiking.

There is some good work being done across country Victoria and in some of the schools. Like other members, I will be strongly supporting this legislation in the Parliament tonight.

Ms MUNT (Mordialloc) — I rise to speak in support of the Crimes Legislation Amendment (Food and Drink Spiking) Bill, and I want to make a few quick comments.

As other speakers have noted, national research by the Australian Institute of Criminology indicates that four out of five drink-spiking victims are female; about half are aged under 24; two-thirds of suspected incidents occur in licensed premises; and a staggering one-third of incidents are associated with sexual assault. The bill defines an indecent act as sexual penetration. Not all sexual assault, as we know, involves sexual penetration. The bill will redefine 'indecent act' as meaning an indecent assault or act in circumstances provided for under sections of the Crimes Act, and the penalty for this new offence will be imprisonment for five years maximum.

I am a mother of two young women, and when they first started going out I was at pains to ask them to drink only drinks that were in bottles that could not be tampered with, because we are all acutely aware of the dangers of drink spiking. Also, as the local member I was aware after having spoken with local police of instances in my area of drink spiking occurring in local pubs and clubs.

It is a dangerous act not only in the context of its possibly resulting in sexual assault, but if drinks are spiked with substances or extra alcohol other harm can occur. There have been instances recently where young people have fallen over, hit their head and died. As an old fan of AC/DC, I am aware that its lead singer choked and died from being intoxicated. There are real dangers for young men and young women; there are dangers to their health and there is the danger of sexual assault. This bill recognises that those dangers exist, that not all sexual assault is sexual penetration and that drink and food spiking is a serious crime that we have to protect our young people from, both male and female. It is predominantly young females who are vulnerable. When they are under 24 they are still growing up and vulnerable to sexual assault from predators who are out there and who do prey on our young people.

I support this legislation. It is a good bill. I try to make a point of speaking on legislation that protects women in particular but also young people and children. This is another piece of legislation in that vein. I support the bill and commend it to the house.

Mr BURGESS (Hastings) — It is a great pleasure to rise and speak on the Crimes Legislation Amendment (Food and Drink Spiking) Bill. The purpose of the bill is to create a new offence under the Summary Offences Act 1966 dealing with the spiking of another person's food or drink and to extend the existing offence in the Crimes Act 1958 to also apply to administering a drug with the intention of performing an indecent act. The new offence applies if a person gives or causes another person to be given or to consume food or drink that contains an intoxicating substance or if a person knows or is reckless as to whether the victim is aware of the substance or that there is more of it than the victim could reasonably expect and if a person intends the victim to be harmed by the consumption of that food or drink.

Obviously there are areas of concern with the legislation. The first concern is that the new summary offence applies where a person is reckless as to whether the victim will be harmed by the consumption. This will make convictions harder as it can often be difficult to prove intent. Another concern is that the legislation does not close the gap identified by the Model Criminal Law Officers Committee in Victorian law of their being no specific offence for drink spiking with intent to commit an indictable offence.

One of my constituents came to me after a very fortunate escape involving a terrifying experience. Her case was referred to in a newspaper article headed 'Sexual assault outrage' which was written by Louise Clifton-Evans and which appeared in the *Hastings Leader* of 1 September 2007. The article states:

> Sexual assault has increased by more than 85 per cent in the greater Western Port/Mornington Peninsula region in a year.
>
> And spiked-drink victim Annie Wheeler is outraged that, in spite of the figures, not a lot is being done about it.
>
> According to Victoria Police Crime Statistics, there were 139 incidents of non-rape sexual assault for the financial year 2006–07.
>
> That jumped to 258 in 2007–08 an increase of 85.6 per cent putting the region in the top 10 of 78 local government areas.
>
> But Ms Wheeler, a 23-year-old Western Port welfare worker from Langwarrin, who was given a drug in her drink while at a Melbourne nightclub last year, said not enough was being done to counter the insidious increase in sexual assaults.
>
> She said the drug put into her drink was believed to be GBH and she was very ill for some time afterwards.

In the article Ms Wheeler is quoted as having said:

> Drink spiking can be the first step in a sexual assault, and it happens far too easily.

On 9 October last year I wrote to the Minister for Health. My letter referred to the case of Annie Wheeler, and in the last paragraph it stated:

> Minister, I urge the state government to immediately legislate to make 'drink spiking' a specific offence, and encourage the Victorian Police Force to immediately create an identified section to deal with this problem. Empowering a specific and identifiable group within the police force will enable victims to receive help and support from start to finish.

Victims often feel they get lost in the system. One constituent told me she waited six weeks to hear back about what had happened with her complaint about her drink being spiked. Drink spiking is a very serious offence which deserves to be treated seriously and which deserves its own area of policing.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I stand to speak on the Crimes Legislation Amendment (Food and Drink Spiking) Bill, which is a very important piece of legislation. As the father of three children I have heard firsthand experiences of young people — boys and girls — who have had their drinks spiked. In one case a friend of my daughter drank something, felt dizzy and collapsed on the floor. If her friends had not looked after her, who knows what might have happened? It is important that we put a stop to the spiking of drinks and food and do what we can to ensure that those people responsible — the predators whom I would describe as animals — are punished for taking part in this type of activity.

The government also needs to make sure that this legislation is advertised in the wider multicultural media to make clear what happens to people who undertake these activities. It is important that the legislation be advertised and a media campaign be conducted now rather than waiting until something happens. A media campaign in the mainstream media is a good idea, but a campaign should also be undertaken in the multicultural media. As members will know, some 25 per cent of Victorians were born overseas. This is important and good legislation, so I ask the government to pass this information on to Victorians who come from a non-English-speaking background.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Debate adjourned on motion of Mr BATCHELOR (Minister for Community Development).

Debate adjourned until later this day.

PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, page 2, line 14, omit "purposes." and insert "purposes; and".

2. Clause 1, page 2, after line 14 insert —

   "(c) to amend the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008** to make a minor change relating to the commencement of that Act.".

3. Heading to Part 3, omit "**SECOND-HAND DEALERS AND PAWNBROKERS ACT 1989**" and insert "**OTHER ACTS**".

4. Insert the following New Clause to follow clause 21 —

   '**AA Amendment of Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**

   In section 2(2) of the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**, for "1 January 2009" **substitute** "30 December 2008".'.

5. Long title, omit "and the **Second-Hand Dealers and Pawnbrokers Act 1989**" and insert ", the **Second-Hand Dealers and Pawnbrokers Act 1989**

and the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**".

Mr Clark — I wish to raise a point of order, Acting Speaker, regarding the unusual circumstances in which this bill comes back to the house. It was of course passed by this place and went to the other place, and the Legislative Council has remitted it to us with amendments. Those amendments relate to the subject of the electricity industry and to retail competition. They have been inserted in the prostitution control bill by virtue of a power that the other place has under its standing orders to resolve that it be an instruction to its committee that it have power to consider amendments and new clauses on a matter other than that to which the bill before it relates. In other words, in accordance with its powers the upper house has inserted into the bill a clause on an entirely different subject.

We have no objection to that procedure being followed and to the acceptance of the amendment. However, as far as I am aware this sets a precedent and is the first time a bill has been remitted to this house from the other place where an entirely different subject matter has been added. Because it is setting that precedent we think it is important that we confirm that it is in order for this house to consider the bill as it is being amended in that way by the upper house, which has added to the bill an entirely separate matter from that which was sent to it from this place.

Mr Batchelor — On the point of order, Acting Speaker, the member for Box Hill is correct in his description of what has occurred. This amendment relates, in effect, only to the Energy Legislation Amendment (Retail Competition and Other Matters) Bill that was passed by both chambers earlier on, and when we debate the effect of the amendment you will hear the reason for that.

It has been added to the Prostitution Control and Other Matters Amendment Bill because this amendment deals with the protection of consumer affairs — —

Honourable members interjecting.

Mr Batchelor — That is exactly what the amendment does. In terms of prostitution control it is a bill that comes within the realm of consumer affairs. But irrespective of that, the other place, using a power that was available to it, in agreement with all the parties in the other place, passed an instruction during the committee stage of the bill to enable this amendment to be allowed, to be incorporated within that bill, and in those circumstances it is appropriate for this chamber to accept the decision of the other place and to give consideration to these amendments.

As I understand from the opposition, firstly, it supported that process in the other place, and secondly, it intends to support not only the process but the intent of the amendments that will be moved today, and accordingly it is entirely in order for the process to proceed.

Dr Napthine — Further on the point of order, Acting Speaker, I wish to make it very clear that the point of order raised by the member for Box Hill has regard for the precedents in this house. Time and again we have had rulings that amendments cannot be made to legislation unless they are relevant to that legislation. Such rulings, made by the Chair on the advice of the clerks, have been made consistently.

Now we have a situation where legislation sent down from the other place has amendments added to it that this house is now asked to consider, and those amendments bear absolutely no relationship whatsoever to the fundamental legislation. The fundamental legislation is for prostitution control and other matters, and the Council's amendments relate to the Energy Legislation Amendment Retail Competition and Other Matters Act. So despite all the Leader of the House has tried to say about the amendments relating to consumer protection, the government is drawing a very long bow. The reality is that the amendments bear absolutely no relationship to the fundamental bill they are seeking to amend, which is the Prostitution Control and Other Matters Amendment Bill.

As the Leader of the House said, the Liberal-Nationals opposition in the other place did not oppose this amendment being inserted because we understand why it needs to be brought forward and supported and why it needs to be done with a reasonable amount of haste. But we need to have clarified and confirmed by the Chair in this house that this procedure is reasonable and appropriate and sets a clear precedent for future amendments that may be made in this house or the other house to legislation before either house.

What we are doing is creating an enormous precedent here. It is being supported, endorsed and promoted by the government of the day, and it is being supported in the other house by the opposition and the other parties. We are saying that this creates a precedent where in future we would expect that amendments that may be brought forward by individual members or the opposition or third parties, which may have little or no relation to the bill before the house, will seemingly have to be accepted.

That may be a good thing for democracy and for the operation of the house, but this is where we are seeking

your learned ruling on this matter, Acting Speaker. We know you are a member of long standing in this house, you understand the procedures of the house and you understand the precedents of the house, and your ruling will stand for generations to come in terms of the precedent you set.

An honourable member interjected.

Dr Napthine — I expect you will be here for many generations to come to speak on the ruling you make, Acting Speaker! The ruling we are seeking is fundamentally an endorsement from the Chair that the procedure that is being adopted in this case — where the amendments are being brought before this house as a result of amendments made in the other place and where those amendments bear no relation whatsoever to the original bill — is in order, that the amendments are appropriate and that it is appropriate that this house consider those amendments.

I would urge you to use your wisdom, your years of experience and your understanding of parliamentary procedures to make such a ruling, Acting Speaker, which will stand for generations to come in terms of the operation of this house and which we look forward to using.

Mr Ingram — On the point of order, Acting Speaker, as someone who has been involved in a number of amendment processes in this Parliament and previous parliaments, I would say that they are very unorthodox amendments from the other place that we are dealing with. As I understand it these amendments would not have been allowed to progress through this house because they are inconsistent with the long title of the bill, and to get around that the other place has amended the long title.

Parliamentary counsel and the clerks in this place have historically refused to accept amendments by members if they are inconsistent with the intent of the legislation, with the long title of the legislation or with the main purpose of the bill. It is a very interesting process, and it does set a precedent. It is quite obvious that this could create a precedent whereby in the future there would no longer be a restriction on putting up amendments to legislation. The process could well set a precedent whereby there would be no restriction on what amendments could be made to pieces of legislation in the future, because it is a totally separate issue we are dealing with here tonight. I must confess that in relation to the procedures of the Parliament, I am uncomfortable with this process.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order because it is the will of the house to proceed with the bill in this form. Members will have the opportunity to express their view when it comes to a vote.

