

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 30 October 2008

(Extract from book 15)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, 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
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
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 Naphthine, 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 Elasmarr 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 Elasmarr, 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	Treize, 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	Woodridge, 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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Thursday, 30 October 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 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 5, 6, 107 to 121 and 208 to 211 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 2.00 p.m. today.

NOTICES OF MOTION**Notices of motion given.****Ms MUNT having given notice of motion:**

The SPEAKER — Order! I am concerned about that notice of motion from the member for Mordialloc, and I will review it later.

Further notices of motion given.**Mr NORTHE having given notice of motion:**

The SPEAKER — Order! I think I see a pattern of members statements arriving in the form of notices of motion. That notice of motion will also be reviewed.

Further notice of motion given.**Mr DELAHUNTY having given notice of motion:**

The SPEAKER — Order! I also see this recurring pattern in the notice of motion given by the member for Lowan. It may be that the Standing Orders Committee will look at the removal of members statements from the daily program.

Further notices of motion given.**Mr NORTHE having given notice of motion:**

The SPEAKER — Order! That notice of motion will also be reviewed and should also have been given as a members statement.

Mr Clark — On a point of order, Speaker, I submit that the motions on which you have commented are all in order. The requirement for a notice of motion is that it is a notice of something that moves the house to reach a conclusion or to take some action. I submit that that

applies equally to the notices of motion that have been given by the member for Pascoe Vale, who has moved that the house note certain things which the motion invites the house to agree to.

It would be perfectly in order for you, Speaker, as a matter of policy to take the question of the form of notices of motions to the Standing Orders Committee. Of course this house at any time has the option as to the forms in which it receives notices of motion. However, in terms of the current standing orders the requirement for a notice of motion is that it invite the house to resolve to a certain effect, and as long as the proposed motion invites the house to resolve to a certain effect, it is in order.

The SPEAKER — Order! Obviously this issue, which has been before the Standing Orders Committee for some time, will need to be reviewed. My view is that we should do away with members statements, and that is what I will be taking to the Standing Orders Committee. I thank the member for Box Hill, because his comments will be considered when the Standing Orders Committee next meets.

PETITIONS**Following petitions presented to house:****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 K. SMITH (Bass) (276 signatures)**North-eastern ring-road: construction**

To the Legislative Assembly of Victoria:

The petition of residents of north-eastern Melbourne draws to the attention of the house the character of Melbourne's green wedges and the essential part they play in our communities' livability and sustainability.

The petitioners therefore request that the Legislative Assembly of Victoria:

1. Adheres to the spirit of the green wedge legislation and opposes the construction of a freeway through our beautiful Nillumbik and Manningham green wedges to EastLink.
2. Delivers public transport improvements including rail and bus services.
3. Investigates the economic and environmental viability of the construction of a freeway link between the Greensborough bypass and the Eastern Freeway.

By Mr HERBERT (Eltham) (549 signatures)

Transport: east–west link needs assessment

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws attention to the Legislative Assembly that residents of West Footscray and neighbouring suburbs strongly oppose recommendations 4 and 5 as proposed in the east–west link needs assessment.

The petitioners therefore request that the state government of Victoria reconsider the Eddington report and consider funding and updating our public transport system. Recommendations 4 and 5 will have dramatic impacts for residents of West Footscray, Footscray and Maidstone.

Better public transport would reduce congestion, decrease carbon emissions and provide a welcomed service. With rising oil prices and climate change more roads are only a bandaid solution.

By Ms THOMSON (Footscray) (844 signatures)

Brimbank: councillors

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

We ask that the Minister for Local Government, the Honourable Richard Wynne, immediately intervene in the City of Brimbank, which has become ungovernable due to one Cr Natalie Suleyman not being endorsed for the state seat of Kororoit. She is taking out her revenge on the community with her majority group of councillors, this blatant abuse of power without due care for the health, safety and wellbeing of the residents of Brimbank. This is the reason we ask the minister to forthwith dissolve the City of Brimbank and appoint a commissioner to govern the City of Brimbank.

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

By Mr SEITZ (Keilor) (152 signatures)

Driver Education Centre of Australia: Careful Cobber program

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the decision to cut funding for the Careful Cobber program at the Driver Education Centre Australia Shepparton.

The petitioners register their opposition to the decision on the basis that this is an extremely important practical driver education program which teaches primary school students the importance of road safety and how to share the road responsibly.

The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to reinstate funding for the Careful Cobber Program.

By Mrs POWELL (Shepparton) (411 signatures)

Tabled.

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

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mr DELAHUNTY (Lowan).

OFFICE OF THE PUBLIC ADVOCATE

Report 2007–08

Mr BATCHELOR (Minister for Community Development), by leave, presented report.

Tabled.

VICTORIAN FIREFIGHTERS

Protective clothing report

Mr BATCHELOR (Minister for Community Development), on behalf of the Minister for Police and Emergency Services, by leave, presented report on processes to select new personal protective clothing for Victorian firefighters, together with letter of Judge Lewis to Minister for Police and Emergency Services dated 28 February 2008, notes of Judge Lewis titled ‘Key points for discussion with the minister’ and letter dated 22 October 2008 from the Department of Justice to the minister.

Tabled.

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION

Report 2007–08

**Mr BATCHELOR (Minister for Community
Development), by leave, presented report.**

Tabled.

COUNCIL OF MAGISTRATES

Report 2007–08

**Mr HULLS (Attorney-General) presented report
by command of the Governor.**

Tabled.

DOCUMENTS

Tabled by Clerk:

Accident Compensation Conciliation Service — Report 2007–08

Adult, Community and Further Education Board — Report 2007–08

Adult Parole Board — Report 2007–08

Alexandra District Hospital — Report 2007–08

Alpine Health — Report 2007–08

Altona Memorial Park, Trustees of — Report 2007–08

Ambulance Service Victoria — Metropolitan Region — Report 2007–08

Austin Health — Report 2007–08 (two documents)

Australian Grand Prix Corporation — Report 2007–08

Bairnsdale Regional Health Service — Report 2007–08 (two documents)

Ballarat Health Services — Report 2007–08

Barwon Health — Report 2007–08

Barwon Region Water Corporation — Report 2007–08 (four documents)

Bass Coast Regional Health — Report 2007–08 (two documents)

Bayside Health — Report 2007–08

Beaufort and Skipton Health Service — Report 2007–08 (two documents)

Beechworth Health Service — Report 2007–08 (two documents)

Benalla and District Memorial Hospital — Report 2007–08 (two documents)

Bendigo Health Care Group — Report 2007–08

Boort District Hospital — Report 2007–08 (two documents)

Casterton Memorial Hospital — Report 2007–08 (two documents)

Central Gippsland Health Service — Report 2007–08 (two documents)

Central Gippsland Region Water Corporation — Report 2007–08

Central Highlands Region Water Corporation — Report 2007–08

Cheltenham and Regional Cemeteries Trust — Report 2007–08

Child Safety Commissioner — Report 2007–08

City West Water Ltd — Report 2007–08

Cobram District Hospital — Report 2007–08 (two documents)

Cohuna District Hospital — Report 2007–08

Colac Area Health — Report 2007–08

Coliban Region Water Corporation — Report 2007–08

Commissioner for Law Enforcement Data Security, Office of — Report 2007–08

Community Visitors — Report 2007–08 under the *Disability Act 2006*, *Health Services Act 1988* and *Mental Health Act 1986* — Ordered to be printed

Confiscation Act 1997 — Asset Confiscation Operations Report 2007–08

Consumer Affairs Victoria — Report 2007–08 — Ordered to be printed

Corangamite Catchment Management Authority — Report 2007–08

Country Fire Authority — Report 2007–08

Dental Health Services Victoria — Report 2007–08

Djerriwarh Health Services — Report 2007–08 (two documents)

Dunmunkle Health Services — Report 2007–08

East Gippsland Region Water Corporation — Report 2007–08

East Grampians Health Service — Report 2007–08

East Wimmera Health Service — Report 2007–08

Eastern Health — Report 2007–08

Echuca Regional Health — Report 2007–08 (two documents)

Edenhope and District Memorial Hospital — Report 2007–08

Education and Early Childhood Development, Department of — Report 2007–08

Emerald Tourist Railway Board — Report 2007–08

Emergency Services Superannuation Board — Report 2007–08

Emergency Services Telecommunications Authority — Report 2007–08

Environment Protection Authority — Report 2007–08

Essential Services Commission — Report 2007–08

Fawkner Crematorium and Memorial Park Trust — Report 2007–08

Fed Square Pty Ltd — Report 2007–08

Financial Management Act 1994:

Report from the Minister for Community Services that she had received the 2007–08 report of the Disability Services Commissioner

Report from the Minister for Environment and Climate Change that he had received the 2007–08 report of the Surveyors Registration Board of Victoria

Reports from the Minister for Health that he had received the 2007–08 reports of:

Alexandra District Ambulance Service

Bendigo Cemeteries Trust

Chinese Medicine Registration Board of Victoria

Dental Practice Board of Victoria

Fawkner Crematorium and Memorial Park

Geelong Cemeteries Trust

Health Purchasing Victoria

Infertility Treatment Authority

Keilor Cemetery Trust

Maldon Hospital

Managatang and District Hospital

Medical Radiation Practitioners Board of Victoria

Mildura Cemetery Trust

Omeo District Health

Optometrists Registration Board of Victoria

Osteopaths Registration Board of Victoria

Pharmacy Board of Victoria

Physiotherapists Registration Board of Victoria

Podiatrists Registration Board of Victoria

Preston Cemetery Trust

Templestowe Cemetery Trust

Wyndham Cemeteries Trust

Report from the Minister for Water that he had received the 2007–08 report of the Northern Victoria Irrigation Renewal Project

Reports from the Minister for Veterans' Affairs that he had received the 2007–08 reports of:

Shrine of Remembrance Trustees

Victorian Veterans Council

Gippsland and Southern Rural Water Corporation — Report 2007–08

Gippsland Southern Health Service — Report 2007–08 (two documents)

Goulburn-Murray Rural Water Corporation — Report 2007–08

Goulburn Valley Health — Report 2007–08

Goulburn Valley Region Water Corporation — Report 2007–08

Grampians Wimmera Mallee Water Corporation — Report 2007–08 (two documents)

Health Services Commissioner, Office of — Report 2007–08

Hepburn Health Service — Report 2007–08

Hesse Rural Health Service — Report 2007–08

Heywood Rural Health — Report 2007–08

Human Services, Department of — Report 2007–08

Inglewood and Districts Health Service — Report 2007–08

Innovation, Industry and Regional Development, Department of — Report 2007–08

Judicial College of Victoria — Report 2007–08

Justice, Department of — Report 2007–08

Keilor Cemetery Trust, Trustees of — Report 2007–08

Kerang District Health — Report 2007–08

Kilmore and District Hospital — Report 2008–08

Kooweerup Regional Health Service — Report 2007–08 (two documents)

Kyabram and District Health Service — Report 2007–08

Kyneton District Health Service — Report 2007–08

Latrobe Regional Hospital — Report 2007–08

Legal Practitioners Liability Committee — Report 2007–08

- Legal Services Board — Report 2007–08
- Legal Services Commissioner — Report 2007–08 — Ordered to be printed
- Lorne Community Hospital — Report 2007–08
- Lower Murray Urban and Rural Water Corporation — Report 2007–08
- McIvor Health and Community Services — Report 2007–08
- Mallee Catchment Management Authority — Report 2007–08
- Mallee Track Health and Community Services — Report 2007–08 (two documents)
- Mansfield District Hospital — Report 2007–08 (two documents)
- Maryborough District Health Service — Report 2007–08 (two documents)
- Melbourne and Olympic Parks Trust — Report 2007–08
- Melbourne Convention and Exhibition Trust — Report 2007–08
- Melbourne Health — Report 2007–08
- Melbourne Water Corporation — Report 2007–08
- Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns as at 30 September 2008 — Ordered to be printed*
- Metropolitan Fire and Emergency Services Board — Report 2007–08
- Metropolitan Waste Management Group — Report 2007–08
- Moyne Health Services — Report 2007–08
- Mt Alexander Hospital — Report 2007–08 (two documents)
- Nathalia District Hospital — Report 2007–08 (two documents)
- Necropolis Springvale, Trustees of — Report 2007–08
- North Central Catchment Management Authority — Report 2007–08 (two documents)
- North East Region Water Corporation — Report 2007–08
- Northeast Health Wangaratta — Report 2007–08
- Northern Health — Report 2007–08 (two documents)
- Numurkah District Health Service — Report 2007–08
- Nurses Board of Victoria — Report 2007–08
- Orbost Regional Health — Report 2007–08
- Otway Health and Community Services — Report 2007–08
- Parks Victoria — Report 2007–08 (two documents)
- Parliamentary Contributory Superannuation Fund — Report 2007–08
- Peninsula Health — Report 2007–08 (two documents)
- Peter MacCallum Cancer Centre — Report 2007–08
- Planning and Community Development, Department of — Report 2007–08
- Police Appeals Board — Report 2007–08
- Police Integrity, Office of — The Victorian Armed Offenders Squad — a case study — Ordered to be printed
- Port of Melbourne Corporation — Report 2007–08
- Port Phillip and Westernport Catchment Management Authority — Report 2007–08
- Portland District Health — Report 2007–08 (two documents)
- Premier and Cabinet, Department of — Report 2007–08
- Preston Cemetery Trust — Report 2007–08
- Prince Henry's Institute of Medical Research — Report 2007–08 (two documents)
- Public Prosecutions — Director, Committee and Office Report 2007–08
- Public Transport Ticketing Body — Report 2007–08
- Queen Elizabeth Centre — Report 2007–08 (two documents)
- Queen Victoria Women's Centre Trust — Report 2007–08
- Radiation Advisory Committee — Report 2007–08
- Regional Development Victoria — Report 2007–08
- Roads Corporation (VicRoads) — Report 2007–08
- Robinvale District Health Services — Report 2007–08
- Rochester and Elmore District Health Service — Report 2007–08
- Rolling Stock Holdings (Victoria) Pty Ltd — Report 2007–08
- Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report 2007–08
- Rolling Stock (VL-1) Pty Ltd — Report 2007–08
- Rolling Stock (VL-2) Pty Ltd — Report 2007–08
- Rolling Stock (VL-3) Pty Ltd — Report 2007–08
- Royal Botanic Gardens Board — Report 2007–08
- Royal Children's Hospital — Report 2007–08
- Royal Victorian Eye and Ear Hospital — Report 2007–08
- Royal Women's Hospital — Report 2007–08
- Rural Ambulance Victoria — Report 2007–08
- Rural Finance Corporation of Victoria — Report 2007–08

- Rural Northwest Health — Report 2007–08
- Seymour District Memorial Hospital — Report 2007–08
- South East Water Ltd — Report 2007–08
- South Gippsland Hospital — Report 2007–08
- South Gippsland Region Water Corporation — Report 2007–08
- South West Healthcare — Report 2007–08
- Southern and Eastern Integrated Transport Authority — Report 2007–08
- Southern Cross Station Authority — Report 2007–08
- Southern Health — Report 2007–08
- Special Investigations Monitor, Office of — Report 2007–08
- St Vincent's — Report 2007–08 (four documents)
- State Electricity Commission of Victoria — Report 2007–08
- State Services Authority — Report 2007–08
- State Sport Centres Trust — Report 2007–08
- State Trustees Ltd — Report 2007–08
- Stawell Regional Health — Report 2007–08
- Surveillance Devices Act 1999* — Report 2007–08 under s 30L
- Sustainability and Environment, Department of — Report 2007–08
- Swan Hill District Hospital — Report 2007–08
- Tallangatta Health Service — Report 2007–08 (two documents)
- Terang and Mortlake Health Service — Report 2007–08
- Timboon and District Healthcare Service — Report 2007–08 (two documents)
- Tourism Victoria — Report 2007–08
- Transport Accident Commission — Report 2007–08
- Transport, Department of — Report 2007–08
- Treasury and Finance, Department of — Report 2007–08
- Treasury Corporation of Victoria — Report 2007–08
- Tweddle Child and Family Health Service — Report 2007–08 (two documents)
- Upper Murray Health and Community Services — Report 2007–08 (two documents)
- VicForests — Report 2007–08
- Victoria Law Foundation — Report 2007–08
- Victoria Legal Aid — Report 2007–08
- Victoria Police — Chief Commissioner, Office of — Report 2007–08
- Victoria State Emergency Service Authority — Report 2007–08
- Victoria Trade and Investment Office Pty Ltd — Report 2007–08
- Victorian Civil and Administrative Tribunal — Report 2007–08
- Victorian Electoral Commission — Report 2007–08
- Victorian Equal Opportunity and Human Rights Commission — Report 2007–08 — Ordered to be printed
- Victorian Funds Management Corporation — Report 2007–08
- Victorian Government Purchasing Board — Report 2007–08
- Victorian Health Promotion Foundation — Report 2007–08 (two documents)
- Victorian Institute of Forensic Medicine — Report 2007–08
- Victorian Institute of Forensic Mental Health — Report 2007–08
- Victorian Institute of Sport Trust — Report 2007–08 (two documents)
- Victorian Institute of Teaching — Report 2007–08
- Victorian Managed Insurance Authority — Report 2007–08
- Victorian Rail Heritage Operations Pty Ltd — Report 2007–08
- Victorian Rail Track — Report 2007–08
- Victorian Skills Commission — Report 2007–08
- Victorian Small Business Commissioner, Office of — Report 2007–08
- Victorian WorkCover Authority — Report 2007–08
- VITS LanguageLink — Report 2007–08
- V/Line Passenger Corporation — Report 2007–08
- V/Line Passenger Pty Ltd — Report 2007–08
- Wannon Region Water Corporation — Report 2007–08
- Water Industry Act 1994* — Reports under s 77A (three reports)
- West Gippsland Healthcare Group — Report 2007–08
- West Wimmera Health Service — Report 2007–08
- Western District Health Service — Report 2007–08
- Western Health — Report 2007–08 (two documents)
- Western Region Water Corporation — Report 2007–08

Westernport Region Water Corporation — Report 2007–08
(two documents)

Wimmera Catchment Management Authority — Report
2007–08

Wimmera Health Care Group — Report 2007–08

Wodonga Regional Health Service — Report 2007–08

Workplace Rights Advocate, Office of — Report 2007–08

Yarra Bend Park Trust — Report 2007–08

Yarra Valley Water Ltd — Report 2007–08 (three
documents)

Yarram and District Health Service — Report 2007–08 (two
documents)

Yarrawonga District Health Service — Report 2007–08 (two
documents)

Yea and District Memorial Hospital — Report 2007–08

Young Farmers' Finance Council — Report 2007–08

Youth Parole Board and Youth Residential Board — Report
2007–08

Zoological Parks and Gardens Board — Report 2007–08
(three documents).

Mr McIntosh — On a point of order, Speaker, in relation to the tabling of documents detailed on the list that has been provided to all members, over 200 reports have been tabled today in the chamber. As one member just described it, it is like a semitrailer has backed up and dumped them all.

Given the number of reports that have been tabled on the last day of this week — and there have also been a few during the course of the week — there is a need for a better way of processing reports to enable them to be digested and discussed at an appropriate stage. The fact that so many reports have been tabled on the last sitting day before a break in the sittings and before the Melbourne Cup Day holiday causes the opposition a great deal of concern.

I ask you, Speaker, to take this matter to the Standing Orders Committee for review to see whether there is a better way of staggering the tabling of these reports.

Mr Batchelor — On the point of order, Speaker, it is worth reminding the opposition that it is a statutory requirement that these reports be tabled by this point in the calendar year. It is a legal requirement, and we are abiding by the law. There is not another parliamentary sitting day that comes before that statutory requirement, so accordingly we are doing this. Opposition members may choose to put all sorts of conspiratorial constructs

on this. They are just a lazy bunch of no-goods who are too afraid to read all the material.

Mr Wells — On the point of order, Speaker, I would like to reinforce the point made by the member for Kew. In my understanding the documents have to be tabled before 31 October or on the next sitting day, so for this year some more documents may be tabled in November. However, my understanding is that in 2010 although some documents will be tabled before 31 October, there will then be no sitting before the election so any embarrassing reports or annual reports will not be tabled. We had a situation in 2006 where a police report which we wanted tabled before the election was buried.

This issue is of significant importance, and I think you, Speaker, need to take the matter up to ensure open and transparent reporting of annual reports, especially in the 2010 election year.

The SPEAKER — Order! Reports are table pursuant to acts of Parliament. The matter is in the hands of the Parliament, not in the hands of the Speaker or the Standing Orders Committee.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday,
11 November.

Motion agreed to.

MEMBERS STATEMENTS

Water: survey

Ms ASHER (Brighton) — I wish to draw the house's attention to a Landcare survey about water conducted by Roy Morgan Research earlier this year. It is very important for the government to understand that its spin is not working with Victorians. When asked if they had installed a water-saving shower head only 44.8 per cent of Victorians surveyed said they had — the lowest of any state — even though the installation of water-saving shower heads is a major policy of the Victorian government and indeed was its only relevant policy at the 2006 election.

When asked why they had not taken further steps to save water at home, Victorians surveyed said the

following: 25.9 per cent said water saving was too costly, 21 per cent said they had done enough and 14.8 per cent said they did not know what more they could do. But Victorians excelled in one area. Victoria was the top state when it came to collecting water in a shower with buckets, with 48.7 per cent of Victorians doing this. This is a permanent legacy of this government to Victorians: there has been no increase in augmentation but an increase in the collection of shower water in buckets for the garden.

I note that the government is now undertaking a taxpayer-funded advertising campaign advising that people can ask questions of their 'WaterSmart coach'. The taxpayer-funded advertising advises, 'Be careful if you are carrying buckets of water — it's heavy!'. What a pack of clowns!

Horsham: community engagement program

Mr BATCHELOR (Minister for Community Development) — I invite members to listen to Horsham North's fantastic new song *The Place to Be*, which is now available on CD. During last week's community cabinet I visited the Horsham Community Action Centre with the Minister for Housing, where we were joined by a large number of local community members to hear the town's new song. I was lucky enough to be given a copy of the CD, which we have been playing in the office. I recommend it to all members of Parliament.

The song was written by Doug Ritchie, who also plays the harmonica. I met Doug and his daughter, who were happy with the final production of the CD. The vocalist and musician Kim Galpin has done a wonderful job, along with the leading vocalist, Talitha Adams. After hearing the song we went down the street and planted the first trees in the North Boundary Community Garden. The Horsham North renewal manager, Eddie Hadzig, showed us the concept plans for the gardens and was understandably very excited about the new community space. The Minister for Housing had previously visited the action centre in May this year to announce \$1.8 million of state government funding through the Department of Human Services.

I wrote to the chief executive officer of the Horsham Rural City Council in July, having approved \$260 000 under the Victorian community support grants program for the Horsham North community engagement program. These are the sorts of things that this government is doing for the people of Horsham. We welcome their cooperation and assistance.

Police: Swan Hill electorate

Mr WALSH (Swan Hill) — The major reduction in police presence in parts of my electorate is forcing Country Fire Authority volunteer firefighters to become traffic cops during emergencies. Since January the small Culgoa CFA unit has been called out three times to redirect traffic because of lack of police, each time for several hours — the first time for a car accident, the second time for a truck fire and the third time when a power pole was blown onto the busy Calder Highway at Berriwillock. Culgoa is on the busy Calder Highway and has a one-man police station. It is 45 kilometres from Birchip and 35 kilometres from the Sea Lake station. This cluster of three police stations has had its numbers cut from six to four.

The Culgoa Development Association is concerned that this reduction in police numbers is placing greater pressure on the remaining officers, particularly when there is an accident. The Birchip Forum is concerned that their police station has been downgraded from a two-officer to a one-officer station, and has told me that vandalism and dangerous behaviour have increased because of the reduction in numbers. The Advance Sea Lake Committee has also raised concerns about the reduction in police numbers at the Sea Lake station. These and other towns across my electorate are asking the question: if the government has employed 1400 extra police, why are the manning levels of these stations being reduced?

Manor Court, Werribee: redevelopment

Mr PALLAS (Minister for Roads and Ports) — I recently had the pleasure of turning the first sod at the Manor Court community-owned, not-for-profit aged-care facility in my electorate of Tarneit. I was graciously given a golden shovel by Olive, one of Manor Court's more gregarious residents. Manor Court's beginnings stem from a 1972 decision of the Rotary Club of Werribee that there was a need for aged-care facilities in Werribee. After extensive discussion and with a great deal of community support, Manor Court opened its doors in 1979, when it consisted of just 18 units.

Manor Court has been awarded a licence for 44 additional residential aged-care beds. Part of the condition of the licence is that the extension be completed and ready for use within 24 months. Manor Court will be building a new two-storey extension, which will provide 22 high-care nursing beds upstairs and 22 ageing-in-place beds on the ground floor. The extension will build upon Manor Court's already extensive accommodation of 56 beds, comprising

37 low-care beds and 19 high-care beds. To assist with congestion and to allow family members easy access to visit residents, Manor Court will also create a 20-vehicle car park. I thank the chief executive officer, Ross Smith, the chairman, Nick Sedakis, and all Manor Court residents for a very entertaining afternoon.

Arthurs Seat chairlift: future

Mr DIXON (Nepean) — The Arthurs Seat chairlift should have been operating this coming weekend, which is the beginning of the busy summer tourism season in the Mornington Peninsula. The galleries and coffee shops at each end of the ride should have been open this weekend too. What we are facing on the peninsula this weekend is our third successive summer without its arguably most famous and longstanding tourism icon. It is like the Great Ocean Road without the Twelve Apostles or Ballarat without Sovereign Hill. Tourism on the Mornington Peninsula without the chairlift has suffered both on the micro and macro levels.

I understand there has been some movement in the last week towards an agreement between the operator and WorkSafe. The fact remains that this whole sorry saga should not have taken this long. WorkSafe should have worked far more quickly, clearly and decisively. It is almost as though it was determined to force the operator out by slowly wearing him down financially, emotionally and professionally. I implore WorkSafe either to pull out all stops to have the chairlift opened safely for this summer or clearly indicate that it does not want it to reopen so everyone can get on with the new future directions.

Port Phillip Bay: channel deepening

Mr DIXON — On another matter dive operators, fishermen, local tourism operators, visitors and residents were very happy to see the two dredging ships leave the southern peninsula two months earlier than expected, giving the bay extra time to recover its clarity before the high-use season. It is the first break tourism operators on the bay have had since the government and the Port of Melbourne Corporation refused to compensate businesses affected by dredging.

Ben Bodna

Ms NEVILLE (Minister for Mental Health) — I rise today to pay tribute to Ben Bodna, AM, who died suddenly on Monday, 20 October. Ben was an extraordinary person who made a significant contribution to the Victorian community throughout his life. He had a distinguished public service career

culminating in his role as director-general of Victoria's Department of Community Welfare Services, as it was then known. In 1986 Ben was appointed Victoria's inaugural public advocate and established the Office of the Public Advocate. With his team of advocates and guardians and through the development of innovative programs, including community visitors, he resolutely stood up for the rights and dignity of people with a disability.

I met Ben in 1994 and had the privilege of working with him and Jean McCaughey, the co-chairs of the newly formed People Together Project. Ben's vision and leadership, combined with his ability to engage with community leaders and consult with people from disadvantaged communities across the state, made this a remarkably effective project and a memorable experience for me and all those involved.

Ben continued to serve in many ways, including as president of Philanthropy Australia, as chairman of Foundation Boroondara and as a volunteer community visitor for 10 years. He was also the chair of the community consultative panel for the current review of the Mental Health Act. He was a great friend and mentor to me, and I will miss him greatly. I know members of this house will join me in acknowledging his outstanding contribution to our community and offer sincere sympathy to his wife, Kay, his son, John, and their family.

Clearways: local government

Mr O'BRIEN (Malvern) — With my colleague Andrea Coote, a member for Southern Metropolitan Region in another place, I was pleased to attend and speak at a clearway extension protest rally last Sunday, 26 October, on the steps of Parliament House. Residents and traders from Stonnington, Yarra, Boroondara and Moreland gathered together to send this government a message that its plan to extend clearway operating times will be the death of the strip shopping areas in many inner suburbs.

Affected local councils have played an important role in this battle. They have stood up to this government's arrogant and arguably illegal failure to consult on the proposed clearway extension. With forthcoming elections for local government it is more important than ever that voters know whether their council candidates will act in the interest of locals or simply be a cat's paw of the Brumby government.

In Stonnington council, for example, one member of the socialist left faction of the Labor Party, Jacob Clifton, is standing for election without disclosing his

party affiliation or indeed the fact that he works as an adviser to the Minister for Energy and Resources. Stonnington voters are entitled to know whether their council candidates will stand up for Stonnington or simply be there to suck up to Spring Street. Stonnington voters are entitled to know that their councillors will do the right thing by Stonnington and not simply try to further their careers as apparatchiks in the Labor Party. Stonnington council has stood strong against the Brumby government in its arrogant refusal to consult, and Stonnington voters want to see that continue and not see the council taken over by the Labor Party.

Martin Ryan

Ms DUNCAN (Macedon) — I rise this morning to pay tribute to Martin Carrack Ryan who died on 5 October this year. Sadly I was not able to attend his service at Our Lady of Mount Carmel in Sunbury. Martin was a character. He was a member of the Sunbury branch of the Labor Party, and I will always remember Martin with his stopwatch around his neck and his prolific note taking. It would seem he took notes wherever he went. The priest at Martin's service told of how Martin would even take notes during mass. This trait was obviously a leftover from his work as a journalist. He had an inquiring mind and could be very direct. Martin was a great animal lover, and it was a rare occasion he was without his dog, Mack, which died a few months before Martin.

Martin's great interest in Sunbury was evident through his membership of the Friends of Emu Bottom Wetlands. Martin was an honorary life member and secretary of the group for four years and was instrumental in developing a master plan for the reserve with Hume City Council. His love of animals was evident in his application for a centenary of Federation grant for a project to develop a platypus pond along Jacksons Creek. He was passionate about his local community and the environment and rarely missed a working bee. So significant was Martin's role as a friend of Emu Bottom Wetlands that Hume council is considering a memorial park to honour him.

Martin is survived by his partner, Wendy, and my condolences go out to Martin's family and friends. He will be greatly missed.

Wangaratta Festival of Jazz

Mr JASPER (Murray Valley) — Where will Australia's greatest jazz festival be held this coming weekend? The answer is simple: the city of Wangaratta. Launched in 1990 by an enthusiastic group of Wangaratta people who were looking to promote the

city with a significant event that was unique and would attract tourists to the region, the jazz festival was hailed as an immediate success, and over the years it has continued to develop, gathering a range of tourism and other awards at state and federal level.

In 1999 the festival won a national tourism award and was inducted into the Victorian Tourism Hall of Fame. In 2000 the Wangaratta Festival of Jazz was elevated to the status of a Victorian hallmark event. The success of the jazz festival and its continuing development have been due to a highly motivated committee supported by over 500 local volunteers. Added to this is the outstanding support from the festival's artistic director, Adrian Jackson, who every year assembles jazz musicians from not only Australia but across the world.

Commencing tomorrow, Friday, the four-day festival boasts over 100 performances by local, national and international acts, involving more than 200 professional musicians and local performers at 11 venues. It also has the largest annual blues program. Added to this is the prestigious National Jazz Awards, which this year features the bass instrument. For all jazz enthusiasts the only place to be this weekend for the best entertainment at the world's greatest jazz and blues festival is the 19th Wangaratta jazz event.

Planning: Whitten Oval, Footscray

Ms THOMSON (Footscray) — I was disappointed to see the Greens political party play political football with the Whitten Oval development in my electorate of Footscray. The Western Bulldogs are an icon for the west, and the development of Whitten Oval is a very good development for the people of the west and for students of VU (Victoria University) in the sports science area. Whilst I can understand the concern of community groups that had an expectation that they might be housed within Whitten Oval, this is a good development for the people of the west.

Students of VU will get access to first-class facilities for their studies in the sports sciences, sports medicine and ancillary support courses. It will also mean that there will be an iconic home for the Western Bulldogs, a football team that gives back to the west and is consciously involving the people of the west, including those from disadvantaged backgrounds, in the team's activities and the work of the Western Bulldogs. I am a member of the Western Bulldogs, and although it is not my first football team — I have to admit to being a Bombers supporter first and foremost — I believe the work of the Western Bulldogs, both on the field and off the field, can only be commended.

Elizabeth

Mr THOMPSON (Sandringham) — Last week a book titled *Elizabeth*, by Elizabeth Zaharopoulos, was launched. The book mirrors in part the journeys of millions of immigrant families who travelled to Australia. It moves through times of war and peace and across family, village and neighbourhood relationships. It portrays a journey of faith and faithfulness and a life of giving, hospitality and myriad kindnesses. It reflects lifelong education and the continuing journey to master language and written expression. It records pain in such words as ‘My father was shot dead’ and ‘From this day on until her death my mother always wore nothing but black’. It tells of courtship, marriage, departure from homeland and of the 36-day sea voyage from Athens to Port Melbourne.

It is a story of places such as Anthousa, Kozani, Istanbul in Turkey, Thessalonica, Pella, Athens, Port Melbourne, Footscray, Yarraville, West Sunshine and Dandenong. There are many vivid pictures. To the mind of the reflective reader the understanding that less is more rebounds from its pages. It notes simplicity, responsibility and necessity. It is a reflection of what is and what can be — hope triumphant.

Neil Taylor

Mr ROBINSON (Minister for Gaming) — This year’s Consumer Affairs Victoria annual report features in its early pages a photo of senior executives. Amongst them is Neil Taylor. Neil was the senior licensing officer for the agency. Tragically last week, at the age of 48, Neil Taylor died. His passing represents a huge loss to the agency and more broadly to the Department of Justice and the Victorian public service.

Neil was very highly regarded by staff. In his career he had been a detective with Victoria Police and a member of the Victorian Commission for Gambling Regulation. When he came to Consumer Affairs Victoria, he managed the investigations branch. He carried out industry blitzes and helped to pioneer the use of enforceable undertakings and infringement notices. He was very highly regarded, and he earned the role of manager, dispute resolution. Within Consumer Affairs Victoria he became the go-to person. He was part of the senior team, willing to take on different roles to get jobs done. He was an innovator in forums and helped to set up the strategic directions for the broader department.

Neil was a total professional. He was universally recognised as someone who had the ability to remain calm in heated environments and maintain his focus. In short, he was a gem. I would like to offer my sincere

and profound condolences to Rhonda, Heath, Tracey and other members of his extended family. He will be greatly missed.

Police: numbers

Mr WAKELING (Ferntree Gully) — I would like to draw the attention of the house to the proliferation of crime in our suburbs as a result of the lack of resources in Victoria’s police force. Currently the police force is clearly lacking in numbers and struggling to cope with inner city violence. However, the answer is not to remove resources from suburbs like Knox, as is being proposed under the safe streets special task force. Whilst Friday and Saturday nights in the city undoubtedly need extra policing to curb alcohol-fuelled violence, a police presence in the suburbs is also vital to deter wrongdoers. I was recently witness to the kind of behaviour that results from the lack of a police presence on our streets. During a trip to a local playground with my young children, I was shocked to discover two bongs lying amongst the play equipment.

The government’s continued mismanagement of police resources has seen the introduction of a policy that removes police from our streets, reduces patrol hours and continues the refusal to commit to an increase in police numbers, despite the surge in violent crime. I therefore call upon the government to immediately increase much-needed police numbers, and particularly to follow through on its 1999 promise to ensure that Rowville police station is manned 24 hours a day.

Specialist schools: review

Mr WAKELING — I would also like to raise the issue of the eastern metropolitan region specialist schools provision review report with respect to children with additional needs, which was handed down in April. The report identified a number of key recommendations, which the government is yet to address. On 9 September I asked a number of questions of the Minister for Education regarding the implementation of these key recommendations. I am yet to receive a response. I call upon the minister to act.

Automotive body repairers: insurance market

Mr DONNELLAN (Narre Warren North) — This week I had a meeting with the National Federation of Independent Businesses, Jodie Buckley and Gerry Raleigh, who is a well-known fighter for small business. Our discussion related to the Australian Competition and Consumer Commission and applications under the Trade Practices Act, specifically

under the unfair trading and harsh and oppressive conduct provisions.

Over time the ACCC, through the Trade Practices Act, has allowed Insurance Australia Group Ltd, Suncorp and others, and their associated insurance companies, to control about 80 per cent of the national motor insurance market. If you look at how the industry is structured, you see there are 1850 body repairers in Victoria. Insurance companies have contracted 380 of these body repairers — that is, about 20 per cent — leaving non-authorised or non-preferred body repairers in Victoria at 1470, which is about 80 per cent of the market.

It appears that in Victoria, and the situation is similar in other states, these two insurance companies have steered a massive 98 per cent of all body repair jobs to their own authorised repairers, leaving the other 80 per cent of non-authorised repairers to share 2 per cent of jobs. That obviously makes it difficult for that 80 per cent of body repairers to survive unless they are prepared to play ball with the insurance companies. It concerns me greatly that they have this much market power in the national car repair insurance market.

North-eastern ring-road: construction

Mr R. SMITH (Warrandyte) — The Premier has caused much angst in my local community with his recent comments regarding the proposed link between the Western Ring Road and the Eastern Freeway. While local Labor members voice their opposition to the project, no-one in this place actually believes that the Premier will listen to these backbenchers, should he decide that the project will go ahead. When asked directly whether this project will proceed, the Premier has done nothing to allay my community's fears, repeating the line that this project has not been ruled out or in. My community is desperately seeking clarity on this issue, but the Brumby government is continuing to keep it in the dark.

Croydon North Primary School: future

Mr R. SMITH — On 18 October the federal member for Casey, Tony Smith, and I were delighted to join the community of Croydon North Primary School in celebrating its 130th anniversary. Croydon North Primary School's future could be in some doubt as it is one of the many schools in Victoria that the Brumby government appears to be seeking to close by stealth, by starving the school of funds until it forces the school community to make the difficult decisions regarding closure that this government is too gutless to make. We

can all agree that investment in our schools is an investment in our children.

It is of vital importance that this government invests in Croydon North Primary School in the future. With a large residential development planned for the area, I am confident there will be a great need for this school to remain as part of our community. Members of the community of Croydon North Primary School are passionate and proud of their school, and I hope they are in the position to celebrate its 140th anniversary.

Wales Street Primary School: MusArt festival

Ms RICHARDSON (Northcote) — Last Saturday, 25 October, I had the privilege of attending the inaugural MusArt festival at Wales Street Primary School in Thornbury. The festival provided a great opportunity to see works by local talent, and students added their own piece for what proved to be a spectacular display. The display included paintings, photographs, ceramics, computer-generated works, prints, jewellery and sculpture. Other activities on the day included music entertainment, workshops, art and craft activities and face painting. Over \$7000 was raised, and I must confess I could not resist taking three fabulous pieces home with me!

I congratulate the organisers of the event, Sophie Haralambakis, Cathy Lescun and Julian Rex, and the school principal, Chris Sexton. Their herculean efforts ensured a successful day. As part of the event, 28 students from the school have displayed their artwork in the window of my office for the last month. I would like to take this opportunity of thanking and congratulating them for their beautiful and impressive work.

Every class at the school was ably represented by the following students: Kristopher Alexiou, Zoe Barry Tzanakos, Stephanie Darlington, Paul Dritsas, Zoe Dritsas, Eleanor Fuller, Isabel Fuller, Millie Fuller, Caleb Haralambakis Cogger, Jamilla Haralambakis Cogger, Freyja Kenrick-Johnston, James Kern, Jo Kern, George Laliotis, Lily Montague, Lucien Nahon, Benjamin Ray Phillips, Albert Rex, Jesse Stanley Phillips, Hannah Tillermuir, Sasha Tillermuir, Leroy Tucker, Archie Virgo, Henry Virgo, Stavros Vlahopoulos, Daniel White, Erica Wright and Ruby Wright. Many shoppers along High Street have stopped to admire the handiwork of these budding artists. The students and their school can be proud of their creative achievements.

Alphington Primary School: art festival

Ms RICHARDSON — I would also like to congratulate Alphington Primary School on its annual art festival on 18 October, which formed part of the school's centenary celebrations.

Country Fire Authority: Benalla electorate

Dr SYKES (Benalla) — Northern Victorians are looking down the barrel of an extreme fire season, and once again we will be looking to our Country Fire Authority volunteers to protect our lives and assets from the ravages of wildfire. It is therefore fitting that at three recent functions I have had the opportunity to recognise the fantastic contribution of local CFA volunteers. Two weeks ago I attended Murchison CFA brigade's celebration of 125 years of service, last Saturday I attended Benalla urban brigade's celebrations for 126 years of service and on Sunday I attended Thoona CFA brigade's barbecue and presentation of service medals. On each occasion I was impressed by the many years of volunteer service by dedicated community-oriented volunteers.

At Murchison and Benalla I was also extremely impressed with the large number of junior members — many of whom were girls — all willing and enthusiastic contributors to brigade activities. At Benalla I was amongst the many who congratulated young local lad Sam Webb who is now becoming a permanent CFA member. These volunteers need support, and in particular they need good equipment. Tatong CFA is in need of a slip-on unit to enable rapid responses to fires. I request that the Minister for Police and Emergency Services endorse Tatong CFA's request for a slip-on so that it is adequately equipped for the coming fire season.

Ashburton Community Bank: opening

Mr STENSHOLT (Burwood) — Last Wednesday along with many members of the Ashburton, Glen Iris and Ashwood communities, I welcomed the Premier to High Street, Ashburton, to open the Ashburton Community Bank. The Premier was joined by Robert Johanson, the chairman of Bendigo Bank, Dick Menting, the chair of the local community bank company, and Hal Hobbs, the vice-chairman of the Ashburton Community Bank Steering Committee, when he unveiled the commemorative plaque and cut the ribbon to open the bank.

The Ashburton Community Bank is testament to the hard work of so many people in the local community and the wide support of many residents and community

organisations. In particular I wish to congratulate the members of the Ashburton Community Bank steering committee and the members of the local community bank company board. Over more than a year they held meetings, braved the heat and cold at weekly street stalls, letterboxed, talked to people on the phone, put up posters, and much more.

In particular I single out Gordon McFarlane and Mary Halikias-Byrnes, who chaired the steering committee; Hal Hobbs, Dick Menting, Cathy van der Zee, Allan Clausen, Jenny Easson, Michael Hills, Rebecca Lyster and Coral Hassett for all their work; as well as Tim Dwyer, for putting up the boards as the local real estate agent; the Boroondara City Council; Trudy Opray and Liz Grant, for organising the opening day; the Ashburton community centre, which hosted many meetings of the steering committee; the Ashburton Bowls Club; the Ashburton Traders; as well as Craig Thomas, Ashdon Capp and Adam Rimmington from the Bendigo Bank.

Country Fire Authority: Traralgon station

Mr McINTOSH (Kew) — On the day before our recent Gippsland sittings I had the opportunity of visiting the partially completed Traralgon Country Fire Authority station, which is currently under construction. For a number of years the new CFA station has been an important priority for the local community, as well as for the CFA. At the last Victorian state election the Labor government committed to spending the \$4.3 million budgeted for the Traralgon station upgrade. Members should note that it committed the sum of \$4.3 million. No doubt the ALP announced this commitment to support its candidate in the lead-up to the last election. Luckily that person was not elected, because the current member for Morwell is a hardworking and dedicated member of this Parliament.

Through negotiation and compromise the CFA actually reduced the overall cost of construction to a mere \$3.5 million, thereby saving the taxpayers of Victoria nearly a cool million dollars. You would think that would be good news, but unfortunately the current Minister for Police and Emergency Services does not think so. Notwithstanding the fact that the government made a commitment at the last election to fully fund this project, the minister has indicated he is prepared to spend a mere \$3.3 million — a \$200 000 shortfall — and requires the local community and CFA to make up the difference. It is an act of complete treachery by this government — —

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

Colin Schot

Mr BROOKS (Bundoora) — I would like to inform this house of the mighty contribution made by Mr Colin Schot to the students and families throughout the north-east of Melbourne in his role as principal at Concord School in Bundoora. Concord is a school which caters for over 300 students with a mild to moderate intellectual disability. Colin started at the school in 1989 and took over as principal in February 1998. I am fortunate to have known Colin Schot for many years and regard him as a talented, straight-talking principal who is passionate about the welfare and education of his students. Under his leadership, Concord School was the first specialist school to achieve performance and development culture accreditation, demonstrating the school's commitment to improving its curriculum, accountability framework and teaching and learning practice. Colin helped the school take a major step forward by developing new standards and oversaw the building of a state-of-the-art technology centre, a gym, a performing arts centre and other major improvements.

Colin's performance in education was recognised when he won the outstanding school leadership award at the Victorian Education Excellence Awards in 2008 and the Emerson award, an award for outstanding leadership in special education, in 2006. I know Colin is a firm believer that every child has the right to an education and equal opportunity, especially if they have a disability. His professionalism and commitment to his work has improved the lives of many people and strengthened our community. Colin will be missed at Concord School and in the local community, but I know he will make an outstanding contribution to his new school and its students.

The ACTING SPEAKER (Mr K. Smith) — Order! I call on the member for Mildura, who has 12 seconds in which to make his contribution.

Victorian P-12 College of Koorie Education: Mildura campus

Mr CRISP (Mildura) — I congratulate the committee of the Mildura Koori open door education, or KODE, school for its strong and vigorous defence of Koori education in Mildura and wish it luck in dealing with the minister in continuing this vital education resource in the town.

Pascoe Vale Cricket Club: centenary

Ms CAMPBELL (Pascoe Vale) — Pascoe Vale Cricket Club, as part of the Pascoe Vale Sports Club,

will on 1 November and 8 November at its home ground of Raeburn Reserve play an A-grade turf match against Glenroy Cricket Club to celebrate its 100th anniversary. I congratulate the club.

ASBESTOS DISEASES COMPENSATION BILL

Second reading

Debate resumed from 29 October; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Asbestos Diseases Compensation Bill 2008 and to note that the words spoken on this issue by the Premier at the house's sitting in Gippsland were very relevant. There are some heart-wrenching stories to be told around this issue. The purpose of the bill is to change the compensation arrangements for asbestos-related diseases, to give temporary damages to people suffering from asbestos-related conditions, to make changes to the Accident Compensation Act 1985 in relation to proceedings concerning asbestos-related conditions and to alter the Wrongs Act 1958 in relation to claims for damages by dependants of a person who has died from an asbestos-related condition.

In relation to the provisional damages for asbestos-related conditions, a person can either have their compensation awarded by a court or settle their claim on an interim or permanent basis. There are two levels of asbestos-related conditions — asbestosis and mesothelioma, which is a cancer. As I will mention later, mesothelioma is a very fast-acting cancer. The bill makes it possible for only two claims to be made. The first can be made when someone is diagnosed with asbestosis, and then a concluding claim can be proceeded with if it proceeds to mesothelioma. This is to make sure there is no doubling up of damages or legal costs, so there is some juggling to be done there.

A new section has been inserted in the Accident Compensation Act 1958 in acknowledgement of the fact that asbestos-related conditions can be fatal in nature. Under the Wrongs Act, where a person with a dust-related condition has initiated a proceeding while alive but dies before the proceeding is resolved, damages can be recovered by the deceased's estate. This is to ensure that when a person dies, the death is not used to diminish the damages payable to his or her dependants in a claim for the loss of future benefit they would have received from the deceased.

There is related legislation elsewhere in the world. Most developed countries have legislation that provides for compensation for asbestos sufferers. The UK legislation is very similar to Victoria's. The USA has an even larger problem than Australia has because of the number of sufferers in that country. It is a worldwide phenomenon that sufferers tend to die before their claim is concluded, particularly if they are suffering from mesothelioma. Tasmania is still the only state in Australia yet to legislate for provisional damages for asbestos-related diseases. Western Australia legislated to remove legal obstacles to damages payments earlier this year. Governments Australia-wide, including Victoria, are moving towards fairer laws in this regard.

This issue is not without its controversy. There is a battle going on between companies that exposed people to asbestos and their insurers and the sufferers of asbestos-related diseases. There is some dispute about whether the companies knew it was dangerous at the time. These are matters before the courts, and one must take care when speaking about them. The asbestos litigation is unique in that the claimants cannot be held responsible, because usually they were not informed of the dangers at the time they were exposed to asbestos. If one is in proximity to asbestos, inhalation is a matter of chance and there can be little personal responsibility claimed for exposure. Advocates resist any legislation that accepts a policy of treating all claims against companies in the same way — a no-blame philosophy. A compensation system where sufferers can claim again if their condition has worsened and where their dependants can claim posthumously is supported by all advocates and their organisations.

Although claimants are getting a second bite of the cherry, there will be no third bite of the cherry, and that is a matter to be considered. We need to take some care with this legislation because we are setting precedent in some legal areas; and although, to be very blunt, mesothelioma kills very quickly, there are other cancers that are diagnosed as subsequent diseases that can also kill quickly. Although this law is very much needed, we need to be mindful that there may be a flow-on of its application with respect to other cancers, and we have to consider that.