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

That the amendments be agreed to.

This is a set of amendments from the upper house which are practical and sensible in their intent, and they arise through a technical issue that has stemmed from the passing of the Energy Legislation (Retail Competition and Other Matters) Bill 2008. That has now been proclaimed to be an act, and when it was a bill it went through both houses of Parliament. In fact it was supported by both houses of Parliament and by all the parties in both houses of Parliament, and it went on to be proclaimed.

In that progression of course it went through the processes of parliamentary counsel, cabinet, shadow cabinet and debate in both chambers, and it went through the analysis of the government, the opposition, the most forensic shadow minister we have in this chamber, and the most forensic upper house we have had. Subsequent to all of that we were advised by the originator of the form of the bill — parliamentary counsel — that there was a very small technical problem.

The outcome of that technical problem would have been that all the consumer protections that this Parliament wanted to continue, plus some new ones, would have lapsed and would not have been operative. That is why these amendments have been supported in the other place, and that is why they will be — I suspect, I hope and I trust — supported here.

In essence, what we had prior to that Energy Legislation Amendment (Retail Competition and Other Matters) Bill coming into the Parliament was a set of circumstances under the pre-existing legislation in which a whole host of protections for consumers in the energy market would sunset at the end of this calendar year. What we did in the Parliament was to seek to extend those protections from the beginning of the following year. We have now been advised that in the nanosecond between when this year ends and the next year starts — however that nanosecond can be identified and found — those protections would lapse.

Nevertheless, with the benefit of subsequent analysis by parliamentary counsel it was seen that those protections would lapse and that therefore it would be difficult, if

not impossible, for the Parliament to extend them, and of course that was not the intent of Parliament.

What we have sought to do is to bring about these very simple amendments in the other place which extend those consumer protections before they lapse. Of course that is what the upper house did in its amendments, and it sought to protect a whole host of those consumer protections. It is worthwhile running through what we are seeking to preserve.

The consumer protections include the reserve retail pricing power; the obligation to offer supply to residential customers for gas and electricity on standard retail tariffs, terms and conditions; the requirement for retailers to publish standard tariffs, terms and conditions in the Victorian *Government Gazette*; the requirement for the deemed supply arrangements and minimum terms and conditions to supply customers; and the requirement for retailers to publish details on market offers.

These consumer protection elements are absolutely fundamental to the reform process that both sides of this chamber sought to bring into effect when they supported the Energy Legislation Amendment (Retail Competition and Other Matters) Bill when it came before this house in the first instance. They are the sorts of things the other place wanted to protect and see going forward, and of course they are what the other place has sought to ensure by making these amendments.

Because there was no energy bill before either chamber of the Parliament we sought advice from the other place as to how we might find a vehicle to bring this forward — some connection — and as I explained in the point of order, this bill is about consumer protection. We sought to raise the issue of whether this bill, which contains its principal subject and other matters in its title, also stemmed from the architecture of consumer protection laws in Victoria and was the responsibility of that minister. We sought to see if this bill was an appropriate vehicle, and members in the other place agreed to that. They instructed members of their committee that they were entitled to treat it in that way. It is a mechanism or a tool that has been used in this chamber, as I understand it, on other occasions, and it is now back before us.

The substantive issue — and it is only relevant to the topic we have before us — is not a precedent-making set of circumstances. These are circumstances where we are dealing with what happened in the other place. It is a set of circumstances designed to implement the intent and the will already expressed by all parties in both chambers on an earlier occasion. I suppose if that circumstance were to arise again, that might set the parameters of the precedent, if one is being set here tonight. In a circumstance where both chambers, all parties, have supported a previous position and subsequently supported amendments to put that outcome into intent, you might have created a precedent, but any variation from that certainly is not a precedent of any form or structure, and I am sure, Acting Speaker, that that is what you ruled tonight.

But that is not the issue here today. The issue is how we protect consumers, how we deliver the intent previously expressed and supported by both houses and all parties. That is why I am recommending to this house tonight that the legislation receive the support of all members of this Parliament.

Mr CLARK (Box Hill) — The Liberal Party and The Nationals are happy to agree to these amendments being inserted into the bill by the Legislative Council. The minister has accurately outlined the reasons for the amendments and the necessity for the issue to be corrected so that the legislation that was passed by the Parliament previously, the Energy Legislation Amendment (Retail Competition and Other Matters) Bill, can take effect as was intended. I appreciate the willingness of the minister to make his departmental staff available to brief the opposition and the thoroughness and candour with which they did so.

The minister in the course of his remarks has tried to reconstruct the Acting Speaker's ruling. His ruling, wisely, was that it was a matter for this house to decide whether to agree to amendments that were made to a bill by the other place and sent to us. If those amendments happen to have been made by the other place in accordance with its standing orders and the upper house agreed to insert amendments that may not have been able to be inserted had they been moved in this place, that is a matter for that house. We take what the upper house sends to us in that respect, and then it is a matter for this house on the merits of the issue to decide whether or not to agree with the bill as amended and sent back to us by the other place.

As I said, the opposition appreciated the detailed briefing on the amendments provided to us by departmental staff. The minister made a series of references to the manner in which the bill came to pass through the Parliament previously without the problem being identified. May I suggest to him one other explanation of the factors leading to that occurrence, namely that there was no consideration-in-detail stage on the bill in this place, as there seldom is these days, unfortunately. That has the consequence that the

minister, whoever that minister may be, does not scrutinise and prepare for debate on the bill with the degree of intensity that a minister would if the minister knew the bill would be coming under scrutiny in the committee, or as it is now called, consideration-in-detail stage. We can perhaps contrast that with the very rare occasions when we have had a detailed committee stage in this place, and the Minister for Health who is at the table can testify to the degree of preparation he has undertaken on some bills that have been debated in this place recently in the consideration-in-detail stage. That really does, as I am sure the Minister for Health will testify, lead the minister to focus his or her mind on the detail of the bill.

I recommend to the Leader of the House that we get back to the meritorious practice of considering all bills in detail where there are matters that are deserving of consideration. At the moment in effect the Parliament is like a body that tries to survive on one lung because only the other place operates as fully as it ought to and has a committee stage for legislation when that is appropriate. If both lungs — both houses of the Parliament — were working fully without the stymying of debate, which in this house it is imposed by the current government, that would be another opportunity in which matters such as this could be picked up.

One matter about the amendments that I want to place on the record is in relation to section 14 of the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008, as it now is. That section requires the Essential Services Commission, by the end of every calendar year and at other times that the minister directs in writing, to prepare and give to the minister a report on matters, including licensee standing offers, deemed standing offers and other matters up until the end of the financial year prior to the calendar year in which the commission has to give the report.

The issue I have raised with the departmental staff was whether having the act now come into operation on 30 December would impose on the Essential Services Commission an obligation to lodge two reports — one under the act as it stands and one under the act as amended. I understand that the departmental staff have considered that issue and have spoken to the Essential Services Commission; its view is that that is not required. Certainly if that is the view, we will go along with that, but it is something that I hope has been given proper consideration. Subject to that, the opposition is happy to agree to this amendment, which will ensure that the principal act operates in the way that was intended by Parliament.

Dr NAPTHINE (South-West Coast) — I want to make a few comments on the process that has been adopted by the house tonight and make it very clear that we have charted an unusual course and set quite a significant precedent. The precedent we have set, irrespective of the words of the Leader of the House, is that this house is now accepting amendments to legislation when those amendments bear no relation to the fundamental piece of legislation before the house, and that is not something that this house did previously.

We have now set that precedent, and it may be interpreted that that precedent only applies when those amendments are brought forward from the other place, but I think it sets a direction in terms of amendments that can be brought forward in this place following this precedent. I think it is a very significant precedent, and I am sure that all members will take note of that precedent, and the very learned decision that you, Acting Speaker, have made on this issue.

On the issue itself, I found it somewhat disappointing that the Leader of the House and the minister responsible for this legislation did not fundamentally just put up his hand and say, 'I made a mistake'. That is fundamentally it. The minister is responsible for the legislation and the minister may wish to say that the legislation went through all sorts of other processes of scrutiny and revision, and that that was not detected by those processes, but ultimately the person responsible for the legislation is the minister; the minister brought forward legislation that was fundamentally flawed.

The fundamental flaw was that we were seeking in this house to have legislation sunset on 31 December; then, on 1 January of the next year, to seek to resurrect that legislation and have it continue in the future. As the minister has said, when we sought to resurrect it on 1 January, the legislation had already sunsetted, had already disappeared from the face of the earth, and could not be resurrected, and therefore we have to have this legislative change or this amendment.

The Liberal-National coalition supports this amendment. We understand it and we understand that in the life of a minister mistakes are made, but the best thing for the minister to do is to admit that made the mistake and say that we are assisting him to remedy that mistake.

The other thing we need to recognise is that we are remedying that mistake by creating a significant precedent, and that precedent will be a precedent that I think many members will seek to look at and examine, and I am sure that it will provide new opportunities for

this house and new opportunities for the other place for many years to come.

Motion agreed to.

COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL

Council's amendment

Message from Council relating to following amendment considered:

Clause 15, omit this clause.

Mr HULLS (Attorney-General) — I move:

That the amendment be agreed to.

In so doing, I remind members that on this side of the house we are certainly committed to modernising and reforming our justice system. As we know, in this vein, the Costs Court bill is designed to create greater efficiencies in our courts and the Victorian Civil and Administrative Tribunal (VCAT).

The bill establishes the Victorian Costs Court as part of the trial division of the Supreme Court to undertake taxation and costs review functions, currently performed by the taxation master and by the registrars of the County Court and VCAT. The bill was passed in this place on 11 September and was debated in the Legislative Council on 30 October. It was returned to this house with a message that the Council agreed to the bill with an amendment that deleted clause 15.

Clause 15 allowed funds to be paid from the Public Purpose Fund to facilitate inquiries and reviews on alternative costs scale structures, inconsistencies in costs scales between jurisdictions and any other matter which could make the cost of litigation less expensive. Clause 15 also allowed funds to be paid from the Public Purpose Fund to facilitate the Costs Court's function of resolving costs disputes between solicitors and their clients. If clause 15 is deleted, the cost of operating the Costs Court will continue to be absorbed by departmental appropriations and judicial salaries. Funds will be paid for specific projects to enable the Costs Court to, for example, engage researchers and consultants to look at developing alternative costing structures.

The creation of the Costs Court should not of itself increase the volume of taxations undertaken across the jurisdictions. It will be staffed by transferring existing resources from the three courts and VCAT. The workload should not be substantially different from that which is currently carried out by the taxing master, the County Court and VCAT. In these circumstances, it is recommended that the Legislative Assembly consider the bill, with clause 15 deleted.

Mr CLARK (Box Hill) — The opposition parties are pleased to support this amendment. We are also pleased that the Attorney-General has given up his attempt to raid the Public Purpose Fund in order to meet costs of the new Costs Court and costs of the Legal Costs Committee that were previously met from general appropriations via the department and by appropriation for judicial salaries. Had this amendment not been made, clause 15 of the bill would have operated so as to further diminish the funds that would have been available for legal aid and various other public purposes that are paid for out of the Public Purpose Fund. Those include funding for the Victoria Law Foundation, the Leo Cussen Institute, the Law Reform Commission and a range of project grants. Of course some of the funding to Legal Aid Victoria also goes to support community legal centres.