The Nationals in coalition are taking a position of supporting this bill, and we note that in 2000 the first attempt at the delivery of justice to asbestos sufferers was also given bipartisan support. It has taken a further eight years to get this legislation right, and that is regrettable for those people who have been progressing through the system, some with extremely notable claims that have received extensive publicity. Despite that, we cannot dismiss the place of asbestos in our

history. Without asbestos we would have had far different houses than we have. During the 1950s and 1960s most of us would have grown up in or lived in a home that contained asbestos. It was safely contained within cement — better known as fibro cement. It was very much a part of our everyday life, and it was very safe until it was damaged or disturbed. We have spent a lot of time with asbestos, and we need to be mindful that asbestos is still a part of our lives. Anyone who is considering home renovations should be aware of what fibro cement contains and take the necessary precautions. That leads me to the Wrongs Act, where there are work-related and non-work-related issues for people who come across asbestos.

In the time I have available I would like to record a little bit of the history of asbestos in Australia. It is a natural product that is found in Australia and has been mined in Australia. It has a number of properties. I will refer to the library's briefing on asbestos, and I congratulate the library on the comprehensive nature of the briefing it provided on this bill. Asbestos is prized for its lightweight and heat-resistant qualities. It was used in Australia from 1900 until 1987 — we still have a great deal of it out there in our community — in commercial, manufacturing, construction and domestic environments. Consumption of asbestos peaked in Australia in 1970, and it has been argued that Australia had one of the highest consumption rates of asbestos per capita. That again warrants a strong warning to home renovators.

The health hazards associated with asbestos and the popularity of asbestos products have ensured that Australia has the highest recorded rate of mesothelioma in the world. Again I thank the library for this information. The long latency period between exposure to asbestos and diagnosis with a related illness can be anywhere from 15 to 40 years. As such, the incidence of mesothelioma in Australia is increasing rapidly. There were 596 diagnoses of mesothelioma in 2004 — up by 156 from 1982 — and it is estimated that the number of new mesothelioma cases will peak in Australia in around 2020, claiming another 22 000 lives. Asbestos-related lung cancer will continue to claim another 44 000 lives. The library has laid out the issues before us.

I think this legislation comes, although a little late, at an appropriate time for us to offer justice to those people who will suffer from this disease caused by a building product and an industrial product which had pride of place in our history but which left a terrible legacy. The Nationals in coalition support this bill and wish it a speedy passage.

Mr BATCHELOR (Minister for Energy and Resources) — I am pleased to support this bill, the Asbestos Diseases Compensation Bill. As the Minister for Energy and Resources I visit the Latrobe Valley on a regular basis. My visit to the Latrobe Valley two weeks ago for the regional sitting of the Legislative Assembly was undoubtedly the most emotional of those regular visits, due to the apology given by the Premier to those people in the Latrobe Valley who suffer from asbestos-related diseases. I am acutely aware of the significance of the Premier's apology in Churchill to the former power industry workers and their families for the harm and suffering that has been caused by exposure to asbestos over many years.

Those workers were exposed while working at the former State Electricity Commission of Victoria. The Gippsland Asbestos Related Diseases Support group, which is known locally as GARDS, the Gippsland Trades and Labour Council and many other community groups have not only supported those afflicted by the horrible diseases that come with asbestos exposure but also lobbied intensely for action such as that which is going to be delivered by this bill Parliament is considering.

I know the Premier met with a large number of GARDS members during the parliamentary sitting and after hearing the apology the secretary of GARDS, Vicki Hamilton, was very elated and appreciative. I quote from a press release issued by GARDS on 11 October 2008:

... the apology at this time will help to give a deeply meaningful cleansing of a hurt and betrayal that has been felt by thousands here who diligently and honestly went about their work, not knowing that many of them and their families would die of a work-related disease that could have been prevented. The Premier has shown a sense of justice and compassion and will be forever remembered.

That is an acknowledgement of the sentiments not only of the GARDS secretary, Vicki Hamilton, but also all of the members of that organisation.

It is almost five years since asbestos products were banned in Victoria, but before this ban thousands of workers were exposed to the hazardous material. During my visits to the Latrobe Valley I regularly meet with power workers, and it is comforting to know that the new workers in this industry will not be subjected to the same dangers as their predecessors. Unfortunately those workers in the industry who at the time were working to provide Victoria's energy before the asbestos material was banned may, even these many years later, still be at risk of suffering from an asbestos-related disease at any time in their future. It is

important to understand there is no known cure for asbestos-related carcinomas or mesothelioma, and people who suffer from these conditions have no recourse to surgical or other effective medical intervention.

As a government we must do the right thing by all the workers and act responsibly to put things right, particularly when legislation can be improved. That is what Parliament is doing today with the Asbestos Diseases Compensation Bill. Those workers deserve our support, and they will be now in a far better position if they do fall victim to an asbestos-related disease once this bill passes both houses of Parliament.

Asbestos-related diseases also indirectly affect young members of the region who may not have been exposed to asbestos materials themselves. Many of them have family members who were exposed and possibly affected. A large number of families in the Latrobe Valley have generations of power workers in them. Sons have often taken the jobs of their fathers who had had them before. The employment opportunities presented by power stations are incredibly important for the Latrobe Valley. They provide a large number of direct jobs and support an even greater number of indirect jobs in the region. The Victorian government is working hard to ensure these jobs continue to exist in the carbon-constrained future.

The government has committed almost \$370 million through the energy technology innovation strategy to promote innovative energy technologies in brown coal, renewables and energy efficiency. Because of the familiar links and due to the tight-knit nature of the Latrobe Valley community, many members of the power station workforce currently working in the industry are sharing in the pain of a sufferer of an asbestos-related disease. They share in the tough legal decision-making process; they share in the wait for a decision to be reached; and, most sadly, they share in the pain when they lose a family member, a friend or a fellow unionist.

Until now sufferers have been forced to make a very tricky legal decision in relation to their disease. Family members have been intimately involved in that difficult decision-making process. Sufferers could either make a claim at an early stage of their asbestos-related condition and be prevented from receiving additional compensation if a fatal injury developed, or they could wait and risk the possibility of not being compensated for the original injury. That was because under common law the principle of finality means that damages are assessed on a once-and-for-all basis. Once a course of action is finalised a further claim cannot be

made if the injury worsens or a subsequent injury occurs. This situation forced sufferers and their families to take a serious gamble and further aggravate an already stressful situation.

Under the compassionate Asbestos Diseases Compensation Bill, sufferers will now have access to an initial award of damages for an asbestos-related condition, as well as access to further damages if a subsequent condition develops. They are no longer forced to take a gamble on their future. Current power industry workers who have family members who suffer from asbestos-related diseases are also stressed by the amount of time it takes to process their claims. This bill amends the Accident Compensation Act of 1985 to provide expedient processes and procedures for workers with asbestos-related conditions. The time during which a claim is being made is incredibly draining for all those who are involved. The quicker a matter can be resolved and certainty established, the better for all those concerned.

Finally, the most direct assistance this bill provides to the families of sufferers is due to the amendment made to the Wrongs Act 1958. This change ensures that where a person has died from a dust-related condition, no account is taken of the benefit that a dependant received from the general damages paid to the deceased estate in a subsequent dependant's claim.

This bill is very important. It is an important bill for the sufferers. It will also have a very beneficial effect for those who care for them. Latrobe Valley continues to be Victoria's power hub, and we will not forget the contributions made by energy workers to Victoria's vibrant economy and to the Latrobe Valley community either now or into the future. This is a compassionate bill and deserves to be supported by all in this chamber.

Mr K. SMITH (Bass) — Can I say that I was pleased to hear the apology that was given down in the Latrobe Valley, although I understand a number of other governments were not aware of the disease that was able to be contracted by people who were using asbestos. Can I say that in my earlier days as a plumbing contractor I also became involved in working with asbestos, with the lagging of pipes and the cutting of asbestos sheets on houses. I can remember doing some boiler installations, lagging of pipes, cutting of asbestos sheets and wrapping of asbestos, and all the dust that used to be around. You would finish up being covered in dust. I must say, when you start thinking about this stuff, every time you get a bit of a cough and it seems to persist you wonder whether it might just be something that is catching up with you after 30 or

40 years, which it can do. I have had some direct involvement in that side of it.

We on this side of the house, as well as the government, support this legislation going through. It is something that we can be seen to be doing to truly support people who have claims to be able to receive proper compensation. I just wonder whether the government and ministers in the house are aware of what occurred recently at Wonthaggi at the desalination plant site. Recently a number of people participated in activities on the site, including some who were involved in the construction of the site.

A number of people were involved in protest meetings held at the site. Police and security people were down there dealing with the protesters, not that it was outrageous or anything like that. It was in a way a good-hearted thing. But a lot of people were unfortunately exposed to asbestos that has been spread around the site by the government and by contractors who are employed by this government to do work on the site.

The difficulty that we have is that it was brought in with some road fill. It was a matter of saying, 'Let us get this site operating, let us put the road through, we will bring the road fill in'. In some of the road fill that was brought in there was asbestos. It was just good luck that one of the protesters first became aware of this and initially raised the issue with the Environment Protection Authority. WorkSafe Victoria and the Department of Sustainability and Environment have become involved in the investigation of the asbestos.

The asbestos was collected, but not for some time because officers had to investigate whether it was there, and it takes some of these departments a fair time to get themselves operating properly. They then removed the asbestos from the site and dumped it in Campbell Street in Wonthaggi. Members of the house may not be aware that the local hospital is in Campbell Street, which puts people in that area in a certain position. We get a lot of wind in Wonthaggi and the wind could quite easily blow around some of the asbestos that has been collected with the road fill that has been dumped there. One would hate to think it was going to have an effect of some of the people who may well be in and around the hospital grounds at Wonthaggi. There are great concerns about this.

My no. 1 concern is that the desalination plant is a government site. The government is at the site and it is responsible for the site. It is the proponent of the plant, it is the regulator of the plant and it is the approval body for the plant. However, there was not enough scrutiny

on the people who were bringing this material in on the site to be able to pick up quickly that the asbestos was floating around the site. I would hate to think that some years down the road people may look back at this second-reading debate and say they were on the site at that particular time and had contracted asbestosis and mesothelioma.

I would hate to think that people may come back at some stage with a view of taking some action because they were innocent people who were on the site, like the workers in the Latrobe Valley, and possibly like me with the asbestos that I was involved in in my plumbing days. I would hate to think that because of the lack of scrutiny on the site by the government and its agencies, the Environment Protection Authority, WorkSafe and Department of Sustainability and Environment, which are all now investigating, there will be problems. Those agencies are now investigating what was slackness by the government in allowing the asbestos to be spread around the site.

You have got to wonder whether the inquiries they are carrying out will be thorough and transparent. The government always talks about transparency in government, but we on this side of the house — and I am aware of probably a number of backbenchers on the other side of the house — know the government cannot be trusted to be transparent in the way that it acts. This has to be fully investigated.

Today I am calling on the minister responsible for this site — whether it be the Minister for Water, the Minister for Energy and Resources or the Minister for Health — to thoroughly investigate the asbestos exposure at Wonthaggi and to report back to the Parliament on what has actually been found. I do not want this to be just a whitewash and to have it brushed to one side by the government. This is a serious issue. I am extremely serious about this issue, and I am asking in the nicest possible way for the Parliament to be fully informed on how this has occurred, why the asbestos was allowed to lay on the ground for such a long period of time, and why when it was collected it was taken to a site that still allows the exposure of the asbestos to people in Wonthaggi and particularly to people who operate from the hospital area down in Wonthaggi. It is an important issue.

I know there are protesters who were on the site who are now very concerned about their exposure to asbestos. I know the police paid a number of visits to the site to remove the protesters. Particularly on the last day, 40 police came down to remove the protesters from the site, and they have all been exposed to the asbestos. This is a terrible problem that has occurred

down there. Here we have a government that has stumbled at the very first hurdle on the desalination plant. It has stumbled and it has fallen. We want to know whether the government is going to be able to get up and give us a proper explanation in Parliament as to why this happened.

In Wonthaggi we are in a position where the desalination project is not very well supported by the local community, and it is a project the people are looking to find problems with. But when the government in its own way goes out and creates the problems through a lack of scrutiny and a lack of a proper process in allowing the asbestos to be delivered to the site, it has to be made accountable, and I am sure the people in Wonthaggi will make it accountable. It is important that the government understands there are difficulties in Wonthaggi that have to be answered.

Mr NOONAN (Williamstown) — Today it is a great honour to rise and make a contribution to the debate in support of the Asbestos Diseases Compensation Bill. The bill is a tribute to all those courageous individuals in our community who have been fighting for some greater justice, particularly for those victims of asbestos-related diseases. It is also a tribute to those workers and individuals who have lost their lives as a result of exposure to asbestos. I cannot begin to imagine what life must be like for people who are diagnosed with mesothelioma, particularly when life expectancy beyond diagnosis is on average just 153 days.

The bill comes as a result of much campaigning by many people. I particularly acknowledge the work of the Victorian Trades Hall Council and the Australian Council of Trade Unions (ACTU) in this campaign. A number of individual unions, such as the Australian Manufacturing Workers Union and the Construction, Forestry, Mining and Energy Union also deserve special mention. They can be enormously proud of their longstanding campaign to win better outcomes for workers and their families. Obviously the work of people such as Bernie Banton and Greg Combet, who was involved at a national level in his capacity as the former head of the ACTU, needs to be acknowledged in this debate. If time permits, I will talk about their contributions.

The government also needs to be congratulated for introducing this bill into the house. I thank the Premier, the Deputy Premier and the Minister for Finance, WorkCover and the Transport Accident Commission for taking this critical step. The Premier used his opening speech to the Legislative Assembly's regional sitting at Churchill to apologise, on behalf of the state

government, to former Latrobe Valley power workers and other victims and their families. The Premier rightly indicated that it was unacceptable that any person be exposed to a known deadly substance through their work. The Premier also made mention of a father of two who died at the age of 44 after being unwittingly exposed to asbestos dust by his father, who worked at a Latrobe Valley power station.

It is also important to congratulate the Leader of the Opposition and those opposite for supporting the Premier's apology, and for committing to do whatever they can to assist in the future. This was a most sincere gesture by the Leader of the Opposition.

The objective of this bill is to establish a stand-alone piece of legislation that provides for the awarding of provisional damages for asbestos-related conditions. Under the present arrangements in Victoria the principle of finality means that damages are assessed on a once-and-for-all basis. If a plaintiff receives damages for an asbestos illness, they are not able to obtain further damages based on the same illness if the illness worsens or if a further injury or illness occurs. The proposed legislation will allow for Victorians suffering from asbestos-related diseases to make claims subsequent to their initial claim should their condition worsen or they develop additional asbestos-related conditions. Only one subsequent claim can be made.

The bill also includes amendments to the Accident Compensation Act 1985 and the Wrongs Act 1958. These amendments are designed to allow people at imminent risk of death to have their cases heard quickly. The legislation will also remove legal obstacles to the recovery of damages by the deceased person's estate.

A lot of people have referred to this bill as the 'Bernie Banton Bill' and it is important to talk about Bernie's contribution to this bill. Bernie was diagnosed with asbestosis in 1999 and suffered from asbestosis, mesothelioma and asbestos-related pleural disease, which required him to carry an oxygen tank wherever he went. Unfortunately he died from this illness on 27 November 2007, just three days after the federal election.

My favourite images of Bernie are the ones where he was surrounded by his loving family, including his wife Karen. The thing that struck me about Bernie was that he looked and spoke like any average Australian worker. Bernie contracted his asbestos-related diseases following exposure during time as an employee of James Hardie in Sydney's western suburbs. At this site Banton was involved with the production of various

asbestos products, including fibro sheeting, pipes, telecommunication pits and other products. His service also included work as a union rep. He worked at the site for six years, leaving in 1974 while 137 others continued at the facility. Today fewer than 10 of those former employees are still alive. I cannot begin to imagine how they must feel, having seen so many of their work colleagues lose their lives. Bernie's family also suffered heavily from asbestos-related illness. Banton's brother Ted died in 2001 of mesothelioma, whilst two other brothers suffer from respiratory illnesses.

In terms of safety conditions at the site, it would be fair to say that they were absolutely abysmal. Bernie worked in a group known as the 'Snowmen', so called due to the workers being covered from head to toe with the white dust of asbestos from the manufacture of K-lite, an asbestos product. According to Bernie, the factory was completely covered in asbestos dust.

For so many years Bernie Banton was the face of the union-led campaign against James Hardie. This saga was surely one of the most disgraceful attempts by a large multinational company to deny workers compensation and justice. In 2001 James Hardie established the Medical Research and Compensation Foundation, allocating \$293 million in assets, including what was left of the asbestos manufacturing subsidiaries. As part of this move the subsidiaries indemnified themselves against James Hardie's parent company for any asbestos liabilities. Chief executive officer Peter Macdonald assured people that the trust was fully funded and would be sufficient to meet all legitimate asbestos compensation claims into the future. At this time Bernie Banton became involved with the fight for compensation for sufferers of asbestos-related diseases. He perceived the fund to be a ruse, believing it could never hope to fund the number of potential victims being predicted in studies and reports on asbestos exposure in Australia.

Meanwhile James Hardie had moved to the Netherlands and had been set up as a Dutch company, taking with it \$1.9 billion in assets from its former Australian companies. James Hardie made further assurances that these assets would be available if needed to meet the claims of Australian creditors including asbestos victims. However, the Netherlands was one of only two countries with which Australia did not have a treaty for the enforcement of civil court judgements.

In 2003 James Hardie severed its final links with its former Australian asbestos-producing entities and cancelled the capacity for them to call on the

\$1.9 billion to pay asbestos victims. In doing so James Hardie did not advise the New South Wales Supreme Court, the New South Wales government or the Australian Securities Exchange of the cancellation of the \$1.9 billion lifeline. This was a most disgraceful act and could have been conceived only by the most evil and heartless corporate manipulators. Notwithstanding all this, unions and asbestos groups continued to campaign for James Hardie to be held responsible for its liabilities to asbestos sufferers.

In 2004 the then New South Wales Premier, Bob Carr, ordered the Jackson special commission of inquiry into the Medical Research Compensation Fund. That inquiry found that James Hardie had asbestos liabilities up to \$2.24 billion. On receipt of the Jackson report Premier Carr called upon James Hardie to negotiate to settle compensation liabilities with unions and asbestos groups. Bernie played a pivotal role in securing \$4.5 billion for a fund to compensate current and future Australian victims of James Hardie's asbestos products over the next 40 years. This agreement was struck in late 2006 after a five-year campaign. This result ensured that Bernie Banton would always be remembered legitimately as a genuine fighter for justice and a man who inspired countless others.

I think Greg Combet's outstanding contribution should also be acknowledged in this fight. In his role as Australian Council of Trade Unions secretary, Greg led the unions in this fight. He was very much the mastermind behind the battle for justice. Not many people know this, but Greg was awarded a Medal of the Order of Australia in 2006. The citation read:

For service to industrial relations and through advocacy for the improved health and safety of workers, including people affected by asbestos-related diseases, and to the community.

I had the great pleasure of being present at Government House on the day Greg received his award, and I could not have picked a more deserving recipient on the day, perhaps with the exception of my own father. History will record Greg's actions in this matter most favourably. He has made an indelible difference to the lives of so many Australians. He is now the member for Charlton in the federal Parliament, and I believe his constituents are fortunate to be served by a truly great man.

In conclusion, I think the minister got it absolutely right in his second-reading speech when he said:

Until now, Victorians with asbestos-related conditions have faced a difficult legal choice. They could either make a claim at an early stage of the disease and be prevented from receiving compensation if a fatal injury later developed or

wait and risk the possibility of not being compensated for the original injury.

It is for that reason I wholeheartedly offer my support for this bill and wish it a speedy passage through both houses of Parliament.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the debate on the Asbestos Diseases Compensation Bill 2008. May I say at the outset that the coalition supports this legislation. Whilst we do not always support legislation brought forward by the government, this is very good legislation, and I support it personally.

There are three major aspects of this bill. It will allow the awarding of provisional damages to persons suffering from asbestos-related conditions, it will amend the Accident Compensation Act 1985 in relation to proceedings relating to asbestos-related conditions, and it will also amend the Wrongs Act 1958 in relation to dependants' claims for damages arising from deaths caused by dust-related conditions. This bill is particularly pertinent to the Gippsland region and the Latrobe Valley in particular, with estimations of some 146 000 employees and contractors having been exposed to asbestos between 1921 and the 1980s in Latrobe Valley power stations. You could extend that figure even further — many families and friends of these workers were also exposed inadvertently at the same time. It is not surprising then that it has been estimated that the incidence of mesothelioma in the Latrobe Valley is seven times higher than the state average.

The number of persons afflicted with mesothelioma is rising at a greater rate than almost every cancer type. The disturbing fact is that we do not appear to have reached a peak in terms of the incidence of mesothelioma, with projections seeming to indicate that the peak will occur somewhere in the vicinity of the years 2017–20. That is quite disturbing and relates to the fact that the onset of mesothelioma may not occur until between 15 and 40 years after exposure to asbestos. In his contribution the member for Williamstown made the point that at the regional sitting of Parliament in Churchill the government made a formal apology to those workers who had been exposed to asbestos in Latrobe Valley power stations. I commend the member for Williamstown for his fair appraisal of that and for recognising the support of the Leader of the Opposition and Leader of The Nationals for that formal apology.

Contractors employed at Latrobe Valley power stations during that time have sometimes been forgotten in the debate. However, I was pleased that they and their

families were recognised in the government apology. The Premier gave an example of a family having been affected at second hand by exposure to asbestos through a father or worker having returned home and giving a child a hug on many occasions, leading to a diagnosis of mesothelioma years down the track. It is just a terrible and insidious disease. I can certainly assure the government that the apology was well received within the Latrobe Valley community. I had quite a conversation with members of Gippsland Asbestos Related Diseases Support, and I can assure members that GARDS was pleased with the apology and is also very pleased with the legislation before us today.

I would like to refer to some of those within GARDS who make such a significant contribution to the Latrobe Valley community and who have been fighting for many years and supporting families and individuals who have been affected by asbestosis or mesothelioma. Lyle Seear, the president; Dorothy Roberts, the vice-president; Vicki Hamilton, the secretary; Pam Nicholson, the Treasurer; and Marie Smith and Rodney LeLievre, do a fantastic job. I would like to make particular mention of Vicki Hamilton. I probably should not pick out one individual, because I know the whole team does such a wonderful job. However, I mention Vicki, who is the daughter-in-law of a past member for Morwell, Keith Hamilton, because she has been a tower of strength over many years in assisting those who have been affected by asbestosis and mesothelioma. I want to recognise her great contribution.

GARDS is basically an organisation that provides information and support to asbestosis sufferers and their families and carers. They even go as far as to provide that advice, information and support 24 hours a day, seven days a week. GARDS is an integral part of the local community, and I have had the privilege to attend quite a few of its meetings. It is a wonderful group. It also conducts monthly meetings for people who might want to source information and provides equipment, such as oxygen bottles and regulators, wheelchairs, walking frames and the types of things that are necessary for those who are suffering from this illness. GARDS is also very active in the community. Recently its members were involved in a workplace expo in Morwell and gave a presentation to workers at the Gippsland Water Factory. They also hold an asbestos awareness day, which is an important date on the calendar and will be held on 28 November at the Morwell rose garden. GARDS has also come up with some very good initiatives.

In his contribution the member for Bass referred to the presence of asbestos in people's homes and that other workers who might not necessarily have worked in the power industry have also been exposed to asbestos. Asbestos has been used in the brakes and clutches of cars and in household materials. Asbestos cement sheeting is certainly found in many places. The member for Bass referred to the use of asbestos in plumbing, around hot water pipes and even in bathrooms and toilets, so we should not forget that there are many people outside the power industry who are also affected by asbestos through exposure on previous occasions.

Last year I was pleased that, through GARDS, an asbestos in the home removal kit was developed. It contains some basic equipment to assist anybody who might want to remove small quantities of asbestos from within their home to ensure they take appropriate safety measures. It was a great initiative and was well received in the local community.

Finally, I want to make the point that in my meetings with GARDS I had the privilege to meet a gentleman by the name of Peter 'Goose' Griffiths. Unfortunately Peter lost his battle with mesothelioma. It was interesting to see that, in memory of Goose, the GARDS organisation was given a greyhound which they have called GARDS Goose. If members of Parliament see a greyhound called GARDS Goose, they will know it was named in memory of Peter Griffiths, who was a wonderful fellow. His wife, Evelyn, and Peter's stepson, Wayne Vincent, have been involved with looking after GARDS Goose. Unfortunately it is on the injury list at the moment, but we look forward to seeing it back on the track soon.

At the moment in the Latrobe Valley a power industry cohort study is being undertaken to do some research on those who have been exposed to asbestos at Latrobe Valley power stations. Funding was received through the National Health Medical Research Centre, and GARDS has been instrumental in providing information and contact details to employees who worked in the power industry over a period of time. I believe at this stage around 900 employees have given blood to assist further research not only into what causes these types of diseases but also to try and find a cure. Whilst the study is very much in its infancy, I think further research and development in the study of these terrible diseases is certainly warranted. It has been fantastic to see that so many previous and current employees in the power industry in our region are contributing to that.

I also commend Dr Andrew Holloway from the Peter MacCallum Cancer Centre and Associate Professor

Tony Lamontagne from Melbourne University, who are the two gentlemen involved in this study with the assistance of many of the local health organisations. Hopefully eventually we will be able to find better ways of dealing with these types of diseases. It is interesting to note that they believe in 10 years time the incidence of mesothelioma will outnumber ovarian cancer and melanoma, which is a terrible warning about this disease. I support the bill before the house.

Ms D'AMBROSIO (Mill Park) — I am also very pleased to lend support to the Asbestos Diseases Compensation Bill. The bill fulfils the government's commitment made very eloquently and pointedly some months ago by the Premier to legislate to provide for provisional damages to victims of asbestos-related diseases. Asbestos-related diseases are very much underlined by the fact that there is no cure. The extent of the level of exposure is not necessarily commensurate or directly related to the likelihood of contracting an asbestos-related disease; hence there is no safe level of exposure. When we think of it in those terms, we begin to appreciate that we are nowhere near the middle or the tail end of the numbers of people who have potentially been exposed and therefore are possibly at risk of developing asbestos-related diseases into the future, whether they have done that through workplace involvement or through utilising asbestos-containing materials in a home situation, working at home or doing home maintenance and renovations along with family members.

The signs or symptoms can be dormant or undetected for many years, often for decades, but when a malignant disease develops from exposure to asbestos, death is inevitable. The existing common law has placed many victims and their families in terrible situations, having to face choices about the best timing to seek damages for asbestos-related diseases. That has been very much due to the principle of finality in common law, which has meant that, once damages are awarded, no further claims can be made if another asbestos-related disease arises at some time in the future. It is a terrible situation for a victim and their family to be placed in. The bill seeks to address and remedy that situation.

The bill provides that a court will be able to award provisional damages. Therefore a claimant has the option of either seeking to have provisional damages awarded or having a claim settled on a once-and-for-all basis. This bill will bring Victoria into line with most other states in Australia that have sought to address the particular problems that asbestos-related illness sufferers have had with this problem of the principle of finality.

Provisional damages will be made available for specified or defined conditions. Those conditions include mesothelioma, asbestos-induced carcinoma and asbestosis itself. The bill will also amend the Accident Compensation Act to allow for concurrent hearings of a serious injury application and a claim for damages. This is respectful of the fact that many victims and families of victims who have become aware or receive a diagnosis of an asbestos-related disease often have very little time in real terms to be able to pursue court cases for compensation or damages with respect to the disease. The bill provides for a claimant who is at imminent risk of death to have their hearings heard as quickly as possible, recognising and being respectful of the fact that death is inevitable and often very quick when the diagnosis of an asbestos-related disease is made.

The bill will also amend the Wrongs Act so that damages obtained by a deceased estate will not impact on the consideration of damages to be awarded to a dependant in their own claim under the Wrongs Act. All previous speakers have referred to very notable people and organisations who have championed the cause of asbestos-affected victims. Bernie Banton has been mentioned by everyone, and the union movement and various personalities and organisations within the union movement have been referred to. I want to humbly extend my respects to all of those people for the courage, dedication and commitment they have displayed to bring us to the position we are at currently of having broad community awareness across Australia about the effects of asbestos and the possible damage it has caused to the lives of many innocent people. People may have contracted the terrible asbestos-related diseases in a workplace or by simply doing odd jobs around the house, and there are indirect consequences for families, whose members either become victims by directly contracting asbestos-related diseases or being left without a father, a mother, a brother or a sister.

It is sobering for us to remember the importance of corporate responsibility at a time when we have seen the championing of the rights to compensation of victims of asbestos-related diseases. It is very sobering that at the same time as the campaign to raise community awareness has been fought and there are campaigns for justice for sufferers of asbestos-related diseases we have also seen a heightened sense of immorality and lack of corporate responsibility by several big players in asbestos-related industries. James Hardie is one company that wins no awards for corporate responsibility in this area. I place on record my comments with respect to that.

It is also ironic that the success of the broad community campaign that has been ably led by individuals such as Bernie Banton and his family, and by Greg Combet and a number of individual unions, has happened at the same time that we had a federal government doing its best to gag and hinder the often life-saving work of unions to protect the health and safety of members at work and to protect the interests of their families. I do not think we should lose sight of that, because in my mind it shows the eternal vigilance we need to have when we consider the importance of occupational health and safety and that we can never let up on the needs of working people and their families and the broader population who are often exposed to very harmful and sometimes deadly diseases.

We are not at the tail end of the spread of asbestos-related diseases in Victoria, because probably the worst is to come. We should be aware of that because of the future role of governments not just in providing legislative change through bills such as this but also in ensuring we provide adequate health services so that adequate medical responses are provided for people who will be diagnosed as suffering from an asbestos-related illness. I indicate the important role this government has played in setting up very important health services in the Gippsland area in particular to tackle asbestos-related diseases. I also point to the importance of coupling practical responses to asbestos-related diseases with important symbolic gestures such as the Premier's apology last week. They are equally important. I commend the bill to the house.

Mr RYAN (Leader of The Nationals) — I join with other members in supporting the Asbestos Diseases Compensation Bill. By any standards this is vitally important legislation. I have said in this place many times under different circumstances, depending on what the debate might have been, that one of our most important tasks as a Parliament is to accommodate the needs of those who are the most vulnerable in our community.

Sometimes circumstances of vulnerability can be defined as arising out of family heritage and the problems that arise from the historical factors that members of a family have to accommodate. It may well be there have been complications in the upbringing of children because of the difficulties faced by their parents and therefore those children are in a difficult environment. That sometimes plays out in the way in which they present themselves to the community at large as they go through life. I think as a Parliament we have an obligation to make sure that our legislative program in a whole-of-government sense is able to touch those people so that we do what we can to look

after their needs. If they run off the tracks to the detriment of the community, we have an obligation to have a system that ensures there is proper balance not only in looking after those who have struggled in life in the first place but also in protecting the community at large. That is one example of how you can help people who are vulnerable.

Members of another group who comprise this general category without any shadow of doubt are those who are struck down by what this legislation contemplates. When I practised law for many years in the Gippsland region I ran many cases on behalf of those who were afflicted by asbestos-related diseases. This is an appallingly dreadful form of disease. This awful and insidious illness is something that has to be seen to be believed. For those who suffer from the disease, it is a dreadful way to go through life. Asbestosis, for example, will not of itself necessarily kill you, but it is an unbelievably awful way to see your last days on this earth if you suffer and then die as a result of developing mesothelioma. It is just a dreadful way to die.

Unfortunately I saw this all too often amongst those with whom I had associations over the years through my practice. This is very much the case in the Gippsland context, as other members have remarked, because when the power industry was developed by the great Sir John Monash in that period immediately after the First World War we saw the emergence of the coal-fired generating system which provides the majority of Victoria's power to this day. Asbestos was used during the construction of most of the facilities which comprised that power-generating process. As we have come to know, issues of liability attach to some of those who were involved in the development of those capital works, but ultimately the ones who pay the price at the highest level are those who eventually contract disease of one sort or another associated with the use of asbestos.

When running those cases one of the problems you faced was choosing the point in time to initiate proceedings on behalf of these people. You had to make a choice around the notion that although they suffered from one element of the disease, it was never known whether that would eventually lead to the worst form — that is, mesothelioma. You knew when you were running the cases that you were liable to make the wrong choice. It might be that you would run a case, with the best advice, on the basis that there would not be a further deterioration of the plaintiff; therefore you would run the case to the extent that you had that advice available to you, only to find at a later point in time that the situation did in fact deteriorate and the person's rights had been exhausted.

We should also bear in mind that the insidious nature of the disease is such that people might have gone through decades of their life and not had a problem, as so many of them have told me, until one morning after waking up with a slight cough or a bit of tightness in the chest they have consulted their medical practitioner for an apparently completely innocuous respiratory problem and found this disaster visited upon them. Without any warning, after 30, 40 or 50 years, they literally wake up one day and receive advice that they are faced with an inevitable early death. That is the nature of this insidious disease.

This legislation is very appropriate because it accommodates the sorts of choices that historically have had to be made by a plaintiff and his or her advisers. A plaintiff's case will now be able to be conducted on the basis of provisional damages being awarded. The nature of those provisional damages is as defined in the legislation. If at a later time the circumstances deteriorate in a manner which justifies further proceedings being issued, that can be done. That is a very sensible, timely and humane thing to do on the part of the government, and that is why we on this side of the house support what is intended by this legislation. It will take away to a degree those difficult choices which I have described.

I put into that equation another aspect, that in conducting a plaintiff's claim at common law what you are doing is wrapping into it notions not only of payment of damages for the horror of the injury in itself but issues regarding payments for what the unknown future holds — for example, the impact upon one's earning capacity, the impact of one's loss of enjoyment of life and the impact of the necessity for future medical and like expenses, which might be modifications to houses and the like. Over time and through the development of the legislation and our statutory schemes, in this case the WorkCover scheme, we have made better provision for the accommodation of those sorts of things.

Nevertheless when running a common-law case you are faced with having to make decisions today which are reflective of what an unknown and unlikely future is going to be. What this legislation does is take a substantial part of the risk away from the judgements that have to be made today which may well reflect upon a plaintiff's capacity to claim tomorrow. Therefore I think this is sensible legislation.

The other two elements are to do with amendments to the Wrongs Act, and I think they are appropriate. We must remember that a plaintiff's entitlements travel with that plaintiff. They are the plaintiff's own claims

and are pertinent to that plaintiff. It is therefore wrong, as a matter of principle, that a dependant of a plaintiff should be penalised by her or his claim under the Wrongs Act being reduced through entitlements that have come independently via the estate of a deceased plaintiff and that have arisen in the first place because of that plaintiff's claim. The claim made by the plaintiff is pertinent to that person, and no-one else should suffer in their claim being made under the Wrongs Act because of the proceedings that have been instituted by the person who is now deceased. That element of the legislation is very sensible.

Reference was made to the Gippsland area and schemes that are going to be introduced there to help people who suffer the consequences of all of this. I commend the government for that. That is a sensible and humane thing to do.

I finish by simply emphasising to the house that this is unusual legislation in many senses. It flies in the face of some basic legal principles around common-law claims. But if ever you wanted a case to establish the basis for the exception rule to apply, it would be that of those who suffer asbestosis — and mesothelioma at worst. We support this legislation.

Ms DUNCAN (Macedon) — It is a great privilege to speak on the Asbestos Diseases Compensation Bill 2008. I have listened carefully to the contributions of many previous speakers and support wholeheartedly the comments they have made, particularly those of the member for Williamstown, who referred to people like Bernie Banton and Greg Combet and their efforts in achieving justice for workers who for many years have suffered great pain.

This bill makes a number of changes and, as the Leader of The Nationals said, is quite unusual legislation in that it changes some of the basic fundamentals of common law in this country. I will quickly go through the provisions of the bill. The bill provides for the awarding of provisional damages for asbestos-related conditions and also ensures that the Victorian position is consistent with those of most other states and territories. It is unusual in that it has not been the case that provisional damages have been awarded. For asbestosis sufferers this was particularly difficult because, as we know, asbestos-related diseases often have a very long lead time — 20 to 40 years. A worker diagnosed with an asbestos-related disease which may not at that point in time have been life threatening has had to make very difficult decisions about whether they should settle at that point or wait to see whether it developed into a more serious and life-threatening

disease. It is a unique disease in many ways, and this legislation reflects that uniqueness.

As I said, I support many of the comments of previous speakers who referred to unions and individuals who have fought for many years against the injustice that these workers suffered by going about their daily work and supporting their families — getting up each morning and going to work, many of them in the Latrobe Valley working with the old State Electricity Commission — and many years later finding themselves suffering as a consequence of their work. We heard a number of heartbreaking stories when we were down in the Latrobe Valley, particularly the example — I have heard of such examples previously — of fathers coming home from work covered in dust and hugging their children, who subsequently acquired an asbestos-related disease. You cannot imagine a more heartbreaking situation for a parent than to realise that their actions in giving their child a hug has left that child with a life-threatening disease.

In my contribution I want to look at a sometimes forgotten side of this issue. We have talked about unions and union officials such as Greg Combet, of whom I cannot speak highly enough, and about people like Bernie Banton, who worked long and hard not only on their own cases but in support of their co-workers, those who came before them and those who followed them. However, I want to talk briefly about the legal firms and the lawyers who have supported these workers in a very long, hard and bitter battle. Many have done that and continue to do it to this day. In particular I refer to Slater and Gordon and lawyers like Peter Gordon and Suzanne Sandford, who continue to work in this area.

In fact Suzanne Sandford in a newspaper or television program some years ago was referred to as 'the asbestos detective', because often one of the first things that has to be done with someone suffering from mesothelioma or other asbestos-related disease is trace back where the contamination occurred, which is not always an easy thing to do. But firms like Slater and Gordon have been involved in workers compensation claims for asbestos sufferers and their families since the 1950s, and their history and involvement in this area is unique in Australia.

People like Peter Gordon and Suzanne Sandford have devoted most of their professional lives to taking on large and powerful companies in support of workers — and they have not always been successful. In fact for many of those years — decades — they were unsuccessful, and I believe they showed enormous

tenacity and fortitude in their efforts in supporting these workers. For example, we know that in the 1970s Slater and Gordon successfully settled the first claim for asbestos sufferers. In 1984 Peter Gordon won the first common-law verdict for mesothelioma, and in 1986 the firm challenged the might of CSR in its battle to achieve compensation for workers at Wittenoom.

We are going back decades with the battle that these workers have fought — and this law firm has been behind them all of that time. It has certainly put its money where its mouth is. In the 1970s and 1980s it was prepared to put money into a case or a cause without having any idea whether it would be successful in the long term or not. Thankfully for all of these workers it was ultimately successful, but the firm certainly risked millions of dollars and showed extraordinary fortitude in its efforts at achieving justice.

I am also very proud of the efforts of this government in introducing a range of legislation that has helped asbestos sufferers receive justice, including this bill. No longer can companies drag their feet in dealing with claims in the hope that the plaintiff will die before the case is settled. Previously, prior to the legislation introduced by this government, the claim effectively died with the plaintiff. Suzanne Sandford herself has told me many stories of visiting clients dying in hospital. This sort of work takes an enormous toll on those lawyers who are representing these families — this is of course not to mention the families — but they are very devoted and have spent time in hospital with their clients, many of whom had only days to live. Suzanne Sandford has explained to me the efforts she has had to make for clients who had only days to live. She has been chasing lawyers out on golf courses, for example, trying to get them settle literally hours before the plaintiff may have died.

It was a great moment when the Premier apologised in the Latrobe Valley a few weeks ago. I think it recognised in a very public way the wrongs, the pain and the suffering that these people went through as a result of going about their daily work in support of their families. The Asbestos Diseases Compensation Bill 2008 is a fabulous piece of legislation which shows again this government's commitment to workers and to ensuring that the law works with people, not against people — that it is not there as a tool to prevent people from receiving justice but rather as a tool to help people receive justice.

This is a terrific piece of legislation. It is a sad state of affairs that we need such legislation and a sad state of affairs that asbestos was used so widely and so carelessly in this country for all of those years after the

companies knew that it was damaging and potentially deadly. I support this bill. I congratulate the ministers and the government for introducing this bill, and I commend it to the house and wish it a speedy passage.

Ms RICHARDSON (Northcote) — Like other members I am very pleased today to speak in the debate on the Asbestos Diseases Compensation Bill. As other members have mentioned, this bill is a tribute to the sufferers of asbestos-related conditions who have fought long and hard to bring to the attention of all of us the unique challenges that this terrible condition presents. People like Bernie Banton, who has been mentioned here today already, have fought long and hard for justice for others who, just like Bernie, have experienced this terrible condition.

The bill is also a tribute to the union movement and its leaders, like Greg Combet, who fought on behalf of their union members who reasonably expected they would be kept safe at their place of work, but clearly were not. The bill is unusual, and it needs to be because the condition that it seeks to address — mesothelioma — is often delayed in its onset. Without this bill, sufferers would have to make an awful choice to seek compensation at the early onset of the disease or wait to see if it developed into a more serious life-threatening condition.

The bill provides provisional damages for people suffering from asbestos-related conditions. It amends the Accident Compensation Act 1985 to provide expedient processes and procedures for workers with asbestos-related conditions and amends the Wrongs Act 1958 to ensure that where a person has died from a dust-related condition no account is taken of the benefit a dependant received from general damages paid to the deceased's estate in a subsequent dependant's claim.

Many speakers before me have outlined the details of the bill and the history of this extraordinary fight that has led to the legislation before us today. I was also very moved by the Premier and the Leader of the Opposition who at the regional sitting of Parliament extended their heartfelt apologies to the sufferers of this terrible condition.

I also want to take this opportunity to mention the way in which work practices have changed as a consequence of the campaign to highlight this condition. In work practices around Victoria and around Australia workers are kept safe because of the way in which we now tackle asbestos. I can say that in my own electorate of Northcote, where we had the demolition of a building on Roberts Street, we saw every possible step taken to ensure there was no chance

of any asbestos contaminating the site or leading to any condition arising in any other person. I was very pleased to see and be part of the understanding of how this building was going to be removed safely.

I also want to take this opportunity to highlight that asbestos is still out and about in our community. The most real threat to people is in their garden sheds — when they decide to rip them down — because often asbestos sheeting has been used in the walls or the ceiling of these sheds. I encourage people to be cautious about handling this material, because we all know the terrible consequences if we do not handle it well and handle it safely. On behalf of all Victorian workers and their families I commend this bill to the house and wish it a speedy passage.

Mr ROBINSON (Minister for Gaming) — I thank all members who have contributed to this important debate. There were many of them and there have been a number of heartfelt contributions. This is important legislation that seeks to remedy longstanding injustices. It will be welcomed by many people who tragically suffer the effects of having worked with or been exposed to asbestos. This is good legislation, 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.

GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL

Second reading

Debate resumed from 29 October; motion of Mr ROBINSON (Minister for Gaming).

Mr WELLER (Rodney) — It gives me great pleasure to rise and contribute to the debate on the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill. At the outset I make it quite clear that The Nationals will not be opposing the bill, but we do have some concerns. Hopefully the government, in implementing this legislation, gets it right.

The launch and implementation of Intralot has caused great disruption to communities in my electorate, in particular the Tattsлото industry in smaller towns. Businesses in those areas signed up to Intralot believing they would have the exclusive rights, only to find that someone could open another agency three or four doors down the street. This has been undermining their businesses and has been very disruptive to the people who like to have a bit of a gamble on either Tattsлото or Intralot. It has been quite disruptive to the communities.

This bill talks about minors and consolidates the offences related to minors being in gaming and gambling premises and taking part in those activities. I think that is a sensible thing. We have seen problems caused by gambling in some areas of our community, and we need to have provisions in the legislation that make it very difficult for minors to gamble; indeed we do not want them gambling at all. We have seen it result in the breakdown of society, marriages and families. Often those families do not have the money for essential things such as schooling, food and clothing, so it is the correct thing to do to make it more difficult for minors to gamble.

Part of this bill deals with bingo. The member for Malvern in his contribution to debate on the bill last night mentioned that he did not understand what a jackpot was and how a jackpot could get to \$20 000 in a bingo game. Being an experienced bingo caller at fundraisers for the Lockington district community centre way back in the 1970s, I know how a jackpot in bingo works. You start off in week one with, say, a jackpot of \$100, and you would have to get bingo within 40 calls. If no-one got bingo within 40 calls, the prize for that week would revert back to \$20. Then the following week — week two — it would be 41 calls to get bingo, and it would be a \$200 jackpot that week. The following week, if the jackpot had not gone off, it would be 42 calls and a \$300 jackpot — and so on until the jackpot went off. It was usually somewhere between 65 and 70 calls before bingo would be called by someone who was playing the game in the hall.

We also have to remember that when someone sits down to play bingo they can play multiple games. Some of the senior citizens and others who were there at the fundraisers — they are very sharp, the people from my area — could play five and six games of bingo at once. When it was ‘Eyes down’ and the caller was up there prattling away calling ‘Legs, 11’, ‘Shut the gate, no. 8’, ‘Two little ducks, 22’, ‘Barassi’s number, 31’ and ‘Halfway there, 45’, they could play five cards at the same time. They would have made that investment, and they would be playing five bingo cards at one time.

There is not quite as much bingo in the community as there once was, but back in the late 1970s and early 1980s particularly bingo was an important fundraiser that was commonly used across my electorate to pay for things the community wanted. A bingo fundraiser helped part pay for the Lockington district community centre, and there were many church groups and senior citizens groups that used to use a bingo fundraiser to help buy furniture for the likes of the senior citizens buildings.

What I am concerned about is electronic bingo. Part of the attraction was the personality of the caller.

Dr Napthine — You were the caller!

Mr WELLER — Among others. If we have electronic bingo, we are going to take out the personality of the caller. Every caller has their own little favourites — ‘Sunset strip, 77’, ‘Clickety-click, 66’ and all those ones — but if we go electronic, it will be quite bland. You will just be sitting there watching the numbers coming up.

Mr Hodgett — Like the Labor Party!

Mr WELLER — Indeed, it could well be, as the member says. But we have to remember that bingo has played an important role in fundraising in the community, and it is pleasing to see in this bill that the paperwork the likes of senior citizens clubs and local hall committees have to fill out will be reduced. That was one of my bugbears as secretary of the hall committee at the time. Each month I had to send off the paperwork.

Mr Northe — Which hall?

Mr WELLER — It was the Lockington district community centre. The paperwork had to be sent off each month, and to reduce that red tape is what we have been after for years. This government came to the last election and said it was going to reduce red tape, so I suppose you could say it is keeping part of its promise, but it has a lot more red tape to reduce in other areas.

We have to remember that this bill also takes away the need for paperwork to be lodged by nursing homes, for example, that are running a bingo game and then distributing all of the contributions. There is no profit; if it is \$1 in for a game and 10 people are playing, the \$10 will be distributed. When you are running a game like that there will be no need to register it, which is an immensely sensible thing to do. There is also a criterion in there that such bingo games cannot be advertised in the paper, for example, to invite people along, which makes a lot of sense. It is immensely sensible to take

away the anomaly where we have people supposedly breaking the law these days in nursing homes when they are just having a good game of bingo for enjoyment and it is not hurting anyone. This bill takes away that anomaly. In my area we still have senior citizens who play their weekly bingo games, and they are fundraisers to pay for furniture for their rooms and indeed to pay for some of their annual trips — for example, funds were used to pay for the bus when some of them came down to visit me at Parliament House and I showed them through. It was a sensible thing for the bingo proceeds to be used for.

As I have said, we will not be opposing the bill. In the implementing of this bill we have to make sure the community is not disrupted and that indeed it has the effect that less minors are gambling. Everyone supports that, but we have to make sure that the implementation of the bill is not disruptive to the community, as we have found with other bills this government has brought in in the gaming and gambling area. Bingo has been important to the community, and we do not want to see the senior citizens clubs, the church groups or the hall committees disrupted in their fundraisers, which are an integral part of our communities in drought-stricken areas. The government is not putting money into those communities, and they have to go and raise all their own money to support these things. You would have thought that if the government's promised drought measures had been delivered, there would have been money for these communities and they would not have had to work so hard through these fundraising efforts like bingo to deliver small things, but very important things, for their community members. We will not oppose the bill.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill. This bill is one arm of the strategy that this government has been implementing to take action on problem gambling — a \$132 million commitment with a range of measures not only to significantly boost the funding for problem gambling services but also to take legislative action to ensure that the responsible gaming objectives within the legislation are upheld.

One of the critical things we are doing here is giving the minister the power to ban irresponsible gaming practices and products. That is important, because any product that explicitly undermines the responsible gaming objectives of the Gambling Regulation Act can be banned by the minister. If we end up with a manufacturer producing toy poker machines to be played with by children or gaming machines that have been modified to be used as an amusement machine,

those products can be banned by the minister. The minister will also be able, under this legislation, to ban practices such as serving alcohol or food at a gaming machine, which I think is a highly undesirable practice. It means that people are locked into staying at the gaming machine, and they are inclined to stay there for longer than they should. This bill will stop that practice, and it will allow the minister to say, 'No, if people need to have food, alcohol or other things, they need to go to another part of the venue'.

The bill allows the minister to impose an initial ban for up to 12 months while the Victorian Commission for Gambling Regulation (VCGR) undertakes an investigation and provides a report back to the minister. The minister can then ban a product or a practice for up to 10 years. I think that sends a very clear signal that as a government, including this minister, we will not be tolerating any practices that are at odds with the responsible gaming objectives of the legislation.