It is quite clear that the Attorney-General is struggling with budgetary matters at the moment and facing a considerable squeeze on available funds, and this was an attempt to divert money from the Public Purpose Fund to help cover that hole in the budget.

There is a growing difficulty with funding for legal aid because until now funding for legal aid has come to be drawn increasingly from the Public Purpose Fund, having gone from a situation where out of the 1999–2000 surplus, $5.8 million was made available in 2000–01 for legal aid to the point where out of the 2006–07 available funds, $31.86 million was paid in 2007–08 towards legal aid. That is already showing the extent to which the Public Purpose Fund is being drawn on to pay for legal aid, reflecting the lack of sustainable funding coming into legal aid out of the normal budgetary process.

No doubt there is a whole range of matters through which the Attorney-General has been consuming funds made available to him through the departmental appropriation and which has led to the reduction in available funds, which presumably has motivated the original attempt through clause 15 to raid the Public Purpose Fund. I can identify just one for the benefit of the Attorney-General — that is, the enormous amount of resources being consumed in the implementation of the Charter of Human Rights and Responsibilities.

I am sure the Attorney-General has seen it. If he has not, I commend to him the *Lawyers Weekly* of Friday,

1 August 2008, which quotes John Cain, the Victorian government solicitor, as saying that his office had had a very good period, that two years ago it had 50 lawyers and now has 80, and that the Charter of Human Rights and Responsibilities was largely fuelling the boom. So the best part of 30 additional lawyers have gone onto the staff of the Victorian government solicitor's office alone in order to help pay for the implementation of the Charter of Human Rights and Responsibilities. Of course on top of that there would be a huge amount of additional staff in the Department of Justice and departmental staff scattered throughout other departments.

Mr Hulls — On a point of order, Acting Speaker, whilst the shadow Attorney-General's views in relation to human rights are well known and his vehement opposition to any human rights instrument is well known, it has nothing to do with this bill.

Mr CLARK — On the point of order, Acting Speaker, my remarks are canvassing the reasons why the Attorney-General sought to divert funds from the Public Purpose Fund to pay for the Costs Court and the Legal Costs Committee as set out in clause 15 of the bill and therefore why we believe it was appropriate that clause 15 should be removed from the bill. Therefore my remarks are directed to the question before the house.

The ACTING SPEAKER (Mr Seitz) — Order! I do not uphold the point of order, but I direct the member for Box Hill to the address the bill.

Mr CLARK — The point I was making was that if these resources that are being consumed by the implementation of the Charter of Human Rights and Responsibilities were redirected towards legal aid services, the budgetary squeeze which has motivated clause 15 and the Attorney-General's attempt to raid the Public Purpose Fund would be abated, and the reason for that clause could have been avoided in the first place.

But as I said at the outset, we are pleased that together with the other parties in the Legislative Council we have been able to head off this attempt by the Attorney-General to raid the Public Purpose Fund and diminish the funds available for legal aid and for other public purposes in the way he was attempting in order to cover the hole in his budget. We believe this upholds a valuable principle and protects legal aid and other public purposes from further reduction in the funds that are available for them.

Motion agreed to.

MAJOR CRIME LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 12 November; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Major Crime Legislation Amendment Bill 2008 is, as its title suggests, a bill to amend various acts relating to major crime, including the Major Crime (Investigative Powers) Act 2004, the Casino Control Act 1991 and the Racing Act 1958, in relation to excluding certain persons from the casino or a racecourse, and the Surveillance Devices Act 1999 in relation to the use of surveillance equipment.

The majority, but not all, of the amendments in the bill arise out of a report by the special investigations monitor (SIM), pursuant to section 62 of the Major Crime (Investigative Powers) Act 2004, which was tabled in this Parliament earlier in the year and is dated 4 June 2008.

The first amendment to be considered is one that alters the definition of 'organised crime offence' to provide that an organised crime offence will include an indictable offence punishable by level 5 imprisonment or more and that has a purpose of obtaining sexual gratification where the victim is a child. The intention underlying this amendment is to deal with organised crime that takes the form of paedophilia or other child abuse networks.

The reason this amendment is being made is that as it currently stands in the act the definition of 'organised crime' refers to indictable offences punishable by level 5 imprisonment that involve two or more offenders, substantial planning and organisation, form part of systematic and continual criminal activity and have a purpose of obtaining profit, gain, power or influence. It is that latter aspect that is considered inadequate to deal with child abuse and paedophilia networks, because those networks may not be motivated by profit, gain, power or influence. It is considered that including a reference to sexual gratification where the victim is a child will pick up the purpose of those networks and therefore bring them within the definition of organised crime.

Most, if not all, of the remaining amendments made by the bill to the Major Crime (Investigative Powers) Act arise out of the recommendations made by the special investigations monitor. On the opposition's reckoning, eight out of the nine recommendations made have been

included in the bill as amendments. Clause 4 of the bill will establish new procedures for revocation applications against a coercive powers order, including the potential for the appointment of special counsel to represent an absent party. Clause 6 of the bill alters the provisions regulating the cessation of confidentiality notices.

Clause 8 of the bill defines 'police station' as being police premises where a counter inquiry service for the public is provided. The relevance of the definition of a 'police station' is that that is one of the places at which an examination under the act is not permitted to occur. The consequence of the amendment is that an examination under the act will not be permitted to occur at police premises where a counter inquiry service for the public is provided. That is intended to cover what you might call police stations in the ordinary sense of the word, but will still permit examinations to take place at other police premises where there is not a counter inquiry service provided for the public.

Clause 9 of the bill gives jurisdiction to the Supreme Court and the County Court to determine any dispute regarding an application for legal professional privilege made to the chief examiner during an examination hearing. Clause 10 requires the court to allow submissions by the chief examiner, the chief commissioner or a witness whose interests are affected before the court issues directions as to the publication of evidence and information. Clause 11 enables an application for a warrant for the arrest of a witness to be made to the Supreme Court or the County Court. Clause 13 extends the secrecy provisions under section 68 of the Major Crime (Investigative Powers) Act to cover all police and public servants working for Victoria Police as well as other persons engaged by the police commissioner to provide services.

There was one recommendation made by the special investigations monitor that has not been picked up in the bill. It is quite an important recommendation, and during the course of the debate the opposition will certainly be seeking some explanation from the government as to why it has not proceeded with recommendation 1, which states:

> Having regard to the need for the independence of the chief examiner, consideration be given to the staffing arrangements involving the chief examiner including whether the chief examiner should be included under section 16 of the Public Administration Act and be able to employ staff that are necessary for the purposes of his functions. The consideration should include the position of sworn police officers in relation to the chief examiner and the appropriateness of staff including police officers being involved in both the application process for a coercive power order and the use of the coercive powers through the chief examiner. The SIM is not expressing a view that this should not happen but believes it should be considered in conjunction with the other matters.

The SIM prefaced that recommendation with a quite extensive discussion pointing to the desirability of the chief examiner being separated from the chief commissioner, and the staff of the chief examiner not being staff connected with the chief commissioner — in other words, the SIM recommended that there should be a separation between the office of the chief examiner and the police force.

That is an important and far-reaching recommendation that goes to not only the actual independence but the perception of independence of the chief examiner. That is partly in the context of the issue of whether or not Victoria should have a broadbased anticorruption commission in the form that many other jurisdictions have. The SIM in his report quite properly said that was a matter for the government and the Parliament as to the model that was established in Victoria. He said at page 68 of the report that a commission, as occurs elsewhere, could have been chosen, but it was not.

If there is not such a commission, and the opposition parties have for some time been urging that such a commission should be established, then the issue of the independence of the chief examiner becomes particularly important. As I said, this is a striking omission from the bill, given that the other recommendations of the special investigations monitor were adopted by the government. The opposition parties are very keen to find out from the government why that recommendation of the SIM has not been adopted.

In relation to other provisions of the bill, the amendments it makes to the Casino Control Act 1991 and the Racing Act 1958 set out the procedures to be followed relating to an application made to the Supreme Court to review a decision made by the chief commissioner to exclude a person from a casino or racecourse. Those provisions are set out in clauses 14 and 15 of the bill. The bill provides that such a hearing may be made by a number of different methods and that a special counsel may be appointed by the court in a manner that is broadly similar to the way a special counsel is proposed to be enabled under the Major Crime (Investigative Powers) Act.

In relation to the Surveillance Devices Act 1999 the bill provides that technical experts can provide assistance to a law enforcement officer for installing, using, maintaining and retrieving surveillance equipment. That provision is contained in clause 16 of the bill. It is particularly topical, given the headlines of recent times relating to the operation of police surveillance. A

number of articles have been published in the *Age* in the last 48 hours. The first appeared under the headline 'Secret police files leaked to alleged crime bosses'. Another article was entitled ' Leaked files prompt police surveillance squad review', and there was a background article entitled 'On their watch'. The allegations that are raised in these articles are very serious.

The article headed 'Secret police files leaked', published in the *Age* of 2 December, states:

> Top-secret Victoria Police files have been leaked to alleged crime bosses and killers, compromising federal and state drug trafficking investigations.
>
> In one of the most serious security breaches in Australian law enforcement, the leaked information came from the state surveillance squad, which conducts physical and technical surveillance on crime targets.

The article goes on to give considerable detail about what, according to the *Age* journalists concerned, has happened.

The article entitled 'Leaked files prompt police surveillance squad review' states:

> Victoria Police will immediately begin a review of its state surveillance squad, after the *Age* revealed top-secret files had been leaked to alleged serious criminals.
>
> Deputy commissioner Simon Overland this morning said Superintendent Paul Sheridan, who headed the investigation into the Gary Silk and Rod Miller police murders, would begin reviewing the squad's practices.
>
> Deputy Commissioner Overland confirmed two of the squad's target profiles — which identify personal details of anyone under investigation — had been leaked, with numerous copies circulating.

This article also goes on to give considerable detail.

The bill makes an amendment to section 19(3)(g) of the Surveillance Devices Act. Where that subsection refers to a surveillance device warrant authorising the provision of assistance or technical expertise to the law enforcement officer primarily responsible for executing the warrant, the amendment in the bill will add after the words:

> the provision of assistance or technical expertise

the words:

> by any person (whether or not a law enforcement officer).

It is a relatively technical amendment and one might think it simply puts beyond doubt something that was the position anyway. It is clear from the article to which I have referred that the issues regarding police surveillance go far beyond the amendment that is made by the bill, and these newspaper reports of recent days are very concerning indeed and reinforce the worries that the opposition has expressed for some time about the state of our police force and the mechanisms that we have to deal with corruption and abuse of office within the police force.

The case the opposition parties have been making is for a broadbased anticorruption commission along the lines of those in other jurisdictions rather than the highly convoluted, complex and incomplete model that the Victorian government has seen fit to establish.

The final issue I wish to address in relation to this bill is the report of the Scrutiny of Acts and Regulations Committee in its *Alert Digest* No. 15 of 2008. I again commend the work of the committee. One does not necessarily have to agree with everything it says, and it does not necessarily cover everything that could be said, but it does a very diligent job and highlights many serious and important issues that ought to be known to the public and addressed by this house. Not least of all are the issues it raised in relation to the Major Crime Legislation Amendment Bill.

The issues the committee raised again highlight the double standards of the government in relation to the Charter of Human Rights and Responsibilities. The government makes a great deal of its charter and how important its mechanisms are. We have made clear on this side of the house that we think it does very little of practical benefit for human rights in the way that it is structured; indeed in many respects it derogates from human rights by undermining the certainties of law and putting policy decisions in the hands of judicial officers who are not equipped to make policy decisions, and it detracts from the openness of the parliamentary and democratic process.

The double standard of the government is that it makes a great play of the importance of this charter when it suits it, particularly for self-promotion purposes, but when it gets to the nitty-gritty, when the government finds the charter inconvenient, when it forces the government to confront issues it does not want to confront and when the government does not want to admit it might be doing something that cuts across rights listed in the charter, then it resorts to the tactic of simply ignoring the problem, pretending it does not exist and hoping it will go away or not be spotted.

We saw that, of course, first of all with the cloning legislation some time ago when the government said that that bill did not raise human rights issues. We saw it with the abortion legislation. Notwithstanding

whatever views individual members may have had on that legislation, the one thing that became clear from very learned legal advice and from the Scrutiny of Acts and Regulations Committee was that a statement of compatibility should have been provided to the house in relation to that bill. However, it was not; the government again saw fit to ignore its responsibilities.

In this case, SARC (Scrutiny of Acts and Regulations Committee) has again raised concerns that the government has not addressed issues which its own charter requires it to address in the statement of compatibility. I refer to page 3 of *Alert Digest* No. 15 of 2008, which goes to the alteration of the definition of an organised crime offence I referred to at the outset of my remarks. Reference has been added to 'crime' for the purpose of sexual gratification where the victim is a child. The Scrutiny of Acts and Regulations Committee reports:

> The committee is concerned that the statement of compatibility does not address the compatibility or otherwise of clause 3(2)'s extension of the coercive powers scheme with human rights.

In other words, the coverage of the legislation is being extended, and that therefore engages human rights issues, which the committee says it raised originally in its *Alert Digest* No. 9 of 2004. At page 4 the committee says it will write to the minister, expressing its concern about the statement of compatibility.

This is not a question of whether or not the extension of the definition contained in the bill should or should not be agreed to — in other words, whether organised crime should or should not be extended to cover paedophile rings. The opposition is certainly happy to accept that extension; whatever can be done to prevent paedophilia rings or networks should be welcomed.

This is not an issue relating to the merits of the amendment itself; it is an issue relating to the process by which the amendments are brought to the house, and in particular whether the government is prepared to address its own charter and give an open explanation as to how it considers its amendment is consistent with the charter. It can come along and answer that question however it sees fit, but the point SARC is making is that at least the question should be answered in the first place — and it has not been.

The summary at page 4 of *Alert Digest* No. 15 states:

> Clauses 4, 14 and 15 allow a court to determine some proceedings on the basis of evidence that is kept secret from one party and his or her lawyers. In some instances, this may result in the matter being determined without a fair hearing. The statement of compatibility does not address why less intrusive schemes aren't available. The committee refers the question of possible charter incompatibility to Parliament.

The committee then goes on to provide detail as to its concerns, and the report states that the compatibility of those clauses with the charter:

> … may depend on whether or not they satisfy the test for limiting rights set out in charter section 7(2).

That subsection provides:

> A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including —
>
> (a) the nature of the right; and
>
> (b) the importance of the purpose of the limitation; and
>
> (c) the nature and extent of the limitation; and
>
> (d) the relationship between the limitation and its purpose; and —

most importantly of all in this context —

> (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

The committee quotes what is in the statement of compatibility, and the report states:

> The committee is concerned that, in some cases, the information at issue may be both too sensitive to reveal to the applicant and too crucial to consider fairly without the applicant's personal input. The special counsel procedure cannot always resolve this problem, because counsel is barred from taking instructions from the applicant once the information is disclosed. In such circumstances, the provisions may require the court to resolve the matter without a fair hearing. Last year, the House of Lords held that a similar regime would be incompatible with the right to a fair hearing, unless the court had additional powers, on fairness grounds alone, to either disclose the information to the applicant or to resolve the matter in the applicant's favour.

The committee's report then says that the statement of compatibility remarks:

> There are no less restrictive means to reasonably achieve the purpose of protecting confidential intelligence information.

The committee immediately thereafter in effect rebuts that assertion in the statement of compatibility by noting regimes from other jurisdictions, including the commonwealth's National Security Information (Civil and Criminal Proceedings) Act 2004, Canada's Security Intelligence Review Committee and the UK's

Prevention of Terrorism Act 2005. The report concludes:

> The committee observes that the statement of compatibility does not address why these alternatives are not reasonably available in relation to proceedings for revoking or reviewing coercion or exclusion orders.
>
> The committee will write to the Attorney-General seeking further information as to whether the commonwealth, Canadian or United Kingdom schemes would reasonably achieve the purpose of protecting confidential intelligence information.

The committee is saying fairly and squarely that the statement of compatibility does not properly address the issues concerned and that it asserts that there are no less restrictive means available but does not address the alternative regimes which the committee lists that seem to be possible alternatives that ought to be addressed, and it ought to be demonstrated why they would be unsatisfactory. This all goes to bear out the point I made at the outset in addressing the committee's report, which is that instead of dealing squarely with these human rights issues and issues relating to the charter and squarely complying with the government's obligations under the charter, when there is a problem such as this, which points to flaws or inconsistencies in the charter and to possible circumstances where the government's legislation could be cutting across the charter, instead of admitting to the issue, addressing it fairly and squarely and saying to the world why it is proposing to do what it proposes having regard to the charter, the government just pretends that the problem does not exist. It just puts its head in the sand, and that makes a mockery of any credibility that the charter might otherwise have.

Although the statement of compatibility does not address these issues and does not go to the merits of making the amendments concerned, the opposition does not oppose this legislation. Many of the provisions arise out of recommendations of the special investigations monitor's report, as I said, which we believe is a well-considered document. But this point does go to the candour and openness with which this government faces up to the issues raised by its own legislation in relation to its own charter, and yet again the government has been found wanting.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Major Crime Legislation Amendment Bill 2008. Numerous pieces of legislation have been brought before this house during this and the two previous Parliaments of the Bracks and Brumby governments that have indicated our commitment to keeping Victoria's crime rate low, to being tough on crime and the causes of crime and to providing some solutions. We are seeing the benefits in that Victoria remains the safest state in this country, but as legislators and as a government we cannot stand still and believe that this will remain the case into the future.

The objective of this bill is to address operational and technical issues raised in the broadly scoped report of the special investigations monitor (SIM) reviewing the operation of the Major Crime (Investigative Powers) Act 2004, which was tabled in the Parliament in June 2008. I am very pleased that the Attorney-General and the other two ministers who have responsibility in relation to this bill, in cooperation with the Department of Justice, have acted very speedily in enacting the recommendations of the special investigations monitor in bringing this bill before the house. A large series of operational and technical issues raised by the SIM are dealt with in this bill, but the second component of the bill is the government's community safety election commitment, which was to implement safeguards against the potential disclosure of sensitive police intelligence arising from challenges to exclusion orders banning crime figures from racecourses and the Melbourne casino. This was included in the policy that the Labor Party went to the last election with and was part of Labor's plan for keeping crime rates low in this state.

The bill involves three discrete categories of reform of statutes relating to Victoria's major crime legislation spanning the portfolios of the Attorney-General, the Minister for Police and Emergency Services, the Minister for Racing and the Minister for Gaming. The amendments to the Major Crime (Investigative Powers) Act give effect to all but one of the nine recommendations made by the SIM in his report pursuant to section 62 of the Major Crime (Investigative Powers) Act, which as I said earlier was tabled in this place in the middle of this year. The amendments are informed by the special investigations monitor's recommendations and include further consultations that have occurred since then with the special investigations monitor, the chief examiner and Victoria Police. The amendments are largely very technical and will improve the operational effectiveness of the coercive questioning regime under the major crime act.

The amendments expand the scope of organised crime offences for the purposes of coercive powers orders. Currently coercive questioning powers can only be sought in relation to an organised crime offence, which is defined under the major crime act to be an indictable offence which is punishable by level 5 — 10 years maximum — imprisonment or more, which involves two or more offenders, which involves substantial

planning and organisation and forms part of systemic and continued criminal activity, and which has the purpose of obtaining profit, gain, power or influence.

The bill extends the fourth limb of the definition by including the purpose of obtaining sexual gratification where the victim is a child. There are no more serious crimes than those involving children. The idea of any individual being involved in such crime appals and horrifies the community. Where organised crime is involved, we as legislators need to act to ensure that paedophilia networks and the perpetrators of such crimes are not gaining from the abuse of children and that they can be captured for coercive questioning. The community would certainly welcome that.

The bill has a number of provisions that deal with standing and with grounds to apply for revocation, and some provisions deal with prohibition on coercive questioning at a police station or jail. The bill provides some additional clarification in relation to coercive questioning, such as that it cannot be undertaken at a police station, which is defined for the purposes of the Major Crime (Investigative Powers) Act as having a public counter service, but the questioning can occur at other facilities shared with Victoria Police. The major crime act already precludes the conduct of coercive questioning examinations at a police station or police jail.

However, there is currently no definition of the term 'police station' in any Victorian statute. The bill before the house clarifies that any police activities unrelated to the office of the chief examiner that take place within the same building as coercive questioning must not involve the attendance of members of the public. This is to ensure the confidentiality of witnesses and examinations.

The bill contains provisions for restriction of publication of evidence as well as provisions that deal with cessation of confidentiality notices. Legal professional privilege disputes and warrants on summonses issued by the chief examiner are also dealt with. There are also parts that deal with assistance to the chief examiner and the application of confidentiality provisions. It is a very complex piece of legislation that amends a number of bills, and it is quite a difficult task to alert the house to its various components in 10 minutes, but they have effectively been dealt with in the Attorney-General's second-reading speech.

There are also amendments to the Surveillance Devices Act 1999. As I referred to earlier, in accordance with the commitment of the Labor Party prior to the last election, there are amendments to the Casino Control Act 1991 and the Racing Act 1958.

In conclusion, this is another piece of legislation that signals to the community that the Brumby government is extremely serious about being tough on crime, particularly on organised crime, and wants to send a message to those who may be involved in that sort of activity that this is a jurisdiction that takes it seriously. The Brumby government is committed to tackling serious organised crime, and the bill goes some way to supporting its ongoing fight against serious organised crime by taking on board the recommendations made by the special investigations monitor in relation to Victoria's major crime legislation.

The community will particularly welcome the chief examiner's coercive questioning powers to target organised criminal paedophilia networks, because the large majority of the community frown on this sort of behaviour. I wish the bill a speedy passage.

Dr SYKES (Benalla) — I rise to contribute to debate on the Major Crime Legislation Amendment Bill. I will not be opposing the bill.

The purpose of the bill is to amend the Major Crime (Investigative Powers) Act 2004, in particular to make it clear that an indictable offence that has the purpose of sexual gratification involving a child is an organised crime; to prescribe procedures for the revocation of coercive powers and orders; to improve the operation of confidentiality provisions; and to generally improve the act. There are also amendments to the Casino Control Act 1991, the Racing Act 1958 and the Surveillance Devices Act 1999.

If we look at the issue of offences against children, we see that the second-reading speech states that the key aspect of the bill is that it:

> … inserts an additional element into the final limb of the definition —

of an organised crime offence —

> to ensure that serious and organised crime involving the abuse of children and paedophilia networks is captured for the purpose of the coercive questioning powers. This will be achieved by expanding the purposes for the offending to include sexual gratification where the victim is a child.