The bill also makes it clear that the minister and the commission will have new disciplinary powers, making it easier to fine and reprimand gaming operators for not complying with the law or regulations. In the past, unfortunately, a gaming operator could repeatedly breach their licence conditions or a requirement of the Gambling Regulation Act or the associated regulations and avoid any penalties simply by remedying the breach each time. This bill allows the commission to serve a notice on gaming operators to show cause within 28 days as to why disciplinary action should not be taken against them. This is a process that already applies to venues and the licensees of venues, but it will now actually apply to the gaming operators — to Tattersall's and Tabcorp. That gaming operator will have to show within 28 days why disciplinary action should not be taken against them, and then if the commission is not satisfied it can take the necessary action against the operator as it sees fit.

This bill is sending a very clear signal that we will not tolerate breaches of the legislation or the regulations: if operators do not comply they will be fined. We are also making it very clear that the government will not tolerate any predatory behaviour by either of the operators in the lead-up to the expiry of the licences in 2012. We will not be tolerating anything like what happened, for example, when we saw the introduction of machines that took notes of a greater value than were allowed. We will not allow operators to introduce machines that have increased spin rates, because if they do the commission will have the power to impose a penalty. Also, in a similar vein, the provision of penalties in this bill for offences relating to minors again sends a very clear signal from this government

that we do not allow minors to gamble; we do not want to see any assistance given to minors to gamble; we do not want to allow any gambling by minors; nor do we want to see them entering a gaming machine area or a casino. We do not want to see any sort of behaviour or activity which encourages minors to gamble. The fact that the fines will be increased to around \$13 000 for minors being allowed to gamble is a very clear message.

The other thing I wanted to comment on is the government's responsible gaming policies. It is very clear — and the evidence is in the annual report of the Victorian Commission for Gambling Regulation, which was released yesterday — that in fact these policies are working. If you have a look at the player expenditure on gaming machines, it is actually declining in real terms. It is about 2.6 per cent, which is below the consumer price index.

Mr O'Brien — It is up a record amount!

Mr HUDSON — I am sure the shadow Minister for Gaming would appreciate that a 2.6 per cent growth is actually a decline in real terms. This reflects the impact of the government's harm minimisation policies. The fact that we have introduced smoking bans and put a regional caps policy plan in place has meant that by the end of last year an additional 543 machines were taken out of vulnerable areas. These have all been contributors to the decline in gaming expenditure in real terms.

Mr O'Brien interjected.

Mr HUDSON — We listened to the shadow Minister for Gaming. This compares with a growth of expenditure in real terms under the Kennett government, year on year, of 16 per cent per annum. That is what it was growing at — 16 per cent per year, year on year, right throughout the Kennett government years. If you have a look at what is happening now, with those 949 machines that have been taken out under the caps policy, we are now actually seeing a real reduction.

During the last state election campaign the Liberals and the shadow Minister for Gaming ran a scare campaign, which he has continued, that these machines that were taken out of vulnerable areas would flood into other vulnerable areas. The fact of the matter is that that has not happened, and the shadow minister should get up and apologise for that scare campaign.

At page 5 of the 2007–08 report of the Victorian Commission for Gambling Regulation, the chairman, Ian Dunn, said:

The fears expressed by some —

which included the shadow Minister for Gaming —

that this would lead to a deluge of additional gaming machines into some areas of relative social and/or economic disadvantage, have proven groundless.

They have proved groundless; it has not happened. That is because any gaming machines going into a new venue or into an already operating venue have to meet very high social and economic tests set by the commission for the relocation of those machines. The other important reason is that in 2006 this government gave local councils a greater say in the location of machines and the number of gaming machines by requiring that no single machine could be placed without a planning permit from the relevant council. That is a reform of this government, and it is a good reform.

As a result the commission reports that the number of gaming machines in operation in Victoria is lower than at any time since 1997, when gaming machines were still being rolled out, and that the number of gaming venues is the lowest since 2000. Appendix 2 of the VCGR's annual report states that there are now just under 26 800 gaming machines in operation, compared to the statewide cap outside the casino of 27 500. This demonstrates that the government's gaming policies — the caps policy, the statewide cap on the number of gaming machines, including those in the casino, of 30 000, the doubling of the number of capped regions and the removal of 949 gaming machines from vulnerable communities — are having a real and substantial impact.

The giving of those planning powers to councils is having an impact. Setting a maximum per-customer-per-day withdrawal limit of \$400 from all automatic teller machines in gaming venues or within 50 metres of an entrance to the Melbourne casino gaming floor is having an impact, and so on. Numerous reforms have been introduced.

I am looking forward to the next batch of reforms. I believe the precommitment policy that the government is currently working on with the operators is very important. It will allow people, before they go to a gaming machine — in the heat of that moment when they are chasing their losses — to decide beforehand how much they will bet, how much they are going to lose and then stop gambling. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — The Australian cricket team in India is desperate for a new

master of spin. The member for Bentleigh could immediately pack his bags and head across there and join the Australian cricket team as the no. 1 spinner after his contribution in this debate!

The member for Bentleigh can spin it all he likes, but the facts are absolutely clear. Under this government in the last financial year, as reported recently to this house, there have been record levels of gambling, record levels of gambling or gaming losses by Victorians, and record levels of state revenue from gambling and gaming. At the same time there has been a 35 per cent reduction in government funding for problem gambling services. What we have seen from the member for Bentleigh and the Brumby Labor government is record levels of hypocrisy and spin, because they know the government has become increasingly dependent on gaming revenue and increasingly involved in the promotion of gambling and is increasingly ignoring the need to fund problem gambling services across this state. The member for Bentleigh protests too much about these issues, because the facts speak for themselves.

The bill proposes a number of changes, and its particular purpose is to consolidate offences with respect to minors and to provide for banning of irresponsible gambling products and practices. I particularly want to refer to those issues and note in clause 3 the insertion into the Gambling Regulation Act of a new paragraph which says that minors are neither encouraged to gamble nor allowed to do so. The Liberals and The Nationals support this proposition in that it is an effort to prevent minors from gambling and to stop minors from being encouraged to gamble. In that respect we are not opposing this legislation, but we want to raise concerns about some aspects of it.

I particularly want to raise two aspects of the legislation. Firstly, there is an anomaly in the legislation in that it creates an unfair situation for the employees of Victorian bookmakers, for which I have responsibility with respect to my role as shadow Minister for Racing. Secondly, clause 31 inserts a new part 7 into the Gambling Regulation Act with respect to minors. Proposed section 10.7.3 contains a serious anomaly which I would ask the minister to address in his second-reading response and ask the government to look to address while the bill is between houses. The proposed section provides for offences with respect to allowing a minor to gamble. It creates a strict liability offence — that is, fundamentally, if people bet with someone who is under 18, they are strictly liable and there is no defence. There is a defence in the bill, and I will come back to that in a minute.

Proposed subsection (1) states:

A gambling provider must now allow a minor to gamble.

Proposed subsection (3) states:

A registered bookmaker must now allow a minor to gamble.

Fundamentally the principal gaming operators cannot, under pain of committing a strict liability offence, allow minors to gamble; but then there is a difference in how the bill deals with employees of those various agencies. Proposed subsection (2) states:

A gambling employee or an agent of a gambling provider must not knowingly allow a minor to gamble.

Operators have a broader defence with respect to their knowledge, or their reasonable expectation of their knowledge, of the age of the person who proposes to gamble with the casino or with the agency that is selling a gambling ticket, whereas in the case of a bookmakers clerk proposed subsection (4) states:

A bookmaker's clerk must not allow a minor to gamble.

In that case the bookmakers clerk, the employee of the bookmaker, is treated the same as the bookmaker himself or herself. The same situation applies with gambling providers. They are provided with a strict liability requirement, which means a greater onus is placed on the employee of a bookmaker than applies to an employee of the casino or an employee of another gambling provider. That differentiation is unfair on bookmakers clerks and on the bookmaking industry. I note that this legislation refers to bookmakers clerks, but other changes in other legislation going through concurrently will make that position a key employee of a bookmaker. The point I make is that there is a significant difference in the way bookmakers employees are being treated compared to the way other employees of gambling providers are being treated, and I think it is unfair and unreasonable.

On page 46 of the bill there is a defence under proposed section 10.7.12(1), which states:

It is a defence to a prosecution for an offence under section 10.7.3 ... if —

- (a) the minor was above the age of 14 years ...
- (b) ... produced to the defendant acceptable proof of age ...

There is a very onerous requirement for bookmakers, gambling providers and, under this legislation, bookmakers clerks or key employees, to ensure that minors do not bet with them. There is not the same level of requirement for employees of other gambling agencies. That is a difference that ought to be changed.

I note that clause 32 on page 48 of the bill provides for a significantly different situation from what currently applies to bookmakers and their staff. Clause 32 proposes to remove certain sections from the Racing Act with regard to under-age betting with bookmakers. The words proposed to be omitted are ‘and no bookmaker or person carrying on the business or vocation of a bookmaker shall bet with persons apparently under the age of eighteen years’. The current law says ‘apparently under the age of eighteen years’. The change strengthens the requirement for a bookmaker by providing a strict liability that they must not bet with somebody under the age of 18. I accept that as a reasonable move, and bookmakers would accept that, but imposing the same requirement on a bookmakers clerk is a little bit onerous compared to what applies to employees of other gambling organisations. I suggest that should be looked at.

Again I refer to clause 3 on page 3 of the bill, which inserts a new provision into the Gambling Regulation Act to ensure that minors are neither encouraged to gamble nor allowed to do so. I note that on 10 October the Minister for Racing issued a press release which states:

In a joint announcement by Victorian Deputy Premier and Minister for Racing Rob Hulls and New South Wales Minister for Gaming and Racing Kevin Greene, both ministers said the states would repeal advertising restrictions allowing interstate bookmakers to advertise their services.

The release quotes Mr Hulls as saying:

We will also be proposing guidelines in relation to advertising standards for wagering service providers to ensure that appropriate consumer protection measures are included.

Mr Greene is quoted as saying:

Over the past few weeks wagering operators have placed advertisements in New South Wales offering inducements to open betting accounts and I am concerned these advertisements have no regard for the need to minimise the harm associated with problem gambling.

The *Age* of 12 October reports:

While the legislation —

on this advertising —

will not pass through Parliament until next year, bookmakers have been told that they can begin advertising and sponsoring immediately.

I wish to raise the issue of inappropriate inducements and inappropriate encouragement for minors. I draw attention to a particular series of billboards that are appearing around Victoria which involve scantily clad women offering free \$500 bets to people who sign up

with corporate bookmakers in the Northern Territory. That is gratuitous sexual exploitation because bikini-clad women have nothing whatsoever to do with the betting product, and offering massive free bets is totally inappropriate. This advertising is particularly aimed at younger punters. I suggest it could also be interpreted as being aimed at people who may even be under-age and who may wish to bet on the internet or by telephone.

The government has allowed this advertising to take place before the law has been changed and without having put in place any code of conduct or practice standards. It says it is going to have these practice standards, and yet it has allowed the advertising ahead of the practice standards. Again, the Minister for Racing has failed in his duty in terms of responsible gambling, he has failed in his duty to protect Victorian racing, and he should fix this matter quickly.

Mr LIM (Clayton) — Problem gambling is a social issue that I have been concerned about since my election to Parliament in 1996. It is an issue I have spoken about on numerous occasions in this house, so much so that I remember a former Premier attacking me savagely during one question time because I commissioned a review to look into the effects of gambling, especially the effect of casino gambling on the Asian community. That was 12 years ago.

Problem gambling affects people from all walks of life, irrespective of their gender, ethnicity or occupation. I have seen the impact it has had on members of various Asian communities that I have come into contact with over the years.

Psychologically, pathological gambling is an addiction similar in nature to other addictions such as alcoholism. One of the insidious things about poker machine addiction compared to other forms of problem gambling is that it affects men and women roughly equally — 50 per cent for each gender. This compares to horseracing where somewhere between 80 and 90 per cent of pathological gamblers are male. The implications of 50 per cent of poker machine addicts being women is that this has a direct effect on the household budget, with money for essentials such as food and gas and electricity being gambled away. In particular, what has really touched me profoundly is seeing the number of Asian participants increase over the years once they become familiar with the machines and learn how to use them. As the member for Clayton, it really hurts to go to local venues and see my constituents losing their money to those machines.

This bill adds to the measures previously taken to address problem gambling. I am particularly pleased that this bill toughens provisions aimed at preventing minors from gambling. Not only does it consolidate offences which make it illegal for minors to gamble but it also makes it illegal for an adult to assist a minor to gamble. This includes making it an offence for an adult to help a minor enter a casino or gambling area or to buy a ticket on their behalf.

The bill will allow the minister to issue interim orders of up to 12 months to ban irresponsible products and practices. This will enable the minister to move quickly to protect consumers and the integrity of the gambling and racing industry. These interim orders can be followed by fixed term orders after a review by the Victorian Commission for Gambling Regulation. They can be disallowed by either house.

While I have spoken about pathological gamblers and protecting minors, senior citizens in a nursing home enjoying a bingo game are in a different category. The bill deregulates bingo for community and charitable organisations where there is no fee, it is private, not open to the public and not for profit. While these organisations will not be required to have a minor gaming permit, there are still safeguards as they will be required to notify the Victorian Commission for Gambling Regulation of their bingo activity. The bill also streamlines disciplinary procedures by applying the same process to the venues as applies to the gaming operators. Finally, the bill empowers the Secretary of the Department of Justice to involve, where necessary, persons external to the department in the licensing process.

The majority of gamblers participate responsibly and view the activity as a recreation. However, some have a pathological addiction as serious as an alcohol or drug addiction in other people. The consequences can be devastating not only for the individual but for their families. I welcome this bill as part of the government's continuing commitment to tackle problem gambling, and I commend the Minister for Gaming for leading the charge in this direction.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill. It is ironic that we are debating this bill today when yesterday the 2007–08 annual report of the Victorian Commission for Gambling Regulation was released. Appendix 14 reports that Victoria lost a record \$4.87 billion on all forms of gambling, and the taxes paid to this government came to a total of \$1.58 million. Yet at the same time this government has slashed the funding for

problem gamblers by 35 per cent. The parliamentary all-party Public Accounts and Estimates Committee reported that government spending on problem gambling communication campaigns fell from \$4.75 million in 2005–06 to \$3.09 million in 2006–07.

The opposition supports the bill. I will refer to several aspects of it, but I am very conscious that there are other speakers after me. The bill deals with quite a few areas, but basically it implements a \$37.5 million commitment to taking action on problem gambling, which is the government's five-year strategy. The fixed term ban orders can be made for a period of up to 10 years, and the Victorian Commission for Gambling Regulation will be required to investigate and report on a product or practice once an interim ban order has been made and before a fixed term ban order can be put in place.

The bill also makes comprehensive changes to the law in relation to gambling by minors — and that is very important — which meets a commitment made by the government in April. It also creates a new offence in relation to inadequate supervision of vending machines, and I support that. A maximum penalty of 120 penalty units will apply to offences committed by the gambling providers, and a penalty of 20 units will apply when the offence is committed by an employee or agent. The bill significantly reforms how bingo is regulated in Victoria to modernise how it is played.

The member for Rodney has talked at some length about bingo. Bingo events can be grouped in two categories — and he has more experience than I have had with this. One category is bingo for fun operated in nursing homes and by small community groups that put it on as a fundraiser or as entertainment, which can be seen as a harmless, minor form of gambling. The other category is bingo that is a serious form of gambling. I once went to a bingo hall in Ringwood, after having been invited to go as a guest of people I was on a committee with. I was stunned. I had two games, and I had great trouble following the numbers in my two games, but around me in this hall, which had about 300 people in it — predominantly women of more mature years — there were people with six games and eight games going at the same time.

I got into trouble when I called 'Bingo!' because I thought I had it when I had not. I thought I was going to be lynched! This is a serious form of gambling which is swallowing up money that should be used for other more essential things of life. We should be very careful with bingo too.

I would like to refer to scratchies, which are also a form of gambling and can swallow up money required for essentials that is not excess to the person's income. Scratchies are obviously a less insidious form of gambling, because they are not marketed in an environment purpose-built to track people. There are no flashing lights or sounds of jackpots being won to suck people in to continue gambling, and the attitude around scratchies is different. They are more of an impulse buy. However, they are still a form of gambling.

I am greatly concerned about the gambling losses being experienced in the Evelyn electorate. In January it was reported that over the last six months there had been an increase from \$16.9 million to \$17.5 million in gaming revenue earned from pokies in the Shire of Yarra Ranges. This represents an overall revenue increase of \$600 000 a year for this government. Nothing like that amount is spent in our area on any services that could help these people with problems. Yet we are handing out more food vouchers in Yarra Ranges, and we have more homeless people than ever before. The assistance has to be real. You cannot take in \$1.58 billion in taxes from gambling and not make a serious return to the community.

Other losses that have been incurred through the decisions of this government have directly impacted on the operators — the newsagent operators, the Tattersall's sellers and the lottery ticket sellers who in good faith have invested a lot of their capital, time and money into their businesses. The way that the transition phase was handled by this government, from the time Tattersall's ceased until the introduction of Intralot, caused a great deal of stress and anxiety amongst small business operators. Tattersall's ran out of some scratchie products and did not print any more, with the consequence that operators were making very little commissions. I heard of one operator who earned only \$20 commission in one day, and he was paying staff to be there. One operator in my electorate estimated that he lost \$600 a week for every week of that delay, and that \$600 paid the wages of a person. Such operators have had to put off some of their casuals and long-term employees. The margins in operating these businesses are not that high.

It is an unpleasant enough decision to make when you have a small business and you have to put people off because of economic downturns and other things beyond your control, but to have to put people off because of decisions made by this government is appalling. The Minister for Gaming really needs to get out there and talk to these operators and listen to them. I realise that other members want to speak on this bill, so

I will finish my contribution and give them the time to do so.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill. As many members have said, this bill continues the focus on responsible gambling and is an instance of the continuous improvement of how we regulate gambling in this state. Despite what some people might say, including some on the other side, Victoria is better regulated in terms of responsible gambling than any other gambling jurisdiction in the world. The proof of the pudding is in the eating, and in this case that is the number of people who come to Victoria positively to have a look at what we are doing and go back and try to emulate it in their own jurisdictions if they can.

Whilst this particular bill is focusing on the area of minors and gaming products, bingo in particular, these are all themselves essential elements in the ongoing improvement and refinement of responsible gambling laws in this state. It really was not that long ago that minors could buy lottery products and enter gaming venues more easily. This further refines relevant provisions, making provisions relevant to minors under this legislation consistent with those in other areas, such as those where Consumer Affairs Victoria is responsible. The same could be said for gambling products, regulation of which will now be more in line with the approach taken to the regulation of new products taken by Consumer Affairs Victoria. It is valuable that we have a gaming minister who is also Minister for Consumer Affairs, because that allows some synergy to be developed. Regulation initially occurs in isolation as a system is set up around it.

I commend the minister for taking an approach similar to that taken by Consumer Affairs Victoria in relation to other products associated with risks, enabling intervention at a much earlier stage and the banning of products whilst independent reviews are done by the Victorian Commission for Gambling Regulation, which is an appropriate way to go. To date basically the regulator has had to go and investigate and be satisfied before making a decision or recommendation about whether a product needs to be regulated or banned.

I turn to bingo, and I note the extensive comments by the member for Rodney. This government is about increasing competition in order to ensure that products like bingo and lotteries can stand on their own feet. Bingo is an important recreational resource and a fundraising resource for communities. Removing unnecessary red tape and allowing bingo to evolve into

additional forms is part of this competition approach and is about making sure that bingo is competitive and meets the needs of its customers and supporters.

I want to talk about where we have come from and where we are going, because that is predominantly what this bill is about. It is part of this evolution that I referred to. Some members have made comments on the gaming commission report being released yesterday, and it was. It is interesting how people want to interpret things for their own purposes, but I suggest that the gaming commission, being an independent regulator, should be the one that is the final arbiter on these things.

When we look at gaming growth, the real test is what happens on a spend per capita basis. That is always the test in anything, whether you are running a business, an economy or whatever. When you look at per capita expenditure you find it has grown at a rate below the rate of inflation every year since 2001. In normal circumstances that would be considered a success. If you are running a business, you would say, 'I am failing, because in real terms I am returning less to my business than inflation, so that means I am going backwards'. On this product, just because the rate of growth is below inflation, some people want to conveniently say that it is an increase when it is a real decrease. You have to compare apples with apples.

This is good news. If we want people to be better informed about their gambling habits so that they can make some choices that do not put them at risk or minimise their risk, which is what most responsible gamblers do, then the test on a potentially harmful product like gambling is to look at what is happening with turnover. The reality is that turnover has been growing at a rate lower than inflation every year since 2001. If it were to grow at the same level of inflation as existed in 2001, the per capita expenditure would not be \$650 a year, as it is at the moment; in fact it would be \$750 a year; \$100 less. If it were growing at the inflation rate, then every Victorian adult would be spending an extra \$100 a year on poker machine turnover.

Something has occurred in the regulations, in the marketplace and amongst consumers that has meant consumers are prepared to spend less than the rate of inflation. I would say that a lot of it is to do with the government's regulatory approach. The member for Mordialloc highlighted a range of regulatory approaches. We no longer have 24-hour gaming; we do not have high concentrations of gaming machines in low socioeconomic areas; we have imposed limits on automatic teller machine withdrawals and banned credit

card use from EFTPOS facilities. We have introduced a whole lot of other measures, as well as a record \$132 million investment over four years in the problem gambling strategy.

As a former gaming minister I always say: if we had not introduced that range of regulatory interventions in gaming, imagine where we would be. We would not simply be saying we were growing below inflation; the reality would be that we would be recording double-digit growth per annum. Rather than gambling expenditure being \$650 a head, the reality would be that without intervention and if we were continuing at the same rate of growth, we would be talking about at least \$2000 per person being spent on gaming machine products. That is the blunt reality, as uncomfortable as some people might feel, depending on what side of the political fence people want to be on this argument.

There is a big social argument and debate over this area, and the government has been listening. The proof of the pudding is in the eating, and the proof that the government has been listening is the continuous and ongoing refined legislation based on good evidence. If you have good evidence and proof that something will work, that is the way to go to regulate, rather than relying on gut instincts and wish lists, which is what the early regulatory debates on gaming were about.

Gaming as a regulatory product has been growing around the world, but its regulation is a later form of regulation compared to other products. The knowledge of this area is continuing to build and grow. We have put in place a record \$132 million problem gambling strategy. In seven and a half years the Kennett government spent \$24 million; we are spending \$132 million in just four years.

We hear selective quoting from the opposition and some well-meaning members of the community that the government is spending less on problem gambling advertising. It is easy to look at a certain point in time when ads are placed on television, radio and print media and say there has been a cut in funding, but if you look at the total amount of money, you can see there has been an increase of funding. Again, we are not comparing apples with apples.

The last comment I want to make is that Mark Zirnsak, who is the head of the Interchurch Gambling Task Force and someone I very much respect, has worked very hard to keep the attention of the community and government on issues of responsible gambling. However, in today's media he is quoted as saying that \$1 million a year on research is not enough. In a perfect world maybe we would like more research, but a

million dollars! As a jurisdiction we are probably spending more on problem gambling-related research than anywhere in the world. In fact we are doing the research for all of Australia and so many other places around the world. There is a lot more research being done, and we are learning from that research.

The issue for Australia is that you could spend \$10 million extra on research, but what extra information would it give you on a per annum basis? We have a limited research capacity in Australia around unbiased research into areas of gambling. This is a new field. Victoria is the benchmark state and has been leading the way, but a million dollars-worth of research a year is a heck of a lot of research. It is good research and something to keep watching in the future. I commend the minister and the government for what I think has been a really good strategy, but of course there is more ongoing work to do.

Mr CRISP (Mildura) — I rise to speak in the debate on the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill. The purpose of this bill is to amend the Gambling Regulation Act and other acts to consolidate offences in relation to minors, to provide for the banning of irresponsible gambling products and practices, to reform the regulation of bingo conducted by or for community or charitable organisations and clarify the departmental secretary's powers relating to licensing.

I am going to look at some of the main provisions, but firstly, The Nationals in coalition are opposing this bill. There are many sensible measures within this bill. The commitment to problem gambling of \$132 million over five years is commendable; however, the previous speaker said this was somewhat more than the Kennett government had put aside. I would encourage government members to think that the problem has become much worse since that time and that the extra money that has been committed has been committed as a result of our experience of how difficult gambling has become in Victoria since the Kennett years.