It has been determined that:

> The amendment is necessary as organised crime groups involved in child abuse and pornography are not necessarily motivated by profit, gain, power or influence.

I certainly welcome this measure, but I raise the question of how the effectiveness of this new measure will be measured. The reason I raise this issue is that the government has a track record of failing to put in place effective monitors of the outcome of legislative changes. Most recently we have seen an example of this in the working-with-children legislation where, in essence, the Auditor-General in reviewing the administration in the first 12 months of the working-with-children legislation identified there was no measure of the outcome of that legislation.

To expand on that, we are talking about a piece of legislation that involved the testing of in excess of 500 000 members of the community to find a maximum potential of 3000 people with known convictions of child abuse — the program was going to cost $100 million — but nowhere in the implementation of the legislation is there any provision to measure its outcome. The outcome in that case would have been a reduction in the number of sexual offences committed against children.

I make a plea to the government to ensure that when legislative changes are made, which we are generally supportive of in both of these cases, a mechanism for measuring the effectiveness of those changes is put in place so we can understand whether they are working, whether we are getting value for money or whether there is a need to refine them.

I move to the use of coercive questioning powers. The major crime act already precludes the conduct of coercive questioning examinations at a police station or at a police jail. Currently, interestingly, there is no definition of the term 'police station' in any Victorian statute. Again I refer to the second-reading speech; it states:

> The bill clarifies that, for the purposes of the major crime act, 'police station' means any police premises where a counter inquiry service for the public is provided. The bill ensures the confidentiality of witnesses and the examination process while enabling questioning to occur at facilities that may be shared with Victoria Police.

Drawing on my experience in interacting with police members in their police stations throughout the electorate of Benalla, I have had the experience of being in those stations where there is a lack of privacy for people seeking to report what we would say are normal matters of concern and crime, let alone issues of the use of coercive powers which go up another notch in terms of confidentiality.

Just recently I was at the Benalla police station registering a party through the Partysafe program — my 60th birthday party!

An honourable member interjected.

Dr SYKES — It was a lovely party. Actually it was a 120th birthday celebration as my wife and I were jointly celebrating our birthdays. While I was at the police station other people were reporting matters relating to domestic violence, which is a sensitive issue. I felt embarrassed to be present while their situation was being explained. Clearly there is not only a need to clarify the definition of a police station but also a need to have adequate privacy measures for the use of coercive powers in questioning. We must have appropriate facilities to ensure that these powers can be implemented equitably and fairly throughout the state of Victoria. Coincidentally that raises the issue of needing to upgrade police stations throughout country Victoria. In my electorate of Benalla are the towns of Euroa, Nagambie and Mount Buller. At the police stations in these towns police personnel would not be able to implement the provisions of this legislation because their facilities are not adequate.

I turn to another aspect of the bill which refines the definition of a member of the police force. It is now broadened to refer more to a member of police personnel. That makes sense when you consider that police reservists and other members who are serving in the police force may not necessarily be sworn members of the force. If one were being a fraction sceptical, one would wonder whether changing this definition would address an issue that has been raised repeatedly in this Parliament — that is, the lack of police numbers on the beat. We wonder if by changing that definition we are going to inflate those figures.

Other aspects of the legislation relate to the Casino Control Act and the Racing Act. Again, the intent of the legislation is generally reasonable. The question is: will the legislation be implemented appropriately? If both of these proposed changes are to address the issue of money laundering, you would wonder whether the government might be adopting an approach of using a sledgehammer to crack a walnut. An alternative measure that the government may be using to address the issue of laundering money through racing clubs is the closing down of country racing clubs, as we have seen in recent times. Of interest to you, Acting Speaker, is the pressure on harness racing clubs, and country community clubs are also under pressure in relation to their gambling activities.

In the last minute left available to me I raise the issue of surveillance devices. I am unaware of having been involved personally in the use of surveillance devices, although it has been suggested to me by some of my constituents who are actively involved in the Plug the

Pipe campaign that they feel they are being subjected to the use of surveillance devices. If I were to finish my contribution on a note of great importance to my electorate it would be to make a plea in this Parliament for the government to plug the pipe.

I would like to hand over to the next speaker — I believe it is the member for Essendon — who has returned to the chamber. There is no doubt that she will make a wonderful contribution.

Mrs MADDIGAN (Essendon) — I thank the member for Benalla for that introduction to my speech. No doubt he will listen with great interest to every word I have to say.

I am pleased to speak in support of the government's Major Crime Legislation Amendment Bill. It is good that opposition members are supporting it, although I must say that some of the support seems to be a bit grudging. Better grudging support than no support at all, and I am sure the member for Benalla would agree. This legislation is a further step in the Brumby government's plan to tackle serious organised crime.

An honourable member interjected.

Mrs MADDIGAN — Essendon is a great place to live, work and raise a family. A number of people in organised crime have believed that, as the member would be aware, but that is another issue.

This bill will support our ongoing fight against serious organised crime by implementing the special investigations monitor's recommendation in relation to the Major Crime (Investigative Powers) Act. One of the important aspects of the bill is that it enables the chief examiner's coercive questioning powers to target organised criminal paedophilia networks. If we think about organised crime and the traditional areas in which it has operated, we do not immediately think of paedophilia. It is very worrying to think that organised crime has moved into that area and to wonder how many people are at risk because of the activities of organised crime. That is a significant step.

The bill will also implement the government's community safety election commitment to safeguard against the potential disclosure of sensitive police intelligence arising from challenges to casino and racetrack exclusion orders. I will come back to that a bit later.

The bill amends three acts and has quite a wide-ranging effect on them. It shows very clearly how serious the government is about ensuring that the Chief Commissioner of Police and our excellent police officers have all the legislative tools available to enable them to tackle organised crime and to ensure that they are given the greatest assistance this Parliament can give to do so.

I would like to speak in passing about the great work that the police department is doing in this area. We only have to look at the fairly regular reports relating either to the police department itself, where problems have been located, or to the many people who have been arrested and charged with crimes in the last few years to see quite clearly how the government and the chief commissioner in particular are determined to ensure that organised crime does not continue to operate uncontrolled, as it did for a number of years in this state. I am very pleased that this legislation will strengthen those powers.

There are a number of specific amendments to the Major Crime (Investigative Powers) Act 2004. One is that the bill extends the definition of 'organised crime offence' to include a purpose of obtaining sexual gratification where the victim is a child in addition to the existing purposes of obtaining profit, gain, power or influence.

The bill also establishes a procedure that will apply in Supreme Court proceedings for the revocation of a coercive powers order. These procedures are designed to ensure that the highly sensitive information upon which the order was granted or that has since been obtained in examinations is protected. Amendments are also made to the principal act to cause confidentiality notices to cease effect after five years, along with a process for an application of the operation of a notice beyond five years if that is necessary to protect people.

A further amendment is made to the act to define the term 'a member of police personnel', which has already been referred to. I assure the member for Benalla that this is not an attempt to change the number of police officers in the police force but is designed to ensure that public servants employed by the Chief Commissioner of Police and other contractors engaged by the chief commissioner as well as police members will clearly be included for the purposes of the secrecy provisions of the act and to provide assistance to the chief examiner in conducting examinations.

The purpose of the amendment is to ensure that people and that the process are protected, regardless of whether the people involved are members of the police force or public servants. It does not mean what the member for Benalla thought it might mean. As he said, the bill defines the term 'police station' to clarify that, for the purpose of precluding examinations from taking place

at a police station or a police jail, a police station is any police premises where a counter inquiry service for the public is provided.

The bill also amends the act to give the Supreme and County courts jurisdiction to determine claims of legal professional privilege arising from coercive powers orders. It also enables the chief commissioner, the chief examiner or interested witnesses to make submissions to a court where the court is considering releasing to a defendant or to their legal practitioner evidence given before the chief examiner. They are quite significant changes that should assist in tightening up the process and enabling people to be involved in that process safely and with the greatest protection possible.

The bill amends the other acts — the Casino Control Act 1991 and the Racing Act 1958 — to give effect to the government's 2006 community safety election commitment to legislate to limit the potential disclosure of sensitive Victoria Police intelligence upon which exclusion orders under the casino and racing legislation are made. As we know, the chief commissioner may ban crime figures from racetracks and from the entire Crown Casino complex. In order to protect such sensitive police intelligence, the bill amends each act to establish a procedure that will apply in Supreme Court judicial review proceedings.

The third purpose relates to the Surveillance Devices Act 1999. The bill amends that act to clarify that civilians can provide assistance or technical expertise to the law enforcement officer who is primarily responsible for the execution of a surveillance devices warrant in the installation, use, maintenance or retrieval of the surveillance device and enhanced equipment. These changes to the three acts have come after a fairly extensive public consultation process. It always gives a bill certain strength and power when a number of people have had input into the process.

In relation to this bill, consultation was primarily undertaken with a special investigations monitor (SIM), the chief examiner and Victoria Police. The bill has been developed with the input of the chief examiner and Victoria Police members, who have a detailed practical insight into the workings of the Major Crime (Investigative Powers) Act 2004.

In addition, the SIM's report, under section 62 of the act, was produced following the SIM publicly advertising the review and seeking comments or submissions from interested persons or bodies. Interestingly, through that process, although the SIM directly advertised the review to a broad range of persons and bodies, the SIM received very few submissions. The SIM report sets out matters contained in those four relevant submissions, which were received from Victoria Police, the chief examiner, the Director of Public Prosecutions, and associate professors Glenn Ross and Margaret Mitchell. The government is very pleased with the input those people have had into this process.

We can all be pleased with the changes being made by the Major Crime Legislation Amendment Bill. It certainly improves procedures and adds to the protection of people giving evidence to the courts. Perhaps the thing that most people find particularly encouraging is that it provides for coercive questioning powers to target organised criminal paedophilia networks.

There are some crimes which the community finds totally unacceptable, and the area of crimes against children is one where all political parties and everyone else in the community would like to see extremely tough action taken and that the police have as many powers as possible to ensure that young people are protected. I am pleased to support the bill, and I wish it a speedy passage through the house.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Major Crime Legislation Amendment Bill which will amend the Major Crime (Investigative Powers) Act 2004 to make it clear that an indictable offence that has a purpose of sexual gratification involving a child is an organised crime offence.

An organised crime offence has been defined in section 3 of the Major Crime (Investigative Powers) Act as an indictable offence against the law of Victoria, irrespective of when the offence is suspected to have been committed. It is punishable by level 5 imprisonment, which equals 10 years maximum or more, and it must involve two or more offenders and substantial planning and organisation, form part of systemic and continuing criminal activity, and have as its purpose obtaining profit, gain, power or influence.

The bill also prescribes procedures for the revocation of coercive powers orders, including the appointment of special counsel to represent an absent party. The definition of coercive powers is the ability to conduct hearings in which summonsed persons are required to answer questions relevant to an organised crime offence. In most cases the evidence obtained cannot be used against the person providing the evidence. The hearings are conducted independently of Victoria Police by a chief examiner.

The role of the chief examiner involves the implementation of coercive questioning powers granted to Victoria Police to assist in fighting organised crime. The chief examiner is to ensure that those powers are lawfully and properly used. The bill also gives jurisdiction to the Supreme Court and County Court to determine any dispute regarding an application for legal professional privilege made to the chief examiner during an examination hearing. It also requires the court to allow submissions by the chief examiner, the chief commissioner or a witness whose interests are affected before issuing directions as to publication of evidence and information.