On some of the sensible measures, the reduction of paperwork for people involved in bingo and other activities in small voluntary organisations is important. These people are the backbone of our rural community. It is so hard to find people willing to become involved and to support the good works that need to be done, particularly if they are volunteers, because the paperwork scares them off. If you become secretary, treasurer or president of any organisation, you will spend too many evenings just trying to do the paperwork, so I welcome these measures that will make

those activities easier for the heart of our rural community.

The measures in relation to nursing homes also bear some discussion. Entertainment in nursing homes is ever so important. The use of bingo falls under the area of health strategies, but it could well be said that bingo is therapy for ageing. Everybody knows that if you do not use it, you lose it. Sudoku and so many other games are being promoted, and bingo is just one of those, and it is one that people love and can be well used in nursing homes.

The bill provides that bingo and other activities can be run in nursing homes and other facilities where gross receipts are all distributed as prizes and where such activities are not advertised to the public. I would be surprised if anyone in a nursing home has ever been prosecuted for running bingo, but it will be good to remove that threat so that people can pursue a quality of life at that age, because we are seeking quality of life for everybody at every stage of life.

The bill also deals with a number of other issues. It provides for the minister to issue an interim ban order against any gambling product or practice that undermines or may undermine responsible gambling objectives of the act. The interim ban will last for 12 months unless revoked. The bill provides for the Victorian Commission for Gambling Regulation to take disciplinary action against gambling or wagering licence-holders for breach of the licence condition. We are hardening up some of those conditions.

The issue of minors is an interesting area. The bill sets out a number of offences relating to allowing or assisting a minor to gamble. It increases the relevant penalties, with exceptions applying to raffles or sport, tipping contests or sweepstakes. Sweepstakes are very important, so I am glad we do not have to send news around to all the schools that they cannot run a sweep on the Melbourne Cup next Tuesday. It is important that those things are addressed. You can run sweepstakes for people engaged by an employer and where certain conditions are met.

The bill makes it a strict liability offence for a gambling provider, registered bookmaker or bookmakers clerk to allow a minor to gamble, but it is not a strict liability offence for the gambling employee or agent to allow a minor to gamble, and there is the additional requirement that they must knowingly allow the minor to gamble. Clarification for this distinction has been sought by many previous speakers. The issue of minors has come up previously. The member for South-West Coast covered this issue extremely well. There are real

concerns about the definition of who can be excused for knowingly or not knowingly doing something. We must have consistency in this area. I hope, as the member for South-West Coast pointed out, that this is corrected by the minister in his summing up on this bill or adjustments are made while the bill is between this place and the other place.

The reason we are not opposing the legislation is that all the measures relating to ban orders and disciplinary actions against operators and licensees, the bingo reforms and toughening up penalties relating to gambling by minors appear to be worthy of support. However, the bill does have anomalies and these have been well discussed by previous contributors to the debate, particularly those relating to minors, bookmakers clerks, bookmakers and gambling employees. The Nationals in coalition will not oppose the bill.

Mr PERERA (Cranbourne) — I rise to speak in favour of the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008. This government has committed to maintain the cap of 30 000 gaming machines, with 2500 in Crown Casino and 27 500 outside the casino. Out of those only 26 800 are in operation. This government committed to maintain the cap, and there is no evidence that the government has expanded gambling operations in Victoria. As the member for Dandenong mentioned, the government has spent more money than any other government in the history of this state to fix problem gambling. In fact it has spent more money than any other jurisdiction in the world.

The responsible gambling measures introduced in this bill are in the best interests of the community at large. It is wrong to believe one can earn a living or get rich quickly by gambling. Even the top-class blackjack players, highly skilled in card counting, have about a 0.05 per cent advantage over the casino, but only if the player is disciplined and is playing all the time, and even that 0.05 per cent is in the medium to long term. The odds are heavily against the punters on poker machines, which are programmed heavily in favour of the machines. Minors could easily fall into the trap of believing they can win in the medium to long term by gambling.

The bill consolidates offences for minors, such as minors gambling, assisting minors to gamble, entering a gaming machine area or a casino and using false evidence of age. The penalty that will apply to providers of gambling products is 120 penalty units, which equates to \$13 500. Employees and agents will pay a lesser penalty of 20 penalty units, which is about

\$2250. A penalty of 10 penalty units, about \$1130, applies to offending minors. These hefty fines demonstrate the Brumby government's intention to protect minors from involvement in gambling.

The bill will also make provision for the minister to ban irresponsible gaming products and practices where the minister is of the opinion that it undermines responsible gambling objectives — for example, it is not unreasonable to suppose that intoxication affects a punter's perceptions of the odds and influences their betting strategies. The new powers will allow the minister, if appropriate, to control the irresponsible serving of alcohol in association with gambling or promoting of free food to keep people gambling who are under the influence of alcohol.

The bill also reforms the way bingo is regulated in Victoria. The powers will enhance the government's capacity to put in place an integrated approach to prevention, early intervention and treatment of gambling-related harm. Bingo was once considered to be the game of little old ladies but today it attracts younger people of both sexes. However, the bingo industry is in decline, which is unfortunate because this is a game extensively played by the aged population, especially in retirement and nursing homes.

The current strict regulatory regime, including a permit system, a range of caps on receipts, prizes and sessions, and restrictions on equipment and rules, has prevented bingo competing with other gambling products. The measures introduced in the bill will relieve community and charitable organisations that conduct bingo of the burden of applying for a minor gaming permit for bingo every two years. The bill will also provide them with the freedom to increase sessions, receipts and prizes beyond current limits. It may become viable for some community and charitable organisations to run their own operations and retain all proceeds rather than receiving only 40 per cent of the total proceeds from a commercial bingo operator who conducts bingo for them. At the same time it is anticipated that the reforms will make bingo a more attractive game to play and increase participation across the industry, thus benefiting commercial bingo operators.

The bill limits the duration of a declaration as a community or charitable organisation to a period of 10 years. This will enable the Victorian Commission for Gambling Regulation (VCGR) to monitor more effectively organisations permitted to conduct gambling activities for fundraising. It will also ensure that the secretary can consult with persons external to the Department of Justice when performing new statutory functions for the post-2012 keno and wagering and

betting licensing processes. These amendments are necessary as the secretary will be assisted by persons external to the secretary's department, including the VCGR, contractors, an interdepartmental steering committee and evaluation teams.

The bill includes amendments related to the act's protected information provisions. These amendments ensure that protected information cannot be disclosed unless the minister or the person to whom the information relates authorises the disclosure. The bill also extends the protection for protected information by making it clear that the prohibition on disclosing protected information continues to apply indefinitely to a person even after they cease to be a regulated person. This will stop people leaving their jobs or the industry from disclosing information years after. The bill also includes amendments to improve the processes for amendments to approved self-exclusion programs and responsible gambling codes of conduct and excludes residential tenancy agreements from the power to evict under the Gambling Regulation Act 2003. The bill is another step towards overhauling the gambling industry for the better. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to make a small contribution to the debate on the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008. I declare up front that I have a son who works for Tattersall's, so I have a bit of an interest from that point of view. He has not yet given me the numbers for Tattslotto on Saturday night, but we can hope. My mother always used to say we should not wish to win Tattslotto or a large amount of money because she had never met a person with a lot of money who was happy.

Ms Pike — True.

Mr DELAHUNTY — It is probably true, as the minister said. The main purposes of this bill are to amend the Gambling Regulation Act 2003 and other acts, consolidate offences in relation to minors, provide for the banning of irresponsible gambling products and practices and reform the regulation of the conduct of bingo by or for community or charitable organisations. This government has been in office for nine dark years. It promised to do a lot in relation to problem gambling, but as has been highlighted by the member for Malvern, although it talks about its record in relation to problem gambling, more importantly it still has record revenue coming to the state coffers. The record it should be ashamed of is that there has been a 35 per cent reduction in government funding for problem gamblers. That is a disgrace and a blight on the community. There are problem gamblers out there; whether they be in

Melbourne or in country areas, we have all seen them. I think it is a health problem as much as anything else, and more work needs to be done. In my area there is a great deal of cooperation between the community health centre, the gaming venues and others within the community to try to address gambling problems.

I want to cover a couple of points in relation to the bill. The bill allows nursing homes and others to run bingo that is not charged for and where the gross receipts are distributed in prizes. This makes a lot of sense. Having been involved in a sporting club, I was occasionally a bingo caller. I used to hate it, because in those days you were allowed to smoke at a lot of the venues, and as an antismoker it was very uncomfortable. I never really got hooked on this bingo caper where 'Legs, 11' and all sorts of other things used to be called out. I did not find it attractive at all, but having been to some venues, particularly nursing homes, I know that people get enormous enjoyment out of playing bingo.

Bingo is a great social entertainment and brings people together in venues. Not long ago my father was in a nursing home. He was a gambling man but on racehorses rather than bingo. He did not enjoy bingo at all, but I could see the enjoyment that people in nursing homes get out of having a few cents on the table and having a win. It was just amazing. This is a common-sense change to the legislation which will allow these organisations to run bingo. There is a stipulation that it must not be advertised as being open to the public; it is only for the people within the venues themselves.

The bill also puts more stringent requirements on venue operators who control access to minors and gambling. The member for Malvern has raised this issue with the minister, and we hope he will respond to those requests when he sums up at the end of debate. We on this side of the house have some concerns in relation to the way the bill deals with minors. There are major concerns in my area in relation to Intralot, the implementation of which started on 1 July. There are many newsagencies in my area, and the operator of one at Kaniva was unsure about whether he would go into selling Intralot products. He had a Tattslotto agency and said that if he did not go into it, he may lose the gambling dollar to the supermarket. There was a feeling that it was going to stay in one area, but as you know, Acting Speaker, Intralot has been setting up in various other places. There is not the same exclusivity under Intralot that there was under Tattslotto.

One of the agencies signed the document before the end of June to go into Intralot and made a decision about three or four days later that this was not a wise move

and cancelled it. About a day later the Intralot equipment landed at his office, and it is still in the back room. I have seen it; it is still there. He is trying to get the \$9000 back from Intralot because he does not want to proceed, but Intralot said that when he sends the machinery back they will send the money. He told Intralot that they needed to send him the money before he sent the machine. He has their machinery, they have his money, and he thought he could do it that way.

There are a lot of implications in relation to Intralot and some very unhappy operators. The shadow Minister for Gaming and I were in Gippsland a couple of weeks ago and met with some Intralot agency people. They are extremely disappointed that the projections are not being delivered. I think only about 50 per cent of the revenue that came in from Tattsлото scratchie tickets is coming in from Intralot. The government needs to do a lot more on this. At the end of the day, on 30 June operators were selling scratchie tickets and on 1 July they were selling Intralot. There was no change, but they had to put up \$10 000, and they are getting very little return. We know that the money went into the state government coffers, and these local small business operators are very unhappy people.

Business interrupted pursuant to standing orders.

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

ABSENCE OF MINISTER

Mr BRUMBY (Premier) — I advise the house that the Minister for Regional and Rural Development is attending a function with the Prime Minister and she is running a little late in returning from Sydney. During question time the Minister for Education will represent her in the skills and workforce participation portfolio and the Minister for Agriculture will represent her in the regional and rural development portfolio.

QUESTIONS WITHOUT NOTICE

Alfred hospital: trauma surgeon

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his government's decision to appoint Thomas Kossmann to the government State Trauma Committee to provide high level advice to the Minister for Health on policy development, purchasing and funding, clinical care and evaluation of the trauma system, and I ask: given that the government's own probity checks required 'high personal, professional and commercial integrity', will the Premier advise the house who appointed

Mr Kossmann as the government's top medical adviser when concerns about his conduct had existed prior to his appointment?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I indicated to him yesterday in relation to these matters, the Alfred hospital, the Transport Accident Commission and, most recently, the Ombudsman have fully reviewed all of the matters concerning Dr Kossmann's appointment and his activities as a medical practitioner at the Alfred hospital. I indicated yesterday that all of the recommendations that have been made by the Ombudsman in terms of government action are being accepted and implemented. I indicated also that in relation to the Alfred hospital, all of the 18 recommendations that have been put in place from earlier this year are being steadily implemented. I also indicated that there were matters that had been referred to Victoria Police and that the Minister for Health had also written to the commissioner for taxation about. In relation to any details regarding his appointment, I will seek advice on that matter and advise the Leader of the Opposition.

Economy: government initiatives

Ms KAIROUZ (Kororoit) — My question is to the Premier. I refer the Premier to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house the strong leadership the Brumby government is providing to steer the Victorian economy through a tougher global environment, and are there any threats to the government's actions?

Mr BRUMBY (Premier) — I thank the member for Kororoit for her question. As I have consistently said, in the economic environment in which both Victoria and Australia find themselves, the biggest economic challenges we have had for decades, the appropriate course for government to take is to be creating the right climate for business investment. That means a competitive tax system. It is also appropriate for government to be accelerating its capital works program.

What the state requires and what the nation requires of course is decisive action and a clear program of capital works for the medium and longer term. I am delighted to advise the house that this year the government will be spending a record \$7.9 billion on capital works. That is cash flow; that is not the total estimated investment of projects. These projects were advised of in budget information paper 1, which the Treasurer tabled during the regional sitting of Parliament in Gippsland recently.

That \$7.9 billion comes on top of \$6 billion of expenditure in 2007–08. Again, if you put those things in context, the last year of the former government, 1998–99, budget sector capital works — —

An honourable member — Last century!

Mr BRUMBY — Hang on, last century! Ten years ago the budget sector capital spend was \$1 billion. This year in the government and authorities sector we will be spending \$7.9 billion on top of \$6 billion last year. This shows the difference. It shows our commitment to capital works, to investment and to jobs in this state. This record investment will help to stimulate jobs and investment.

Sir Rod Eddington is reported to have said in a speech earlier this morning to the charity group, Western Chances:

... you (can) assume that the downturn lasts a couple of years, because that's how long most downturns last, and you're talking about building infrastructure that if it is the right infrastructure will be used 50 years from now ...

We can't let short-term challenges distract us from long-term planning ...

In the next year we will be spending \$1.7 billion on water projects: things like the food bowl, things like the north–south connect, things like desalination. We will be spending \$494 million deepening the port of Melbourne. We will be spending close to \$1 billion through the Department of Transport on new trains, new regional carriages, the M1 upgrade, the Geelong ring-road, the Deer Park bypass and \$351 million on new social housing. This is an unprecedented level of capital investment in our state.

I want to make the point that in a period where the world economy is slowing we are investing more in capital works, and all of these major projects, which are generating confidence, investment and jobs, are being opposed by those opposite. If you think of the food bowl project, it was opposed by those opposite; if you think of the desalination plant, it was opposed by those opposite; if you think of channel deepening, it was opposed by those opposite. We can remember the super-pipe to Bendigo and Ballarat being opposed by those opposite. This week I read a letter from Senator Michael Ronaldson of the Liberal Party, who was trying to claim credit for that project and saying that the Liberal Party supports the project. That is a double pike with twist, is it not?

The SPEAKER — Order! The Premier is debating the question.

Honourable members interjecting.

Mr BRUMBY — Which project do you support? Which one of those? Which project?

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast, and I will not do so again during this question time. The Premier is clearly debating the question. I ask him to come back to answering it.

Mr BRUMBY — As I said, all of these projects are generating — —

Mr R. Smith interjected.

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

Mr BRUMBY — All of these projects are generating investment and jobs across our state at a time when more than ever before we need that investment and those jobs. I will make a prediction today. As I have said, we will be releasing our transport plan before the end of the year, and I will bet with what will be the largest investment ever in our state in transport those opposite will oppose the initiatives we announce in that plan. I would say that they have already written the press release.

The SPEAKER — Order! The Premier will stop debating the question.

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition will not interject across the table in that manner.

Mr BRUMBY — We are getting on with the job. We have got the most competitive business environment in Australia. We lead Australia in building approvals. We lead Australia in terms of apprentice and traineeship approvals. We have the biggest capital works program in nominal and real terms since the Bolte government in the 1960s. And all we get from the opposition during what is the toughest set of international global conditions in decades is a talking down of the Victorian economy. Nowhere was that more highlighted than in the shadow Treasurer's recent comments when he tried to cause a run on Members Equity.

Dr Napthine — On a point of order, Speaker, the Premier is again debating the question. He has told more lies than you can poke a stick at in the last

10 minutes. I ask him to return to answering the question.

The SPEAKER — Order! I ask the Premier to cease debating the question. I remind him that he has now been speaking for 8 minutes. I ask him to conclude his answer.

Mr BRUMBY — In relation to those comments, they were of course described by the former Reserve Bank of Australia governor, Bernie Fraser, as ill informed, suspiciously malicious and with the potential to do great harm to the customers and the shareholders of Members Equity Bank.

Alfred hospital: trauma surgeon

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his failure to answer my previous question, a question about the most basic involvement of the government with Mr Kossmann. I refer the Premier to the documentation for Mr Kossmann's appointment to the State Trauma Committee, which states:

The personal information you provide in this form is required for application processing and assessment purposes, including submission to cabinet.

I ask: is it not a fact that the appointment of Mr Thomas Kossmann to the State Trauma Committee as one of the top advisers to this government on health policy was endorsed and approved by cabinet?

Mr K. Smith interjected.

The SPEAKER — Order! Interjections before the Premier has even started his answer are most inappropriate. I ask the member for Bass to cease interjecting.

Mr BRUMBY (Premier) — I am happy to advise the house that this matter was referred to the Leader of the Opposition by the Minister for Health in April this year. I advise the house of what the minister said at the time:

On Thursday 17 April I committed to providing you with additional information regarding the appointment of Professor Thomas Kossmann to Victoria's State Trauma Committee ...

I am advised that among others the STC includes the directors of trauma at the major trauma services ... Each member of the STC is appointed by the Minister for Health after probity checks are conducted in accordance with the Department of Premier and Cabinet 'Guidelines for the appointment and remuneration of part-time non-executive directors of state government boards and members of statutory bodies and advisory committees' ...

Professor Kossmann was first appointed to the STC on 6 September 2001 and reappointed on 1 January 2006 in his capacity as director of trauma, the Alfred hospital.

I am advised that Professor Kossmann submitted the appropriate documentation for the application to the STC. This included: application form, CV, declaration of private interests and consent to perform the following checks:

consent to check and release national police record

Australian Securities and Investment Commission (ASIC) banned or disqualified person search

Insolvency Trustee Service Australia search.

I am advised that Professor Thomas Kossmann was appointed in full accordance with the guidelines.

Energy: government initiatives

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Energy and Resources. 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 outline to the house how the Brumby Labor government is working with the federal government to reduce greenhouse gas emissions while also providing investment certainty and jobs in the energy sector?

Mr BATCHELOR (Minister for Energy and Resources) — The Victorian Labor government has worked long and hard to provide greater security and reliability for the state's energy supplies. We have had to do that, because under the previous Liberal government there were no new power stations — no new power stations were built between 1992 and 1999 — —

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

Mr BATCHELOR — Not a single power station was built. Since 1999 Victorian electricity capacity has increased by over 2000 megawatts through the construction of new generation and transmission infrastructure. But with a rising energy demand and the requirement to meet the climate change challenge, we still need more electricity generated for use here in Victoria. That is why the government is striving to deliver a framework that will encourage investment and new jobs for the people who work in the Victorian energy sector.

Recent announcements in the state's south-west show that this strategy, this work we are doing, is paying off. For example, Origin Energy is planning a \$640 million gas-fired power station near Mortlake, which will result in 250 new jobs for the region. Santos has proposed an

\$800 million gas-fired plant at Orford. It is not a coal-fired one, as the Leader of the Opposition said in Gippsland, but a gas-fired one. Its construction will require up to 600 contractors over the three-year construction period.

It is not just about gas; it is also about renewable energies. Our Victorian renewable energy target has underpinned recently approved wind farms at Ryans Corner and Hawkesdale — —

An honourable member — He is in a corner!

Mr BATCHELOR — Ryans Corner, that is right. They will lead to almost 200 jobs during the construction phase. We should not forget Pacific Hydro's Portland wind energy project. Two of the four stages of this \$330 million project have already been completed and the third stage is well under way.

What do the people of the south-west think about this? We should have a look at the *Warrnambool Standard*. On 22 August this local newspaper had the headline 'Power Surge — Santos reveals \$800m gas project'. The *Warrnambool Standard* of 23 August has the headline 'Rich pickings — Investment bonanza set to flow' and a further headline 'Rich time for region'. On 22 August the *Warrnambool Standard* again carried the headline 'Our green energy hot spot — More projects in the pipeline for Moyne'. But it is not just Warrnambool that recognises the great job this government is doing.

An honourable member interjected.

Mr BATCHELOR — All right, I will give you another one then, seeing as you ask. The *Hamilton Spectator* of 26 August headlined the good news as an 'Energy bonanza'. Also, the Moyne shire mayor, Mr Ken Gale, was quoted as follows in the *Hamilton Spectator*. It states:

'This is the place to live at the moment', he laughed.

There are lots of other quotes that are available to report to the house about the good news that has come to this community.

Mr Ryan — Where are they?

Mr BATCHELOR — Do you want to hear more? The Leader of The Nationals wants to hear more.

The SPEAKER — Order! I remind the minister that he has been speaking now for 5 minutes. I ask him to conclude his answer.

Mr BATCHELOR — I will conclude with this quote from the 'Rich pickings' article in the *Warrnambool Standard* from another apparent Labor convert:

I've got no doubt the new power sources will bring considerable investor interest over the next few decades ...

Who do you think said that in support of the Labor government? It was the member for South-West Coast!

The Labor government is delivering new sources of energy, and it is delivering new jobs. Even those on the other side acknowledge that we are doing the right thing in looking after regional Victoria with investment, with jobs and with new energy sources.

Automotive industry: review

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a contract let by the government in March this year at a cost of \$129 800 which requires 'Preparation of research and discussion paper for the government's submission to the national automotive industry review', and I ask: given that the minister for manufacturing has carriage of this issue, how can the government possibly justify this vast expense of taxpayers money for the preparation of a submission to a federal review being conducted by the minister's former boss, Mr Bracks, when clearly the minister and his department should be doing the work and when equally clearly they have not been devoting their energies to the preparation of a manufacturing statement?

Mr BRUMBY (Premier) — I find that an extraordinary question from the Leader of The Nationals. The single largest manufacturing sector by a long, long way in our state is the motor vehicle industry. The industry directly and indirectly employs tens of thousands of Victorians. It is the bulk of the national industry, it is a significant exporter from our state, it is a major contributor to regional economic development, particularly in Geelong, and it is the major driver of new technology in the manufacturing industry. It is an industry with a turnover of billions of dollars per annum and exports of billions of dollars per annum, and for the Leader of The Nationals to be saying we should not be spending a cent protecting — —

An honourable member interjected.

Mr BRUMBY — We are going to disagree. You can see why this industry disintegrated in the 1990s under the former government, because it is true — —

Honourable members interjecting.

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

Mr BRUMBY — I repeat: what a bizarre question. At a time when the world economy is slowing and when five of the top seven economies around the world are in recession or have a zero in front of their job number, to say that we should not be making the strongest representations to the federal government about the future structure and security of this industry is truly bizarre.

The second question I was asked today was about jobs in the Victorian economy. I make no apology for investing taxpayers money to make the best possible submission to the federal government about the future of this industry. We make no apology for working with each of the car companies to secure further investment. We make no apology for putting tens of millions of dollars on the table in relation to Toyota bringing new hybrid car manufacture to this state. We make no apology for putting money on the table to get the new Ford Focus manufactured in our state. I find it truly bizarre. This is the real attitude of the Liberal Party and The Nationals to jobs in this state. They could not care less.

Infrastructure: government initiatives

Mr HUDSON (Bentleigh) — My question is to the Minister for Roads and Ports, who is the Acting Minister for Major Projects. 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 advise the house how recent infrastructure projects in his portfolios are contributing to Victoria's economy and creating jobs?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Bentleigh for his continuing interest in and concern about the delivery of vital infrastructure projects for Victoria. The Brumby government has of course a strong track record in investing in this state's transport infrastructure, boosting our economy and creating jobs. We are in the process of delivering \$3.2 billion worth of road projects right across Victoria. We have already invested \$5.8 billion in our road network since coming to government, which includes \$2.5 billion in our regional roads. I will demonstrate what that translates to in actual physical work: 50 significant regional road projects have been delivered by this government at a cost of \$1.2 billion, and 53 significant outer metropolitan and suburban roads have been delivered at

a cost of \$1.5 billion. We are delivering these projects to help meet the needs of a growing population and a continuing growing economy.

Yesterday in this chamber EastLink was described as a shambles by the member for Scoresby. The project was delivered five months early, and by bringing it forward five months we will be adding \$285 million of extra economic benefit to the economy on top of the \$15 billion boost that will be provided to the Victorian economy. It generated 7500 construction jobs, and it will continue to generate 6500 jobs into this community going forward. Some \$500 million worth of contracts have been awarded to the local community as a consequence of the delivery of this vital piece of infrastructure. It will generate enormous industrial and economic activity in places like Keysborough, Carrum Downs and of course in Dandenong South. Perhaps the definition of the word 'shambles' is now 'action that delivers enormous benefits for Victoria' in the new Liberal-to-English dictionary.

We are completing the Frankston bypass environment effects statement. That is a project that could create 1700 jobs annually during construction and 2400 indirect jobs when it is complete.

We cannot forget the work that goes on every day as part of our commitment to improving a premium system of infrastructure and transport delivery. The Monash-West Gate upgrade — the single biggest government-funded road project in Victoria's history — is creating 2000 jobs and will deliver \$14.5 billion worth of economic savings by producing efficient transport travel options. This section of the project, which now will be able to be opened early in stages, will provide additional community benefit of the order of about \$600 million.

The performance of Victorian ports is another demonstration of this government's continuing support for our economic growth. Conservatively our commercial ports sustain something like 15 000 jobs directly. They handle about \$80 billion worth of trade every year, and they are vital to our state's economic prosperity. Around \$90 million of exports are handled at the port of Melbourne every year. It is the world's 50th biggest port and the nation's biggest port.

Channel deepening is a project that deeply divides the opposition, but of course it unites members on this side of the chamber. We recognise that this project will generate a further 2200 jobs and contribute \$2.2 billion to the national economy.

On major projects, the new convention centre will soon be fully integrated with the Melbourne Exhibition Centre to create the largest combined facility of its kind in Australia. It is a great project. This project will create a thousand jobs during the construction phase, and people are working furiously as the moment. We already have bookings for 37 international conferences — they are booked. That will mean 74 000 delegates coming to Victoria who will be very keen to spend, based on our economic modelling, something like \$460 million in the Victorian economy.

Let us not forget those great rectangular stadium sports of Rugby League, soccer and Rugby Union. The rectangular stadium, which represents \$267 million worth of investment, is a 31 000-seat capacity stadium which will invariably ensure that Melbourne remains the nation's sporting capital.

When we came to office we set about fixing the state's infrastructure shambles. We responded to the previous government's failure to invest in Victoria's infrastructure. We have more than tripled our state's effort and our spending on roads and major projects. Our investment in transport and major projects will generate jobs, boost our economy and ensure that Victoria is the best practice to live, work, raise a family and invest.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to his answer yesterday and his failure yet again to advise the house whether his chief of staff was aware of the police investigation into a government minister prior to 13 October, and I ask: given that the minister's chief of staff ceased working for the Chief Commissioner of Police last year, has the minister now asked his chief of staff when, between his appointment in September 2007 and October this year, he became aware of any information regarding the police investigation; and if not, what is the minister seeking to hide?

Mr CAMERON (Minister for Police and Emergency Services) — It is unfortunate that the honourable member for Kew wants to go about throwing mud instead of letting a police investigation take its course. I have asked my chief of staff if, prior to 13 October — going back to the time he was appointed, to the time he started as my chief of staff about a year ago — he did discuss with any person any matter relating to the manufacturing minister and a criminal investigation, and he has told me no.

Buses: NightRider service

Dr HARKNESS (Frankston) — My question is for the Minister for Public Transport. 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 inform the house of recent state government investments in late-night public transport services?

Ms KOSKY (Minister for Public Transport) — I thank the member for Frankston for his question and for his significant interest in buses, particularly the NightRider bus service. We have seen incredible patronage growth in public transport right across the different modes — trains, trams and buses. Bus patronage has increased at the rate of 6 per cent each year. Many more people are using buses today than were using them five or six years ago.

We have added more than 9000 extra weekly trips on metropolitan buses over the last two years. That is one of the reasons we have seen the increase in patronage: there are more services for people to use, and we are doing more.

The number of people catching NightRider buses has grown by 24 per cent over the past year, with more than 120 000 people using the service. That is a significant increase. As a result of that, to meet the growing need the government has invested more than \$11 million to increase the frequency of the NightRider buses. Instead of operating every hour, they will now operate as a half-hourly service, which will respond to the needs of young people wanting to travel into the central business district (CBD) and surrounds, and also to get home at the end of the night. We are doubling the services that are on offer on Saturday and Sunday mornings.

Also, there will be three new routes. I know the people who live in the Cranbourne, Doncaster and Healesville areas, and also the members who represent those areas, will be pleased to now have NightRider routes in their areas. I know young people and parents are very happy about those services. There is also a new NightRider service from Docklands to the City Square in Swanston Street, so connecting the Docklands and the CBD as well. That helps young people to move around the CBD during the early hours, and also enables them get home. It will help also some older people who are still out and about during those hours. This means there are 173 extra NightRider services running every weekend from the CBD on those new routes that I have mentioned.

It is worth mentioning that the cost of the NightRider service is a standard Metcard fare, so it is very affordable. If someone has bought a Metcard during the day, they will be able to use it at night as well. Any members of the house who are keen to use that service will be able to do that. It is worth mentioning that anyone who uses the NightRider service can also access, through the driver, a phone so that they can connect with a taxi at the other end of their service, or for \$1 they can ring home or ring a friend to pick them up at the other end.

It is about safety, and it is also about enjoying all that Melbourne and the CBD have to offer for many people, particularly for young people — and for some older people.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Premier. Given that the Premier refuses to deny that his office had any knowledge of the police investigation into a government minister prior to 13 October, is it still the Premier's position that prior to 13 October Victoria Police knew of the investigation, as did the Presiding Officers of the Parliament, the chief commissioner's office, the commonwealth Attorney-General's department, the state intelligence division, members of the government's own backbench and even the chief of the Greek police, but the Premier, his ministers and nobody in government had any idea what was going on?

Mr BRUMBY (Premier) — I think the honourable member for Kew, as he has gone through the week, has got worse and worse and is just making it up. I have never heard such a bizarre question. He just made it up as he went along. I would not know which organisations had any knowledge, but I would say to the honourable member that if what he just said was correct, why on earth did he not raise it in Parliament prior to that date?

Police: government initiatives

Ms GRALEY (Narre Warren South) — My question is for the Minister for Police and Emergency Services.

Mr McIntosh interjected.

The SPEAKER — Order! I warn the member for Kew. We will not have interjections of that nature while a member is asking a question.

Ms GRALEY — 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 the government's record investment in more police, emergency service workers and new infrastructure across Victoria?

Mr CAMERON (Minister for Police and Emergency Services) — Can I just say to the honourable member for Narre Warren South that it is great to have her back. Of course she is proud to be part of a Labor team that has made a record investment in Victoria Police. We have put on 1400 more police — 350 more police in this term — than ever before in Victoria. We are a government that stands by our commitments, not like when the Leader of the Opposition was president of the Liberal Party slashing — —

Honourable members interjecting.

The SPEAKER — Order! I seek the cooperation of all members in finishing this last question. The minister should not have to shout over the top of interjections. I ask for cooperation from government members.

Mr CAMERON — We are proud of the work of the Chief Commissioner of Police, Christine Nixon, and the tremendous police we have, and we are proud of what they have done in reducing the crime rate. Labor has spent \$400 million rebuilding or refurbishing 150 police facilities across the state as part of Victoria's largest ever police station construction program. Not only are we providing record resources to employ more police, we are investing in providing state-of-the-art facilities, and of course that in turn has an impact on local jobs when it comes to the building industry. That is especially important given that over three-quarters of those new police facilities have been in regional Victoria. At the last election we committed to rebuilding eight police stations at a cost of \$85 million. Those projects are progressing well, with contracts for construction due to be awarded at the Sunbury, Bayside and Swan Hill police stations, with Box Hill going to tender towards the end of this year and with suitable land identified for a new police station at Carrum Downs.

We are proud of our record investment in emergency services. What we have done of course is more than double the core budget of our emergency services, and that has allowed the Metropolitan Fire Brigade to employ an extra 224 full-time firefighters. It has meant a 59 per cent increase in career firefighters in the Country Fire Authority to complement the tremendous work of the volunteers of the CFA. We have continued a commitment to that highly resourced CFA, as we have seen over recent years, particularly during bad

bushfire years. This year alone more than a dozen CFA stations have been opened, including Ocean Grove, Mornington, Reefton, Christmas Hills North, Badger Creek and, last Saturday, Geelong West.

We are proud of our strong investment in community safety, in delivering more police, in delivering more emergency services workers and in providing them with the resources that they need. In the modern history of this great state there is only one party that has been prepared to go out there and put in the investment to police and emergency services, and that party is Labor.

GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL

Second reading

Debate resumed.

Mr DELAHUNTY (Lowan) — As I said before lunch, in speaking on the Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill, the key phrase is ‘responsible gambling’. This government must take responsibility for a lot of things. It wants to claim responsibility for a lot of things.

In gaming we have record turnover and record revenue, but, importantly, record state revenue going into the bottom pockets of this government. But the one record the government is not going to claim is the record reduction in government expenditure on problem gambling. Unfortunately, as we all know, problem gambling has been around for a long time. I believe it is a little bit of a health issue. There were problem gamblers back in the days when the TAB started. I am sure there were many young blokes going to university who got hooked on trying to make a dollar at the TAB. I also remember the days of the starting price bookmakers who were operating in hotels and various places across Victoria. We know that Victorians, and Australians in general, will bet on anything.

While we talk about the record revenue coming into this state and the record turnover, the reality is that it could have been much greater. There is a real aberration in that unfortunately a lot of the money that would have been spent in Victoria has gone into the Northern Territory, or even into Tasmania through Betfair. I spoke briefly about Intralot before lunch. The major concerns are the increasing costs and decreasing revenue for small business operators. The only revenues that have gone up have been the state

government’s. There are also questions relating to the services being delivered by Intralot. There is great uncertainty about the Intralot product.

In the last minute or so of my contribution, I just want to touch briefly on gaming venues. In my area there are four in Horsham and two in Hamilton, and representatives of all of them have been speaking to me about the great uncertainty of their operations because of the changes proposed by this government that are going to take place in 2012. I have spoken to RSL venues. The RSL is a great organisation. It provides great facilities, great services, great meals and great entertainment. But under this Labor government they are getting great uncertainty.

Whether it be in Gippsland, where we were in the last sitting week, or in western Victoria, where I live, or right across the state, most representatives of these gaming venues are saying there is great uncertainty in their businesses. Many of them cannot do the upgrades they want to do to their facilities. Some of them have been talking about doing new extensions or building new facilities, but when they talk to their financiers they cannot get a definitive answer to a lot of things that have to be provided by government. Again, we have seen a slowing down of the economy in those industries because of the uncertainty created by the changes to gaming laws.

On Anzac Day we see the opportunity for diggers to play a little bit of two-up, and I know they enjoy it immensely. I will never forget years ago going up to Broken Hill as a young fellow. I have never seen so much money change hands anywhere as I saw change hands in the two-up schools in the back rooms of some of the hotels and clubs in Broken Hill. We do not see that in Victoria, nor would we really want to, but the great tradition of two-up on Anzac Day is one thing that I am sure veterans would want to continue.

Debate adjourned on motion of Mr LUPTON (Pahran).

Debate adjourned until later this day.

STALKING INTERVENTION ORDERS BILL

Second reading

Debate resumed from 29 October; motion of Mr HULLS (Attorney-General).

Mr BROOKS (Bundoora) — It is with pleasure that I rise to speak in support of the Stalking Intervention

Orders Bill 2008. This bill is essentially an interim measure to preserve the current system of intervention orders for stalking as set out under the Crimes (Family Violence) Act. It is an interim measure because it is the intention of the government through the Department of Justice to review those intervention orders following advice from the Victorian Law Reform Commission as part of its report on family violence. In my view one of the key parts of this bill is the updating of the search and seizure powers so that they effectively parallel provisions under the Family Violence Protection Act.

I just want to say at the outset that I think the process that the government is following through this bill, and the Family Violence Protection Act before it, is a very sound process. Referring these very serious matters to the Victorian Law Reform Commission for considered reporting and consultation with the Victorian community is a very appropriate way to move forward. The VLRC recommended that intervention orders in relation to stalking be separate to intervention orders in the area of family violence, and that is the direction the government has moved in and the reason this bill has been introduced as an interim measure. The Attorney-General indicated in his second-reading speech that the review would also include consideration of the use of alternative dispute resolution to address the issue, in some cases, of stalking intervention orders.

That is a very welcome move. All of the evidence suggests some forms of alternative dispute resolution, such as mediation, can be used effectively in appropriate areas of the justice system to provide benefits to not only the system, ensuring that lists and waiting times are reduced, but also to respondents and applicants in the form of better outcomes. Through the use of alternate dispute resolution, parties are often able to sort through some of the issues that are at the core of a dispute. Importantly, however, I personally would hope that such a review would carefully consider which sorts of stalking intervention orders are appropriate cases for alternative dispute resolution. Obviously there would be some stalking intervention order cases where alternative dispute resolution would not be appropriate. Some stalking involves a very significant power imbalance between the parties, and in such matters methods such as mediation are in my view not suitable.

I will pick up on a point raised by previous speakers concerning the cancellation or suspension of firearms licences. This relates to clause 9 of this bill. People have indicated concern about licensed, law-abiding firearm owners being subject to clause 9 and people with illegal weapons not being caught up or affected by the legislation. People have questioned whether that is fair. Clause 9 stipulates that before making an

intervention order a court has to find out if the respondent has a firearms authority. If the court then makes an interim order, it may suspend the respondent's firearms authority, and if it makes a final order it can cancel the respondent's firearms authority. Thus it is only after a court makes an interim or final order that a person's firearms authority would be affected. Clause 7 stipulates that the court may make a final order in respect of a respondent if it is satisfied on the balance of probabilities that the respondent has stalked another person and is likely to do so again. That sets it out very clearly.

In my view it is legitimate to argue that if a court is satisfied on the balance of probabilities that stalking has taken place, then if there is a firearms authority involved it should be cancelled. In relation to the court's consideration of such a matter, the court would certainly have regard to clause 4, which gives the definition of stalking. Clause 4(1)(a) defines stalking as a course of conduct engaged in by one person:

with the intention of causing physical or mental harm to the second person or of arousing apprehension or fear in the second person for his or her own safety or that of any other person ...

I tend to agree with the argument that the majority of people with firearms authorities are law-abiding citizens, and the international and Australian evidence I was able to peruse in preparation for this debate clearly indicates that stalking is not in large part related to people with licensed firearms. However, I think it is important, and I think the community would expect, that where a court has found there is an intention in one person of causing physical or mental harm and an apprehension of fear for his or her own safety in a second person, and where a firearms authority is involved, that the authority be suspended or cancelled. It is important to point out that of course a suspension or cancellation can be appealed in a relevant court or tribunal.

The bill is fairly straightforward. I do not imagine there will be a lot of debate about it. From the contribution of lead coalition speakers it seems there is general support for the bill. It essentially takes relevant sections relating to stalking intervention orders out of one act and puts them into the Stalking Intervention Orders Bill 2008, with a few technical changes, for an interim period while the issue of stalking intervention orders is reviewed by the Department of Justice. As I said at the outset, I will be very keen to see the progress of the department's review of this matter. As I also said, there is an important consideration when we talk about using alternative dispute resolution in the justice system. Where there is any concern about violence or

intimidation, which is obviously a concern with stalking, people who are requested to use a part of the justice system that may involve mediation should not be in a situation of clear power imbalance and should have the ability to mediate in a fair way. If there is any suggestion that otherwise is the case, then it is important that the justice system be there as an independent and strong arbiter of the law. With those comments, I commend the bill to the house and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to speak on the Stalking Intervention Orders Bill. The purpose of the bill is to preserve the system of intervention orders in cases of stalking, pending a government review. The bill also attempts to bring search and seizure and bail and firearms provisions in line with the Family Violence Protection Act. There are a lot of provisions, but in the interests of time I am going to focus narrowly on one. I support the member for Box Hill, who said that stalking is of increasing concern to Victorians. We are not underestimating those concerns, and for that reason The Nationals in coalition will support this bill.

The Nationals have been exploring the firearms provisions in clause 9 and other parts of the bill. Frivolous abuse is always an issue and dealing with it is a balancing act, so I suspect there will be further work to address it. We should be mindful of how this sort of legislation works in country areas. The local police, whose role it is to deal with stalking issues, are underresourced and country stations are often manned by just one or two people.

I pose the following scenario. An accusation of stalking has been made and someone has approached another person armed with firearms. After some discussions with the local police the person involved decides to surrender their firearms voluntarily but without completing the necessary paperwork. They are probably honest and well-intentioned people, so they hand over their firearms to save the police officer the time it takes for the matter to go to court. However, we have identified that there is a difficulty because if a stalking intervention order is not sustained by a court, because getting back firearms that have been handed over voluntarily is difficult. I refer to the words of the member for Box Hill, who said:

... if someone complies with a direction of a police officer and surrenders those items, there is no mechanism for them to get those items back if there is no final order made ...

In such a situation, in the interests of helping police officers, well-meaning people would have got themselves into a predicament.

That issue needs to be addressed in this legislation to make it workable, otherwise our already stressed country police officers will have more work to do. They will have to say, 'We are going to have to get the paperwork. You stay there while we do the paperwork. We will officially seize the firearms from you, and then you will be able to get them back'. Such a scenario is not in the interests of efficient policing.

If that area could be addressed by the minister in his summing-up speech or while the bill is in transit between the houses, The Nationals would feel more comfortable we would have a piece of legislation that would not place country police in difficult situations and country people would not be put in the awkward position where assisting the police might turn out not to be in their best interests. With those words I advise the house that The Nationals are supporting this bill.

Ms DUNCAN (Macedon) — I rise to speak in support of the Stalking Intervention Orders Bill. As we have heard previously, this bill essentially seeks to preserve the current system of stalking intervention orders, with a couple of minor amendments, until the stalking intervention order system can be comprehensively reviewed by the Department of Justice. Preliminary work has started on this review, which is welcome. The Attorney-General is seeking to ensure that our legal system keeps up to date with our modern society.

As has been said by previous speakers, the whole issue of stalking and the taking out of intervention orders has become more important in recent times. That is not to say that such things did not happen years ago, but provisions relating to them were not well reflected in our court system and our legislation. This government has made a number of innovative changes to legislation dealing with family violence, and those changes have been welcomed by people throughout the legal profession and by people who come before the courts, particularly people who have suffered from family violence.

From time to time we have all heard reports in the media of outrageous cases of stalking, and it seems they are becoming more common. Often courts are asked to adjudicate on matters that are not related to family violence but may well be disputes between neighbours or acquaintances. When such disputes cannot be resolved, people often look to the courts to solve their problems. It is difficult for courts and it is an expensive process to go through. It is also expensive for taxpayers, because we all know how valuable court time is.

Part of the review will be to examine how and when it would be appropriate to use an alternative dispute resolution process. This government and the Attorney-General are keen to look at appropriate varieties of alternative dispute resolutions, and recent times have seen the establishment of a number of specialist courts. There is good reason for this. Often a matter that is conciliated has a better outcome than if it goes to court — we all know that. It is always much better if matters can be resolved between the parties without recourse to courts. The review of the stalking intervention order system will look at those dispute resolution processes where it is determined to resolve complaints which currently result in an application for a stalking intervention order.

A key part of the review will be to examine issues of violence within relationships between a person with a disability and their carer. These situations are not new, but we are seeing increasing examples of them, and we are all becoming much more cognisant of it as an issue. The relationship between a carer and a person with a disability is not family like, therefore it would fall outside the Family Violence Protection Act. These are incredibly important issues and we need to consider them carefully.

Through this review the government hopes to develop a new intervention order system between non-family members which will continue to protect the community and take advantage of alternative ways of resolving disputes. In the meantime the Stalking Intervention Order Bill will maintain the current system of stalking intervention orders with a few minor changes that have been outlined by previous speakers. I commend the stalking bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to speak in the debate on the Stalking Intervention Orders Bill 2008. The prime purpose of the bill is to preserve the system of intervention orders in cases of stalking. Members on this side of the house, indeed all members of the Parliament, treat this issue extremely seriously, and it is important that we have the necessary powers in place to deal with it. The bill will also attempt to bring search and seizure and bail and firearms provisions in line with the Family Violence Protection Act, which was passed by this house recently.

The bill seeks to introduce a number of provisions, including in clause 4 the adoption of a definition of stalking which mirrors section 21A of the Crimes Act 1958. The bill provides for interim and final stalking intervention orders and telephone and fax applications for orders similar to those in the Family Violence

Protection Act. However, there are no provisions for police-issued interim safety notices. If a court is satisfied on the balance of probabilities that a respondent has stalked another person and is likely to continue, the court may make an order imposing any restrictions or prohibitions on the respondent that the court considers necessary. The bill will also enable a court to suspend or revoke a firearms authority held by a respondent. There is no right to appeal under the Firearms Act 1996 against that decision. I will come to that issue later.

Under clause 35 the police may direct a person to surrender firearms, ammunition and/or a firearms authority if an intervention order is made against the person or if the police officer is satisfied there are grounds for making an order. If a direction is not complied with or if the police obtain a warrant, clauses 37 and 40 allow the police to seize a firearm, ammunition and/or a firearms authority.

Clause 41 provides that if a final order is made and if the person applies under section 189 of the Firearms Act and is declared not to be a prohibited person, the person will receive their seized items. If no final order is made, a person can also make an application to have the seized items returned. The bill sets a maximum penalty for contravention of an intervention order of 240 penalty units and/or imprisonment for up to two years. Finally, a section 85 clause limits the jurisdiction of the Supreme Court by preventing an appeal against an order made by the County Court or the trial division of the Supreme Court.

I thank the staff in the minister's office for the briefing. It was quite an exercise to follow the briefing because so many bills are linked with this bill. It is fair to say that we got there in the end, but I again thank the staff for their assistance.

The opposition has indicated that it will support the bill, but some areas of concern have been raised and we are hoping the minister will provide an explanation for those concerns in his summing-up. Our first concern is with the reduction in the maximum penalty for a second or subsequent offence from five years to two years. This issue has been set out in the Family Violence Protection Act, and I understand the member for Warrandyte has been actively working on it, not only in this place but in his community. It is an area that we have grave concerns about. I understand the government has a position with regard to it, but many people in the community I and other members have spoken to have raised concerns about the issue.

We have identified a number of concerns about the operation of provisions on the return of firearms. Previous speakers have articulated this issue, but it is unclear from a reading of the bill. Again I wait for a response from the minister. It seems that if a person voluntarily surrenders their firearm under a direction to do so, as opposed to a seizure, that person is not entitled to receive that firearm back, yet if a firearm is seized the person will receive the firearm back. I do not know whether that is a drafting issue, or more importantly that the government had something specific in mind in drafting the bill that way. It would appear that if a person voluntarily surrenders a weapon there is no guarantee that the weapon will be returned later, but that if a weapon is seized, the person will be entitled to have it returned. There is no clear logic to that, and if the minister is unable to clarify the situation we believe the provision will be back before the house for clarification or amendment.

It is also unclear whether a person can be declared not to be a prohibited person at the time of the making of a final intervention order or whether the person needs to make a separate application. It appears that in order to be deemed not to be a prohibited person, a person who is going through this process may have to reapply and go through the process again to try to clear their name once the matter has been dealt with as part of a final intervention order. We believe there are grave problems with that, and that it is an issue that should be dealt with initially before the courts.

The bill does not remedy the problem of current misuses of intervention order applications where a person can act vindictively or use an order as a tactic in neighbourhood disputes. That is always the balancing act that we have with these issues. It is imperative that vulnerable people can seek an order against stalking, but the balance against that is those people who seek to do it for a range of reasons to get at another person in the community. We believe the bill could have been used as an opportunity to remedy the situation, but it does not go far enough on the issue.

Finally, there should be provision for better enforcement of intervention orders when they are made in genuine cases. I speak to people who talk about intervention orders. I remember vividly that at a family violence forum held in my electorate one woman talked about her partner repeatedly abusing and assaulting her in her own home. She said the intervention order was not worth the paper it was written on. More needs to be done with enforcement. We hope one day we will be in a situation where a citizen, particularly a female, can obtain an intervention order and know that will have the full force of the law behind it to ensure the woman does

not face further acts perpetrated on her by a partner, de facto partner or another person. With those comments and bearing in mind that other members wish to speak in this debate, I commend the bill to the house.

Mr DONNELLAN (Narre Warren North) — It is an honour today to speak in the debate on the Stalking Intervention Orders Bill 2008. The bill seeks essentially to preserve the current system of stalking intervention orders until it can be comprehensively reviewed by the Department of Justice.

There are currently two types of intervention orders: family violence intervention orders and stalking intervention orders. Family violence intervention orders address issues of violence between family members — partners more than anything else. The Family Violence Protection Act, which was recently passed by this Parliament with the support of the opposition, will overhaul the system of family violence intervention orders. That act will repeal the Crimes (Family Violence) Act 1987. The separation of family violence intervention orders from other types of orders was a key recommendation of the Victorian Law Reform Commission.