The bill also amends the Casino Control Act 1991 and the Racing Act 1958 in relation to the review of decisions to make exclusion orders. Finally, the bill amends the Surveillance Devices Act 1999 in relation to assistance to law enforcement officers.

The opposition does not oppose the bill, but there are some areas of concern in that the bill will make it harder for citizens to exercise their rights and makes abuse of office by police or other authorities easier when parties cannot gain access to the information that would support the case. Where the bill stipulates legislative procedures under which the Supreme Court can determine whether a person's rights or liberties have been affected by the making of a coercive powers order, it is not clear who will pay for the special counsel appointed under the bill.

One of the best ways to fight organised crime, as we all know, is to have more police on the beat. In an article in the *Age* of 21 November headed 'Melbourne policing needs a New York state of mind', it was reported that Victoria spends less on police than any other state and has the worst police-to-population ratio of any policing jurisdiction in this country. The article states:

> Amid growing public pressure, the government has been dragged kicking and screaming to acknowledge that this problem (crime) can only be tackled effectively by increasing police numbers.

The provision of 150 police in the central business district at weekends is taking police away from the suburbs and regional centres such as the Yarra Ranges. It will require a heavy reliance on overtime, which will lead to police burnout. We expect these same police, plus other special task force police, to then work together on intellectually intensive organised crime cases which are very demanding. We are expecting too much from too few. We need more police, not police borrowed from other areas to make up the numbers.

Back in 1999 the government, as one of its election campaign promises, promised that the Mount Evelyn police station would be kept open seven days a week, but as time progressed from 1999 to 2002 the realisation was that this could not be done. So a decision was made that the traffic operations group would be moved to Mount Evelyn. The police station would still be manned occasionally but this traffic operations group at Mount Evelyn would provide a police presence at all times, with their cars going in and out.

This has worked very effectively, and in fact I supported that move, even though it was breaking the government's pre-election promise, but now it is going to move the traffic operations group out of Mount Evelyn down to the new Lilydale police station when it is built. So it is taking the police presence away from the streets, which, if we had more police on the streets, would be a better way of fighting organised crime.

The cost of crime in Victoria is estimated at $4 billion a year. If you add indirect costs such as health, pain and suffering and loss of productivity, that cost increases to around $7 billion or about $3850 per Victorian household every year.

On the aspect of the bill dealing with crime involving sex with children, one of the main barriers to prosecution has always been the low level of reporting. Victims feel ashamed or intimidated by the legislative process and fear retribution from the perpetrators. Operation Auxin, the biggest police operation of its kind ever staged in Australia, saw federal and state police search 400 Australian homes in 2004. Those raids yielded more than 2 million pornographic images of children ranging in age from 2 to 16 years.

The police acted on information from an international investigation led by the American Federal Bureau of Investigation, which tracked thousands of people around the world who accessed pay-per-view child porn websites hosted by organised crime gangs in Eastern Europe. The investigation uncovered child pornography that was prepared in Australia. In one of the worst cases police said the operation had rescued seven abused children from the one paedophile. In another case police found images of a two-year-old in bondage scenes. I fully support any legislation that will go towards eliminating the exploitation and abuse of children in sexual crimes.

There is also growing evidence of an increase in sexual tourism in international markets. The children are generally from developing nations. Children in those countries are much more vulnerable to the predatory

behaviour of tourists from other countries, including Australia, due to poverty, social dislocation, family breakdown, homelessness or previous experience with sexual victimisation. It is believed that to date there have been no successful prosecutions of organisers of child-sex tours.

The one case that has involved such a prosecution was that of Raymond John Jones in the Melbourne Magistrates Court on 11 May 1998. In that case the defendant placed an advertisement in a Melbourne newspaper looking for investors in a business in the Philippines. A witness in the case responded to the advertisement and met with the defendant, at which time he was shown photos of Filipino women and girls in various stages of undress. Unfortunately the defendant was acquitted due to insufficient evidence.

The facts in the Jones case suggest that sex tour operators are more likely to be individuals with similar sexual interests and that profit is a secondary motive in a lot of those instances. Under this organised crime legislation the people organising those sex tours because of mutual interest and not for profit will not be able to be successfully prosecuted. That is one area that needs to be looked at. It is a very difficult area, because it involves several countries and different legislative jurisdictions, but it is something we have to be looking at. As I said, the opposition does not oppose this legislation. There are some good things in it. I would like to have gone on a bit further to talk about the sexual tours that are being organised. I think all of us are horrified that people can use children in such a way.

Mr PERERA (Cranbourne) — I rise to speak in favour of the Major Crime Legislation Amendment Bill 2008. The Brumby government is committed to tackling serious organised crime. A few years ago Victoria was in the grip of a murderous rampage which has become known as the gangland war. Hearings in the gangland case were the first occasions on which police used coercive powers given to them by the Major Crime (Investigative Powers) Act. As we know, the outcome was desirable. With the development of international terrorism, criminal activities could take any shape, and governments of all political persuasions should be prepared to modify legislation to deal with the new realities.

Under the act witnesses who refuse to answer questions can be jailed for up to five years and self-incrimination can no longer be used as an excuse for silence. It is likely the chief examiner will begin by interrogating suspects police have identified as low-ranking members of crime syndicates before interrogating the men they believe are the crime leaders.

This bill amends the Major Crime (Investigative Powers) Act 2004 to implement the special investigation monitor's recommendations in relation to the major crimes legislation. It will support our ongoing fight against serious organised crime. The special investigations monitor made nine recommendations in his report. Most were of a technical nature and were intended to improve the operations of the coercive questioning regime.

The major feature of the bill is that it enables the chief examiner's coercive questioning powers to target organised criminal paedophilia networks. The bill extends the definition of 'organised crime offence' to include the purpose of obtaining sexual gratification where the victim is a child, in addition to the existing purposes of obtaining profit, gain, power or influence.

The use of coercive powers is inevitable if we are to counter sophisticated forms of criminal activity in this day and age. In the case of non-sexual matters, multiple counts of offences would strengthen the Crown case. In the case of sexual offences against children, the indictment carries representative counts of a course of sexual conduct taking place over a period of weeks, months or years. A child who may be experiencing guilt about indulging in sexual activity will be reluctant to disclose it for fear of being punished, blamed, doubted or admonished, or through embarrassment. In most child sex cases compelling witnesses to give evidence is justifiable, since evidence gathering could be harder in such cases.

Unlike in most other jurisdictions around the world, police in this state are restricted in their use of coercive questioning. In Victoria coercive powers are being utilised in a confined context and within a strict regime where independent persons and organisations are involved. Victoria's chief examiner is the only person allowed to conduct coercive interviews, and they can be used only to investigate organised crime. The view held by the chief examiner is that the exercise of coercive powers under a strict legislative regime should take place in a physical environment which makes it clear to any witness that the powers are being exercised under a regime which is clearly distinguishable from conventional police operational functions and facilities.

The premises at which the chief examiner carries out examinations and generally operates is a stand-alone building in Melbourne. There is no public indication of the functions carried on there or of any police presence. There is no definition of 'police station' in the Major Crime (Investigative Powers) Act or other legislation, and therefore the bill clarifies that for the purpose of that act 'police station' means any police premises

where a counter inquiry service for the public is provided.

The Supreme Court and the chief examiner have the power to give a confidentiality notice under section 20 of the Major Crime (Investigative Powers) Act. The chief examiner has raised some issues in relation to the operation of this section, particularly about when a confidentiality notice should cease to exist. The bill ensures the confidentiality of witnesses and the examination process while enabling questioning to occur at facilities that may be shared with Victoria Police.

The bill addresses this issue by requiring the court or the chief examiner to issue a notice causing the confidentiality notice to cease effect when the basis upon which the original confidentiality notice was issued no longer applies. The bill also provides for the confidentiality notice to automatically cease effect after five years but allows the chief examiner or the chief commissioner to apply for an extension if it is necessary to protect the continuation of the investigation. This amendment will ensure a fair trial of a person, the safety and reputation of a person and the effectiveness of an investigation.

This bill also implements the government's community safety election commitment to safeguard against the potential disclosure of sensitive police intelligence arising from challenges to casino and racetrack exclusion orders. I commend the bill to the house.

Mr WELLER (Rodney) — I rise tonight to make a contribution to the debate on the Major Crime Legislation Amendment Bill 2008. The purposes of the bill are is to make amendments to various acts relating to major crime, including expanding the definition of 'organised crime offence'; to amend provisions regarding coercive powers orders, confidentiality notices and appeals against an order made by the chief commissioner to exclude a person from Crown Casino or racecourses; and to provide for technical experts to assist with surveillance devices.

The main provision of the bill alters the definition of 'organised crime offence' to include as an indictable offence punishable by level 5 imprisonment or more one that has a purpose of obtaining sexual gratification where the victim is a child, and therefore coercive powers orders can be obtained against such offending. The bill also establishes new procedures for revocation applications against coercive powers orders, including the appointment of special counsel to represent an absent party. It alters the provisions regulating the cessation of confidentiality notices. The bill also defines a police station at which an examination under the act may not occur as police premises where a counter inquiry service for the public is provided.

The bill gives jurisdiction to the Supreme Court and County Court to determine any dispute regarding an application for legal professional privilege made to the chief examiner during an examination hearing. It requires the court to allow submissions by the chief examiner, the Chief Commissioner of Police or a witness whose interests are affected before issuing directions as to publication of evidence and information. It enables an application for a warrant for the arrest of a witness to be made to the Supreme Court or County Court and extends the secrecy provisions under section 68(1)(e) of the Major Crime (Investigative Powers) Act 2004 to cover all police and public servants working for Victoria Police, as well as persons engaged by the chief commissioner to provide services.

The bill also makes amendments to the Casino Control Act 1991 and the Racing Act 1958 by setting out the procedures relating to an application made to the Supreme Court to review a decision of the chief commissioner to exclude a person from a casino or a racecourse. Such a hearing may be held by a number of methods, including a closed court, a hearing without notice or where evidence is given by confidential affidavit that is not disclosed to other parties. A special counsel may be appointed by the court. This bill also makes amendments to the Surveillance Devices Act 1999 to provide that technical experts can provide assistance to law enforcement officers by installing, using, maintaining and retrieving surveillance equipment.

I want to touch on the definition of 'organised crime offence'. The bill amends the Major Crime (Investigative Powers) Act 2004 to make it clear that an indictable offence is an offence punishable by level 5 imprisonment, which is a maximum of 10 years or more, that has the purpose of obtaining sexual gratification where the victim is a child. The definition of such an offence must satisfy other existing criteria in that the offence must involve two or more offenders. I think the whole community finds these types of offences very disturbing and very offensive, and I think the community as a whole thinks we should come down like a ton of bricks on these people. This legislation does not go far enough. There should be standard minimum sentencing for people who offend in this area. This bill should be bringing that in, and it fails to do so. This legislation should have gone a lot further and been a lot tougher on paedophiles and people who are guilty of these types of offences.

The Nationals ran with this in the 2006 election and there were major swings to The Nationals. In the seat of Benalla there was a swing of 20 per cent. When the current shadow Minister for Local Government ran for the seat of Shepparton she achieved a swing of about 20 per cent due to her stance on standard minimum sentences. The community is right behind this, and we should have gone a lot further in this bill by introducing standard minimum sentencing.

Another concern I have is how we define a police station. This bill says these offenders cannot be interviewed at a police station. However, how do we classify Echuca police station? The bill defines a police station as a police premises with a counter. If you visit Echuca police station it is debatable whether or not you will find a counter because white ants are busily eating it away. The counter is being renewed about every six months because the white ants have eaten it away, so it could be that we could interview — —

The DEPUTY SPEAKER — Order! As riveting as the contribution to the debate by the member for Rodney is, it is time under standing orders for me to interrupt the business of the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Alfred hospital: former patient

Mrs SHARDEY (Caulfield) — The issue I raise is for the Minister for Health. I call on the minister to investigate the matter I am about to raise and to take the appropriate action to respond to the family and fix the issue. I received an email from Denise Dale. It states:

> You may remember the interview Neil Mitchell, Channel 7, 9 and 10 did with my brother, Greg Reeve, around October last year with regard to our father, Grahame Reeve, the 83-year-old returned war veteran. You may recall that he had been left in accident and emergency on a trolley —

this was at the Alfred hospital —

> in a main thoroughfare and then spent weeks in ICU following a pulmonary embolism.
>
> He had fractured his hip at the time of his admission, a relatively simple procedure these days if treated properly. He was left on the trolley for 24 hours and then in a hospital bed for three to four days without Warfarin — anticoagulant therapy.

Of course this led to his pulmonary embolism. Denise's email goes on to say:

> He spent at least four to five weeks in ICU fighting for his life. When he could have been transferred to a ward the Alfred claimed there were no beds. He became depressed and stated he wanted to die.
>
> My father since his ordeal at the Alfred has never been able to walk or return home and lost his beautiful wife and our mother in December last year.
>
> He had been her full-time carer for seven years.

The email continues:

> My father is now seriously ill and will be lucky to be alive this side of Christmas.
>
> I wrote to the Alfred on 22 September 2008 asking for some compensation and some answers for my father's ordeal.

I think that is the bigger question.

> I wrote to … Jennifer Williams, the CEO, appealing to her sense of goodwill and typically the letter was passed onto the patient liaison officer, a Greg Han.
>
> Our family cannot understand, with all the media coverage at the time of his admission, why the Premier and/or the Minister for Health did not insist on a full investigation.
>
> We have had some communication from the Alfred since the letter I sent stating that they are taking the matter seriously; however, after almost two months and over a year since my father's admission one would expect a quicker response.
>
> This in our opinion is not acceptable to us as dad may have only weeks to live.

The email is signed 'Denise Dale'.

I call upon the Minister for Health to investigate this issue, to perhaps discuss it with the Alfred hospital and see what can be done to address what has occurred to a man who does not deserve to end his life in such a miserable way.

Woodend Junior Football Club: funding

Ms DUNCAN (Macedon) — The matter I wish to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs and it relates to the Woodend Junior Football Club and its application for funding of just under $60 000 from Sport and Recreation Victoria.

This funding would be used to replace what could be said to be unsafe, but certainly inadequate, lighting currently provided at the oval. The existing poles are not straight and need to be replaced as they currently pose some risk. In addition, the lights only illuminate approximately half the oval, which as you can imagine

severely limits training and also creates uneven wear and tear on the oval.

Currently Woodend Junior Football Club has about 185 active members and fields eight teams. Woodend is also a growing town, with young families with children being a significant part of the growth in that town. We need to ensure that local sporting facilities continue to meet the needs of this growing area. As a government we also want to encourage more people to play and be involved in sport, and with junior football clubs we know that huge numbers of the parents are very closely involved in their children's sport, so this has a multiplying effect in terms of the health and wellbeing of the community, not just for the students who are playing, but for all the adults who support the clubs and support their children.

Upgrading inferior and inadequate facilities like lighting is one way this government can encourage greater participation in sport, and it is also, as we know, a community-building exercise. Training is currently being conducted four times a week on this oval, so these lighting upgrades would be very well used. Part of the submission includes the installation of four new light poles that can be switched from 50 lux for training in the evenings to 100 lux, which could accommodate night competition.

The DEPUTY SPEAKER — Order! The member should ask for action.

Ms DUNCAN — The club is contributing over $15 000, with a further $13 000 of in-kind support, with a total project cost of $87 524, so the action I am seeking is for the minister to support this application to assist this club in providing appropriate infrastructure so it can continue to support young up-and-coming footballers in the beautiful town of Woodend.

Planning: coastal regions

Mr RYAN (Leader of The Nationals) — I wish to raise a matter for the Minister for Planning. The assistance I seek from the minister is the provision of clear and appropriate action with regard to Victoria's planning arrangements insofar as they relate to our coastal regions.

I do so in circumstances where, at the present time, virtual chaos reigns in the sense of the prospective development of land adjacent to many parts of our coast, including that part of the coastline of Victoria which I have the great honour to represent.

Owners of land in these areas adjacent to the coast are in a terrible state of uncertainty as to what they can do with their properties. The finance sector, which has a strong interest in much of this land, is also worried about what is to happen with regard to planning-related issues. Local government finds itself the meat in the sandwich and so often is having to grapple with very difficult decisions as to whether planning permits should be given and what conditions should be applied to them. All of this happens from Mallacoota in the east of the state all the way through to the South Australian border, including in such magnificent areas as Port Fairy.

In my own electorate, in the Honeysuckles estate there has been great uncertainty over the past months as Wellington Shire Council has grappled with whether permits for buildings ought to be granted. The issue of the inappropriate subdivisions down near Golden Beach, running all the way back to Seaspray, continues to be a matter of great concern. At Toora a Victorian Civil and Administrative Tribunal decision that was taken earlier this year has thrown enormous doubt upon the developmental capacity of land even up to 1 to 1.5 kilometres away from the ocean. That has happened not only because of interpretations with regard to farm zones, but also because VCAT chose to place its interpretation upon the significance of climate change.

I might say the state planning policy at the moment is completely silent on the issue of climate change. The words do not appear within the Victorian government state planning policy. Local government is having to fill the gap. VCAT is coming along to pick up the pieces. Chaos reigns.

In the South Gippsland area there is great uncertainty in towns such as Sandy Point and Waratah Bay and many towns like them. Only a little further to the west of all of this is the site of the desalination plant which is to be built by this government. This is in circumstances where the land on which this $4 billion or $3 billion — who would know — infrastructure is going to be built is in fact far closer to the ocean and at a far lower sea level than the blocks of land at Toora where planning permits for building have been refused.

The government needs to clarify all of this. The same things apply in East Gippsland. The government needs to fix this confusion. It needs to have a properly defined, coherent and appropriate planning policy with regard to our coastal regions.

Child care: Yarraville

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Children and

Early Childhood Development. The action I seek from the minister is that she work with the commonwealth government to deliver additional child-care facilities in the Yarraville area.

I might point out for the minister's benefit that I share representation of the suburb of Yarraville with the member for Footscray. This is significant, particularly given that the member for Footscray and I work closely on these types of issues to deliver better outcomes for the residents of the inner west. On this issue we are in complete agreement.

Yarraville has quickly become a suburb of choice for new families. With affordable house prices and a village-type feel, Yarraville offers pretty much everything, including a strong sense of community. It is little wonder that in the midst of a baby boom across Victoria, the residents of the Maribyrnong City Council, which encompasses Yarraville, have also contributed to these record figures.

In the most recent figures 1215 births were notified to the local maternal and child health services in 2006–07 — an increase of 21.7 per cent since 2000–01. This compares to an increase across Victoria of 15.9 per cent.

Of local families with young children, 20.7 per cent were one-parent families. This again is higher than the state average of 16.9 per cent. These two figures are clearly placing a level of pressure on child-care facilities in areas such as Yarraville, Seddon and Kingsville.

Fortunately this government has been investing heavily to assist families with their child-care responsibilities. The Victorian government has already committed funding for 95 multiservice children's centres across the state, with funding currently allocated to 66, with 45 of these having already been opened. These centres bring together a range of health, early education, child-care and family services so that parents can more easily access help when needed.

I have seen this investment in action. In fact, earlier this year the minister visited my electorate to open the enhanced Altona North child-care centre. Following a substantial contribution from the state government, the centre, which is run by Yooralla, has expanded its capacity from 30 to 58 children. It is pleasing that the centre offers children with developmental delays and learning difficulties a one-stop-shop to access services such as speech pathology and physiotherapy.

We are also fortunate that our federal Labor member for Gellibrand, the Honourable Nicola Roxon, a young mother herself, has a strong interest in the needs of young families in the Yarraville area. I say this because in the lead-up to the federal election last year, Nicola Roxon promised that a Rudd government would build a new child-care centre in Yarraville. Ironically, this promise came after the Howard government identified Yarraville as a suburb urgently in need of child-care investment by including it on its hot spots list.

I again urge the minister to work with the federal government to deliver additional child-care facilities to the working families of the inner west and specifically to the residents of Yarraville.

Carers: Respite for Older Carers program

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the urgent attention of the Minister for Community Services. The action I seek is for the Brumby government to fix its bungled and bureaucratic processes and ensure that service providers are once again able to provide appropriate and flexible respite services to ageing parents who are carers under the Respite for Older Carers program.

The transfer of the Respite for Older Carers program from the commonwealth to the state has been an exercise in failure to deliver by the Brumby government and the Minister for Community Services and makes a mockery of the government's rhetoric about new levels of federal-state cooperation. Instead, the Minister for Community Services has mismanaged the transfer of the Respite for Older Carers program to such an extent that these respite services have now ground to a halt.

Charities have promoted their newly funded services far and wide and, not surprisingly, determined a significant level of unmet need. However, they were notified in June that the program was to be transferred to the states. And what has been result? For four months service providers and carers have been unable to accept new clients. The transfer date has well and truly passed, but the government is so disorganised that nothing has happened. Older carers who are in desperate need of respite had their hopes set on receiving overdue and flexible support, only to have their hopes quashed by layers of Labor government bureaucracy.

In Victoria nearly 6000 people are not having their accommodation and respite needs met. We have a system that is clearly at breaking point, and we have a government and a minister who consistently fail to listen to community organisations and individuals who need care and support. Service providers are now claiming that this is the worst management of a

government contract ever. In addition, there was a commitment to continue funding services for those already in the program. However, the state government has failed to pay for the last three months of services, causing significant cash flow concerns for the charities delivering respite.

There is also a potential change to the eligibility criteria. However, the minister's failure to clarify what will be the new criteria has left carers and charities in the dark about their future. The new eligibility will potentially lead to a drawn out and time-consuming process, requiring carers to register on the disability support register before they can access this respite.

The government has also flagged that while contracts will be honoured this year, next year the contracts signed with the federal government will be ripped up and replaced by a Department of Human Services contract at significantly reduced rates. It is estimated this rate is approximately 25 per cent lower than the current contracts, which were designed to flexibly meet the requirements of people needing care.

It is unacceptable that the Minister for Community Services has allowed carers needing respite to be left in such limbo. They have been tempted into a new program to give them some much-needed relief and then left hanging, waiting for the state government to get its act into gear. Is this really the best the minister can do? I call on the minister to ensure that carers are able to access the much-needed respite they desperately need and deserve.

Road safety: Traffic Accident Commission campaigns

Mr LIM (Clayton) — I rise tonight to raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission. I ask the minister responsible for the TAC to take action so that speed and alcohol issues are front and centre of the campaign to reduce the road toll over this festive season.

As at 30 November this year, some 281 lives have been lost on Victorian roads, which is 281 too many. All road fatalities are avoidable. Last year 332 lives were lost on Victorian roads.

I want to say a few words about the effects of speed and alcohol on the road toll. Nearly 30 per cent of fatalities last year involved drivers who had blood alcohol contents higher than the legal limit. Speed is also a significant factor in road accidents and fatalities. We know that the risk of being involved in a casualty crash doubles with each 5 kilometres per hour increase in free travelling speed above 60 kilometres per hour.

One obvious implication of dangerous driving, be it by being under the influence of alcohol or by speeding, is that you are not only a danger to yourself but also you are a danger to others — that is, to other road users and passengers.

Road trauma has massive effects not just on those immediately affected but also on the friends and families of those involved. Its effects should not be underestimated. It costs the community in the billions of dollars each year. Clearly, speed and alcohol play a significant role in the make-up of our road toll. This is the last sitting week before the festive season begins, and the festive season is tragically the most dangerous period on our roads. Therefore, I ask the minister to take action to address these issues seriously.

School buses: Warragul

Mr BLACKWOOD (Narracan) — I call on the Minister for Education to take urgent action to provide extra bus capacity for the students in the Warragul area who will not be able to get a seat on a school bus for the start of the 2009 school year. The students I am referring to are attending Catholic schools, and they will be unable to access a school bus to their nearest Catholic school.

There are currently approximately 60 students from Marist-Sion College and St Joseph's Primary School in Warragul who will not be able to catch a bus to school next year. All of these students are from outlying areas, and many already have siblings who currently have seats on a government bus. Many of the parents of these students are either both working and have to travel considerable distance to work or are working on the farm and are therefore unable to drive their children to school.

Even worse is the situation single-parent families will have to deal with because of the lack of access to government school bus transport. A large number of distressed, working single mothers have contacted me, and many will be forced to take their children away from a Catholic education. We are talking about families that are already dealing with isolation, farming families that are trying to cope with drought, and single-parent families battling with one income and in many cases having to travel quite some distance to work.

I have received many letters of concern on this matter. I will quote to the house parts of one from Dominic

Ryan, principal of St Joseph's Primary School in Warragul. Dominic says in his letter to me:

> I write to you today to urge you to support a change in government policy that at present actively discriminates against families who have chosen to send their children to their local Catholic primary school.
>
> … St Joseph's provides the same curriculum as do government schools and meets all Victorian government compliance requirements. At the same time, in fact it, saves the government considerable money as it costs the Victorian taxpayer far less to educate a child at St Joseph's than it would at any of the surrounding government schools.
>
> Having access to bus services continually uncertain, or not allowed at all, is a great injustice that impacts heavily on many families wanting to send their children to our school.

I foreshadowed this situation when I raised this matter in the house last February. I called on the minister to conduct a review of the school bus arrangements in the Warragul area because of the unprecedented growth the area has experienced. As is usual, nothing has been done, and now we find rural families being subjected to a situation that is not only unfair but absolutely discriminatory. I again call on the minister to take action on this matter immediately.

Housing: overseas students

Mr CARLI (Brunswick) — I wish to raise a matter for the attention of the Minister for Community Services. I would like the minister to ensure greater protection for overseas students in the housing rental market.

There was a case in Melbourne earlier this year when Nepalese students were cramped into three houses. One of the houses, a three-bedroom house in Coburg, was set up for 48 students; another for 28 students; and another for 18 students. These were appalling conditions and showed extreme exploitation by the owner of those properties, who was also of Nepalese origin. It was a terrible situation. I understand the government is giving greater protection to overseas students in terms of rental properties, particularly properties associated with student accommodation and particular educational institutions.

What I am asking for is greater protection through the residential accommodation strategy to ensure that we have changes to the Residential Tenancies Act so that the phrase 'fit and habitable purpose' is put into the act. There should also be more intervention powers for the director of consumer affairs to ensure that we can deal with these incredibly appalling cases where overseas students who come with very little resources are heavily exploited. They are vulnerable people. They are often exploited by people who are from a similar or the same ethnic background but who turn out to be incredibly exploitative. In the Coburg cases, the council raided the properties and found they were filthy. The conditions were terrible. The students were housed in dormitory-style rooms where mattresses were stacked from the floor to the ceiling. These were not fit conditions.

There is a responsibility on both the Australian and Victorian governments to act to protect international students. They are of enormous importance to us; they are certainly economically important but also important in terms of the life that they give to the city. It is also important that we deal with unscrupulous landlords, so I ask the minister to act to ensure that the legislation and the ability for Consumer Affairs Victoria to intervene is made stronger.

St Arnaud: indoor sports stadium

Mr WALSH (Swan Hill) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs regarding the need for urgent funding for the St Arnaud indoor sports stadium. Many years of use by the community of St Arnaud has resulted in the stadium's playing surfaces being worn dangerously thin.

The St Arnaud indoor sports stadium is the only large all-weather sporting facility in the area. The stadium plays host to competitions and events, attracting schools and other sporting groups from across the region. It is also being increasingly called on for use by the town's three schools because cracking due to the drought and stage 4 water restrictions make outdoor playing surfaces too dangerous for use. After school, juniors and adults alike flock to the stadium for basketball, badminton, squash, tennis, indoor cricket and gymnastics.

Almost a third of the town's population of 2700 relies on the stadium for regular sporting activity. But ironically the stadium's popularity could be its undoing, and it is causing headaches for its voluntary committee of management. Regular use and routine maintenance has worn the floor boards thin and many cracked boards are having to be replaced after heavy impact has caused a person to break through them. The Department of Education and Early Childhood Development, which owns the building, has deemed the floor unsafe and granted the committee approximately $90 000 for its urgent replacement. Detailed costings put the floor replacement at about $150 000, leaving the project $60 000 short.

The committee recognised the urgency for these works and applied for funding from the community facility funding program in 2007. However, its application was unsuccessful. Recognising that the case is now even more desperate and even more urgent, the committee has reapplied for funding under the current round. A second refusal from the minister's department will put at risk the existing funding from the department and potentially the future of the stadium. Closure of the stadium would deliver a devastating blow to the community and more than 500 students who rely on the stadium as an essential sporting venue.

I urge the minister to deliver the St Arnaud community some much-needed early Christmas cheer by giving his full support to the Northern Grampians Shire Council's application under the community facility funding program for the St Arnaud indoor sports stadium surface redevelopment project.

Westgarth Primary School: funding

Ms RICHARDSON (Northcote) — The matter I raise concerns Westgarth Primary School in my electorate. I refer the matter to the Minister for Education and call on her to act to upgrade the facilities at the school.

Westgarth Primary School is a leading school in my electorate. However, it has been put under increased pressure recently due to a rapid rise in enrolments that have taken place at the school. But to its credit it has so far met that challenge through hard work and commitment to the students.

The increase is as a result of a mini baby boom that has happened in my electorate and in the inner city areas, and also as a consequence of word of mouth. The school is building a reputation as a great school and parents from across Northcote and from surrounding suburbs are flocking to enrol at Westgarth Primary School. In 2008 there were 418 students enrolled at the school, and the enrolments will increase next year to 465 students.

For a considerable time the parents, school leadership, principal Grace Conway, the staff and school council have all expressed concern to me and others about the facilities at the school and in particular the large number of portables that have been placed on the school grounds. The challenge faced by the school is exacerbated by the school being located on two campuses. There is a junior campus for P–2 on Brooke Street, and a senior campus for grades 3 to 6 on Clarke Street. Classrooms at each of the sites need to be flexible enough to deal with the growing numbers and the need to provide the best educational settings for our children.

I have met with the principal, Grace Conway, on numerous occasions and with the school council. I have discussed projects undertaken at other schools such as at Northcote High School that might be suitable for Westgarth's needs. Parents have written to me on numerous occasions and have signed a petition on behalf of the whole school community, calling for an upgrade of their school.

The need to modernise all schools across the state has been recognised by Labor, which has committed $1.9 billion to upgrade schools, unlike our opponents opposite who closed schools and flogged them off.

Westgarth Primary School has not failed a single student despite the pressures that it has faced. The school community works very hard to raise funds but clearly needs more to meet the growing needs and challenges that are facing it and students. I therefore call on the minister to take this action to upgrade their facilities.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Macedon raised an application made by the Macedon Ranges Shire Council to the country football and netball program for an upgrade to the lighting facilities at the Woodend junior football club.

I have informed the house many times about the vital importance this program is playing in our rural and regional communities. It is a $10 million program, with $8 million provided by the state Labor government after it received a good committee report, where it all began, and $2 million provided by the Australian Football League. To date, $7.6 million has been delivered to upgrade 217 individual programs.

As this is the last sitting week of the Parliament for this year I would like to give a brief outline of the program for this year, as it has been another fantastic year for the country football and netball program. In January I spent a couple of days in the north-east of the state, visiting clubs in Yarroweyah, Cobram, Tarrawingee and Bonnie Doon to announce funding.

Mr Kotsiras interjected.

Mr MERLINO — It is relevant. In the months since, I have visited clubs in every region of the state, announcing projects, opening projects and meeting

hundreds of dedicated volunteers who keep their clubs running day in and day out.

The highlight of the year was the Brumby government funding to bring AFL football to Shepparton in March. Almost 10 000 community members went to Deakin Reserve to see a pre-season match between Collingwood and the mighty Hawks under lights funded from the country football and netball program. Those lights also enabled night football to be played in Shepparton by teams from neighbouring leagues right throughout the season.

In March I launched the program's Half-Time report, with the first $5 million leading to $11 million worth of improvements for country football and netball clubs. Of the 150 clubs featured in the report, 97 per cent of those surveyed reported that their projects had strengthened the viability of their clubs, 95 per cent said the project increased the use of their facilities, and 95 per cent said their projects provided a safer place for people to participate.

The following month, in April, I joined the Premier at the Buninyong football and netball club, where the Premier announced the 200th project funded under the country football and netball program — a remarkable achievement for a program only three years old.

The country football and netball program is one of the great demonstrations of the Brumby government's commitment to rural and regional Victoria. Every part of the state has been touched, and I can assure the member for Macedon that I will take into strong consideration her support for the Woodend junior football club's application to the program.

The member for Swan Hill raised an application for an upgrade of the St Arnaud indoor sports stadium. He outlined the critical role this facility plays in not only being a community sporting hub but also, as the member mentioned, an important outlet for local schools and school kids to play. I am very proud of the community facilities funding program, whether it is major funding of up to $500 000 or minor funding, of which this is one, of up to $60 000, or whether it is planning.

To date over $170 million has been delivered to 1860 projects across the state. That is a fantastic outcome. That is the bedrock of our community sporting program. In addition we have the $10 million provided for the country football and netball program, and over the last few summers more than $28 million has been allocated in drought funding to further improve local community facilities.

I take this opportunity to thank the volunteers for the great work they do in their local communities. I can assure the St Arnaud community and the member for Swan Hill that I will certainly take into strong consideration his support for this project. The announcements regarding minor facilities under the community facility funding program will be in February or March next year, but I will certainly take on notice the matters he has raised during the adjournment debate tonight.

The member for Caulfield raised a matter for the Minister for Health.

The Leader of The Nationals raised a matter for the Minister for Planning.

The member for Williamstown raised a matter for the Minister for Children and Early Childhood Development.

The members for Brunswick and Doncaster raised matters for the Minister for Community Services.

The DEPUTY SPEAKER — Order! I think the member for Brunswick's matter should have been for the Minister for Consumer Affairs.

Mr MERLINO — The member for Doncaster raised a matter for the Minister for Community Services.

The member for Clayton raised a matter for the Minister for Finance, WorkCover and the Transport Accident Commission.

The members for Narracan and Northcote raised matters for the Minister for Education. I will ensure that those matters are raised with those ministers for their action.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.30 p.m.