This bill will preserve the current system of stalking intervention orders until it can be reviewed and consulted on by the Department of Justice, as I mentioned earlier. Amongst other things the review will look at appropriate grounds for intervention orders between non-family members, when alternative dispute resolution may be useful to resolve complaints, particularly between neighbours, when there is no violence, and how to provide the best protection for vulnerable people such as persons with disabilities who may experience violence from a carer.

In the meantime this bill will basically maintain the status quo. A few changes are being made to avoid confusion that may result from having two slightly different systems operating alongside each other, one being the Family Violence Protection Act and the other in relation to stalking intervention orders. The bill will bring the provisions regulating firearms, bail, search and seizure powers and penalties for breach of an intervention order into line with those in the Family Violence Protection Act. This will assist the police and courts in their roles of implementing and enforcing the intervention orders system. Having spoken to many residents, females more often than not, I know it is important that these intervention orders be enforced and that people have confidence that they can be enforced so they do not continue to live in fear of being hit or having violence perpetrated upon them. The

government is continuing to improve services for victims of crime in this state, as evidenced by this week's launch of the victims of crime phone line.

On 24 June 2008 the government introduced the Family Violence Protection Bill into this house. It is not intended that stalking intervention orders will be made under the Crimes (Family Violence) Act once it is repealed. Instead stalking intervention orders will be made under the Stalking Intervention Orders Bill and will not come under the Crimes Act anymore. This bill will hopefully give people more confidence that these intervention orders can be applied and hopefully will assist police in their application, because it is a very difficult role the police play in dealing with these orders.

At Narre Warren police station we have a senior sergeant who specifically deals with one issue, and that is family violence. At all other stations in the city of Casey is a sergeant or higher ranking officer who is a family violence specialist. That obviously reflects the need in the area for these crimes to be dealt with in a very serious way and for people to have confidence that the police can assist in these matters. Having specialised officers like Senior Sergeant Flynn in Narre Warren gives me great confidence that Victoria Police and others are taking this very seriously and coming down hard on people who feel that the only way of dealing with one another in relationships is to hit or perpetrate other violence on other people. With that short contribution I commend the bill to the house.

Mrs VICTORIA (Bayswater) — I too rise to speak in support of the Stalking Intervention Orders Bill 2008, as I believe every member before me has done. This legislation is being introduced to fill in some gaps that are not covered by the Crimes Act or the Family Violence Protection Act, which was passed earlier this year. I want to talk a bit about the nature of stalking, why it is so very difficult to prove and prosecute and why it is important to have these laws in place. Clause 4 gives us the definition of stalking, and we can see from that why it is so difficult. The clause says a person stalks another person if the first person participates in a course of conduct intending to cause harm, physical or mental, to the second person or to arouse apprehension or fear in the second person for their own safety or for that of another person. Generally that is done by harassment or by following another person.

The problem with this part of the law is that a lot of the components of stalking are not illegal — for example, someone might continually be writing letters or emails, or sending notes or buying flowers or turning up at somebody's workplace. Each one of those acts on its

own does not constitute a criminal action. The problem is that when you put all those actions together and there is intent to do what has just been spoken about, it becomes criminal. When the intention is to instil fear or injury, it is up to the police to prove that it is stalking. Most stalkers are men, most victims are women, and I will come back to the stats on that in a moment.

Unfortunately nobody in particular is pigeonholed by this. Women who are stalked come from all walks of life. Most are trying to end a relationship with a man. Often the man has been abusive, and I will get to some stats on that. They could have been married or divorced, or they could have been sexual partners or casual acquaintances. They could have worked together, have vaguely known each other or have met at a railway station or something like that. The other category is made of people who are stalked by someone not known to them, and it is generally celebrities or well-known public figures who tend to fall into this category.

There are lots of motivations for stalkers. If you have a look at some of the articles written on this, you see that generally it is about control. It is a desire either to have contact with the person or control their movements or their feelings. Quite often it is about obsession or jealousy, and very often it is about anger. It often comes from a real situation where people have been together in a relationship of some sort, and sometimes it comes from an imagined relationship. The person sees somebody in the distance and thinks perhaps that person has an interest in them and are disappointed when nothing eventuates from it. In that particular circumstance it can come back to mental illness, where people do not have a perception of reality. It is often associated with obsessive compulsive disorder, which can be very dangerous, as we know. These are reasons these laws are coming into place.

Those who show signs of obsessive compulsive disorder are generally the types of people who will do the everyday letter writing. Talking about stalking and constant contact, it might be that the person is contacted once a week or once a month, but it is periodic and ongoing, whereas somebody with obsessive compulsive disorder may write 1 letter or 10 letters a day to the person they are stalking or they might spend a lot of time tracking the victim's movements. There is not a lot of firm data from Australia on stalking, either on victims or perpetrators, and that seems to be because a lot of it goes unreported or is dismissed. Again it comes back to showing intent. A lot of people dismiss it by saying, 'Boys will be boys', especially when talking about young teenagers. They say, 'That's just a boy hanging around'. The problem is that the more we

dismiss this type of thing, the more it goes on, the greater the obsession becomes and the more likely the perpetrator is to offend and take it to an escalated level.

I have some data from the USA which I think is really interesting, and I cannot imagine it would be terribly different proportionately from other places in the developed world. In the United States over 1 million women and over 370 000 men are stalked every year, and 1 in 12 women and 1 in 45 men will be stalked in their lifetime. That is an alarming figure. Some 77 per cent of female victims and 64 per cent of male victims know their stalker; 87 per cent of stalkers are men, and 81 per cent of women stalked by a current or former intimate partner are also physically assaulted by that partner. The average duration of stalking is 1.8 years, but increases to 2.2 years if it involves an intimate partner. This last fact really shocked me, because as I said, it is difficult to put a series of episodes together and say, 'Now it is becoming obsessive, or now it is becoming stalking, and the intention is there'. But when you are looking at the average of 1.8 years, that must be an awful thing to have to live through if you are the person being stalked. I can be pretty certain that would be an incredibly intimidating and fearful way to live your life.

As far as a profile of a stalker goes, two out of three stalkers pursue their victims at least once a week, many of them daily, and many of them use more than one method. Some 78 per cent of stalkers use more than one means of approach, and weapons are used to harm or threaten victims — that is usually in one out of five cases. The really interesting thing here is that almost one-third of stalkers have stalked before. We need to take that into account when we look at the next part of what I am about to say.

What I find most disturbing about what is happening at the moment — and this has been brought up by others — is that the maximum sentence for a subsequent offence is being reduced from five years to two years, and the penalty for an initial offence is a two-year maximum sentence. We have in the past had the capability of going to five years for a subsequent offence, and hopefully that would be a bit of a deterrent factor, but that is being reduced to two years. I worry about the message that this is sending to those out there who offend. I wonder whether that is going to send a message to them that we do not feel this is as serious.

I refer to the 1998 case in New South Wales of *Crown v. Jurisic*. The Court of Criminal Appeal headed by Chief Justice Spiegelman said the existence of multiple objectives in sentencing are rehabilitation, denunciation and deterrence. I think the deterrence

factor is being eroded here, and that is a very, very dangerous thing. We did raise this in debate on the Family Violence Protection Bill and tried to have an amendment made to the bill. It was unsuccessful, but I would like to register my dismay at this loosening of what can be dealt out here. I think the reduction to two years is not a good message to send to serial offenders, and I wonder how we are going to explain it to victims' families.

I support the bill before the house, but, as I said in the same vein for the Family Violence Protection Bill that was passed earlier this year, I hope amendments come shortly.

Mr LUPTON (Pahran) — I am pleased to support the Stalking Intervention Orders Bill and to make some comments in relation to it today. The intervention order system that we have used for some years in Victoria really splits these orders into two separate categories: one involves what are referred to as family violence intervention orders, which obviously refer to matters relating to members of families, and other intervention orders not involving members of families are referred to as stalking intervention orders. Earlier in the year the Parliament passed the Family Violence Protection Act 2008. That act repeals the Crimes (Family Violence) Act and creates a new and improved system of family violence intervention orders and a new system of police-issued family violence safety notices. It is because of consequential matters arising out of that reform and improvement of the family violence intervention order system that this legislation before the house today is necessary.

It will also be necessary for us in the new year to introduce a further measure of reform and change to the stalking intervention orders scheme, consequent on a review that is currently being undertaken by the Department of Justice into the system of stalking intervention orders. The history of these related reforms to do with family violence orders and stalking orders relates back to a Victorian Law Reform Commission review of family violence laws.

In its report the Victorian Law Reform Commission recommended that family violence intervention orders be dealt with in their own stand-alone piece of legislation. Because historically in Victoria we have had a combined system of family violence intervention orders and stalking intervention orders, the removal of family violence intervention orders from other legislation and their insertion into stand-alone legislation means that implicitly, following the Victorian Law Reform Commission report, the system

of stalking intervention orders also needs to exist in its own separate, stand-alone piece of legislation.

Because the law reform commission undertook a specific reference in relation to family violence prevention orders, work on how the family violence intervention orders should be improved had already been done and Parliament was in a position to debate and pass family violence intervention legislation in September of this year. Because the law reform commission did not specifically look at the question of stalking intervention orders in its review of family violence matters, the Department of Justice, consequent on the law reform commission report being received, has commenced a study of the ways in which the stalking intervention system needs to be improved in a similar fashion to that which has already occurred with family violence matters.

We would expect that Department of Justice review to be completed in 2009 in time for legislation to be brought into the Parliament in the new year in order to complete this important and significant work of law reform and reform of the administration of justice in this state to make sure that we have the best system for protecting people who are potentially subject to family violence or the crime of stalking. Therefore the legislation we have before us today only makes some minor changes to the current stalking intervention order regime. They are necessary so that in the interim, between the Family Violence Protection Bill coming into operation next year and the introduction of the new regime for stalking intervention orders, there are no inconsistencies in the way the police and other law enforcement agencies need to go about the administration of family violence intervention orders on the one hand or stalking intervention orders on the other.

The legislation before us makes some consequential changes to the way in which stalking intervention orders are dealt with, particularly in respect of dealing with matters of bail, police search and seizure powers and firearms. In all three of those matters this legislation simply aligns the system of stalking intervention orders in relation to bail, search and seizure and firearms precisely with the way those matters are now dealt with under the new family violence intervention order system that was passed by the Parliament in September of this year. That will mean that in the circumstances of family violence and in the circumstances of stalking intervention orders the administration of justice, the administration of those intervention order systems, will harmoniously operate while the new system of dealing with the subset of

stalking intervention orders is developed and can be put before the Parliament next year.

This legislation continues the important work of improving the administration of justice, the important work of improving the system of justice and the important work this government has been carrying out in ensuring that victims of crime are protected. It ensures that there is due and proper recognition of domestic violence and of stalking as serious criminal offences that need to be prosecuted as such, and that there is a proper system in place to make sure that where these serious offences of domestic violence and stalking are perpetrated there are appropriate and proper measures put in place to protect members of the public, especially those who are particularly vulnerable.

It is important that this work goes on. We look forward to the review currently being conducted by the Department of Justice so that in the new year we will be able to bring into the house a further set of reforms to ensure that not only matters of family violence but also matters involving stalking by any member of the public can be dealt with properly and effectively to protect the people of Victoria in the way they believe they should be protected and in the way that we also believe they should be protected. This is important law reform. It is another step in that important process, and I commend the bill to the house.

Mr THOMPSON (Sandringham) — The purpose of the Stalking Intervention Orders Bill is principally to provide for a system of intervention orders in the case of stalking. A number of years ago, during my time as a legal practitioner, there were issues that arose, certainly in the case of domestic violence, where there might have been apprehended violence orders made by a court and at a later point in time this methodology was extended for other people to take out orders. There are a range of sad, tragic and uncertain circumstances where orders are applied for to protect people's welfare.

Every now and again this area can be problematical. There could be a circumstance where someone might seek to use legislative options under an act and the orders they seek may be activated by malice rather than substance. Magistrates have an important role in distinguishing between matters which have substance and those which do not.

In the realms of mental health there are a number of issues that members across Victoria would confront with people who have concerns that may not always be balanced. They may seek to take action which can hurt other people, and there might not be merit in the cases they have sought to make. To take a matter to court can

be a complex journey. It can be a complex procedure to defend an application. Legal resources are required to see a solicitor who might then engage a barrister. At other times people might rely on the duty solicitor at a magistrates court; a legal aid lawyer who might within the time available take instructions and seek to represent a person's interests.

Earlier this year a person against whom an order had been taken out contacted me. In his particular circumstances his wife had not enjoyed good health. She had taken out an order against him, and in the absence of good legal advice he had not sought to have the order removed at a particular time when some evidence that he was able to lead was not available to him on the day. That led to immense suffering on the part of this person.

Sometimes there can be matters that appear upon one's record, and if one is applying for a job or wishes to become a travel agent or the holder of a liquor licence, they are matters that edge their way forward into the public arena. Also, people's ability to travel can sometimes be affected by the nature of orders that are taken out. If a person is endeavouring to meet rental expenses or to pay a mortgage and they are told they need to find \$2000 in order to defend themselves in the legal system or to have an order removed, that may be something that they cannot always do. If they try to represent themselves in court, it may be, as my constituent found, that a wise judgement is not made.

In that particular fellow's family circumstances he had the support of his father-in-law, his mother-in-law and an immediate neighbour, who was aware of the disputation that occurred within the unit from time to time. He also had character references from a number of people in his employment context and from a number of people in community groups that he was a member of, and yet an order remained in force because he did not have the immediate resources or the clear and sound advice that could have provided a clear way forward.

In looking at the meaning and definitions of 'stalking' under the bill, one sees there are a wide range of circumstances contemplated. The meaning of stalking is defined under clause 4(1) as follows:

A person (the first person) stalks another person (the second person) if the first person engages in a course of conduct —

- (a) with the intention of causing physical or mental harm to the second person or of arousing apprehension or fear in the second person for his or her own safety or that of any other person; and
- (b) that includes any of the following —

- (i) following the second person or any other person —

and that is a clear-cut case if someone is being pursued and followed. There have been some high-profile cases reported in the media involving Australian sportspeople or people competing at an elite level who have had the unfortunate circumstance of being stalked.

Clause 4(1)(b) continues:

- (ii) contacting the second person or any other person by post, telephone, fax, text message, email or other electronic communication or by any other means whatsoever ...

There have been examples, again reported in the media, where people might have received 20, 40, 60 or 300 text messages or telephone calls, which makes it problematic. The clause continues:

- (iii) publishing on the Internet or by an email or other electronic communication to any person a statement or other material —
 - (A) relating to the second person or any other person; or
 - (B) purporting to relate to, or to originate from, the second person or any other person ...

The internet is an extraordinary research tool, and in terms of education it is a wonderful resource where students in any part of the country can now virtually educate themselves or, with the facilitated guidance of a good teacher, track down contemporary and relevant information. In the realm of university research, leading developments in a scientific field that might have taken four years of postdoctoral research to track down can now be tracked down on the internet through published papers from Europe, Asia and North America, and the time that saves is extraordinary. But while this information can advance scientific endeavour and research, the internet can also have an adverse impact upon the lives of people if they are being stalked or if untruths are being distributed through it. The clause continues:

- (iv) causing an unauthorised computer function ... in a computer owned or used by the second person or any other person ...

There was a computer virus that had an impact at the former Caulfield technical institute, now the Monash University Caulfield campus, about 20 years ago, and there was an academic, Roger Riordan, who developed a methodology of preventing this virus from going any further. His fellow colleagues at Caulfield asked if they could have a copy of the program he wrote, and bit by bit he developed a program to counter other contingencies. Roger Riordan then developed a wonderful concept and program that was one of the

leading antivirus programs in Australia 15 or so years ago. Roger today works, together with his wife Pat, as a wise and beneficent philanthropist and oversees some outstanding works at a number of levels in Melbourne. The clause continues:

- (v) tracing the second person's or any other person's use of the Internet or of email or other electronic communications ...

That, again, shows the pervasive capabilities of modern technology when it is used by people not for good but for adverse purposes or outcomes. The clause continues:

- (vi) entering or loitering outside or near the second person's or any other person's place of residence or place of business or any other place frequented by the second person or the other person ...

Sometimes the people who might be apprehended in that particular category may be people whose welfare is supported by some psychiatric counselling agencies or some hospitals and who, if they are not properly attended to and not properly looked after, may find their focus leading them to take an inappropriate interest in other people or other circumstances. The clause continues:

- (vii) interfering with property in the second person's or any other person's possession (whether or not the first person has any interest in the property) ...

That is a straightforward provision.

- (viii) giving offensive material to the second person or any other person or leaving it where it will be found by, given to or brought to the attention of, the second person or the other person ...

Again that is straightforward.

- (ix) keeping the second person or any other person under surveillance ...

This raises wider questions of concern.

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

Ms RICHARDSON (Northcote) — I am very pleased to rise in support of the Stalking Intervention Orders Bill. This bill is an interim measure to preserve the current system of stalking intervention orders until it can be comprehensively reviewed by the Department of Justice. There are two types of intervention orders: family violence intervention orders and stalking intervention orders. The Family Violence Protection Act, which was recently passed by the Parliament with the support of the opposition, will overhaul the system of family violence intervention orders. The separation

of family violence intervention orders from other types of orders was a key recommendation of the Victorian Law Reform Commission.

The review to be undertaken by the Department of Justice into stalking intervention orders will canvass appropriate grounds for intervention orders between non-family members; it will also canvass when alternative dispute resolution may be useful to resolve complaints; and it will canvass how to provide the best protection for vulnerable people, such as persons with disabilities who may experience violence from a carer. I certainly look forward to the outcome of that particular review.

In the meantime this bill preserves the existing system with minor technical changes, which include updating the firearms and bail provisions so that they parallel the provisions in the Family Violence Protection Act; updating the search and seizure powers so that they parallel the provisions in the Family Violence Protection Act; and aligning the maximum penalty for breaches of intervention orders with the maximum penalty provided for in the Family Violence Protection Act — namely, two years imprisonment. This is in line with the advice provided by the Sentencing Advisory Council. Sadly stalking is an all-too-common consequence of a serious breakdown in the relationship between people. It can go on year in, year out, and leave the victims traumatised for a considerable period of time. All too often the stalker either refuses or simply cannot comprehend the devastating impact their behaviour is having upon the person of their interest. Sadly, the courts are too often required to step in and to redraw the proper boundary that should exist between people.

In fact I remember well an incident at university where a friend of mine was the victim of a stalker. At first the behaviour was viewed sympathetically as the relationship had broken down between the two individuals and obviously sympathy was extended to the person acting rather strangely. However, it got progressively worse, and in time only the threat of legal action brought about the cessation of the particular behaviour.

Clearly this is why we need these kinds of provisions in place: to ensure that people — and mainly they are women — are protected from what is clearly inappropriate behaviour. I therefore commend the bill to the house and wish it a speedy passage.

Mr FOLEY (Albert Park) — It is with great pleasure that I rise to speak briefly in support of the Stalking Intervention Orders Bill. Without wishing to

totally recast some of the ground which has been more than adequately covered, in the short time available to me I might just reiterate some of the points the Attorney-General made in his very eloquent and equally precise second-reading speech.

Those points go to the fact that, as we have heard, it is the government's intention to conduct a comprehensive review of the intervention order system for non-family violence issues. This review will look at who should be able to obtain an intervention order against whom and in what circumstances. It will also examine the extent to which some matters that are currently subject to applications for a stalking intervention order could be resolved in conjunction with or instead by an alternative dispute resolution service. Of course that flows nicely into the justice statement that the Attorney-General has also recently released. I wish the bill a speedy passage.

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived.

Motion agreed to.

Read second time.

Third reading

The DEPUTY SPEAKER — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL

Second reading

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

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time, that the circulated government amendment be agreed to and that the bill be now read a third time.

Question agreed to.

Read second time.

Circulated amendment

Circulated government amendment as follows agreed to:

Clause 29, line 10, omit "6A.2.5(2), 6A.2.5(3), 6A.2.5(4)" and insert "6A.2.3(2), 6A.2.3(3), 6A.2.3(4)".

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Timboon P-12 School: speed zones

Dr NAPTHINE (South-West Coast) — In conjunction with the member for Polwarth, who is away because of a family bereavement, I wish to raise a matter for the Minister for Roads and Ports. It concerns the safety of schoolchildren attending the Timboon P-12 School and using the designated school crossing in Bailey Street. Despite the concerns of the Timboon school community, VicRoads has cited a low traffic volume and has refused a reasonable request to install electronic school speed zone signs in this area.

I ask that the minister take the required steps to include the Timboon school crossing in the current \$14 million program for the installation of electronic speed zone signs outside schools. Whilst one of the criteria for inclusion in this program is a high traffic volume, in this particular instance the nature of the vehicles using this road is a problem which requires an entirely different approach and one which provides a strong case for the inclusion of this crossing. Given that Bailey Street is part of the main truck route from Simpson to Mortlake and that heavy vehicles carrying milk, logs, freight and livestock travel along this road on a regular basis, the current signage and safety precautions are woefully inadequate, putting children's lives at risk.

Currently the crossing has a static school speed sign showing the times when the 40-kilometre limit applies

on the approach to the crossing. Flags are displayed on schooldays in the mornings and afternoons, but there is no school crossing supervisor, commonly known as a lollipop person. The principal of the Timboon P-12 School has expressed his serious concerns about this situation, and I understand he has put them in writing to the minister.

The crossing is located directly in front of the Timboon police station, giving local police a perfect vantage point from which to observe traffic behaviour. It is the considered opinion of the local police officer that this crossing presents a significant danger to the schoolchildren and other pedestrians. The installation of electronic school speed zone signage would complement the current school speed zone signs and protective measures and provide an extra level of safety by alerting vehicles, particularly heavy transport vehicles, that they were coming to the crossing.

Rural roads in our small towns will often never achieve the traffic volumes of some of our regional and metropolitan centres. That is an understandable situation, but the nature of the traffic, including heavy vehicles, means it is very important that we provide proper protections for these crossings, including electronic school speed zone signs. Our smaller towns should be protected. Our children are very important to us, and we do not want to have to wait for a particular accident to occur in this area of the Bailey Street school crossing in Timboon. I urge the minister to have this electronic school speed zone signage installed.

I also suggest that people back the Terang born and raised and John Sadler-trained C'est le Guerre and Zipping in the upcoming Melbourne Cup.

The DEPUTY SPEAKER — Order! Members are allowed to raise only one matter.

Barwon Soccer Club: funding

Mr CRUTCHFIELD (South Barwon) — My issue is for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to financially support the Barwon Soccer Club in its quest to replace equipment stolen from its clubrooms on 5 June.

Unfortunately on that day the clubrooms were broken into. Two first aid kits and 24 soccer balls were nicked, and the clubrooms had a small amount of damage done to them. Unfortunately the club was not insured and the total replacement cost is over \$800. The culprits have been caught by the police. They are in the process of being charged, but the police did not manage to retrieve

the sports equipment for this wonderful club. The club has applied for an emergency grant to replace essential sports equipment program, as it is entitled, for 50 per cent of the replacement costs. The club, led by the president, Adrian Donkers, and a committee member, Bruce McMillan, has lodged an application for more than \$400. I am certainly urging the minister to favourably consider this application.

The clubrooms are in Reserve Road, Grovedale, and the club plays in the Geelong Regional Football Association (GRFA). I have had a bit to do with this very important club. I notice that the member for Lara is sitting in the chamber. He would know this club, being an integral part of the soccer community in Geelong.

Mr Eren interjected.

Mr CRUTCHFIELD — Although this one is mine. The club draws its players from Highton, Grovedale, Waurn Ponds and Wandana Heights. It is the only soccer club, as I think the member for Lara would know, that is south of the river in the city of Greater Geelong. There is another one in the Surf Coast shire, but in my electorate it is the soccer club — and I mean 'the' soccer club. It grew from having one team in 1993 to having over 270 players in 2007.

The club has had a good year. It won the under-18s premiership, it pulled off the league and championship double, finished the regular season unbeaten on top of the table and took out the grand final with 30 seconds left on the clock, beating North Geelong 2 to 1. It also won the league shield. The ceremony was especially memorable as the members of the team were presented with their league medals and league shield as well as their grand final and championship trophies. To top that off, Jak Banks won the league's best and fairest award, so it was a clean sweep for the Barwon Blues. Also, Cath Sattler won the GRFA best and fairest award for the second successive season, and she says she is going to play for another year. The club is very successful on the field and off the field, and I urge the minister to support its application.

Victorian P-12 College of Koorie Education: Mildura campus

Mr CRISP (Mildura) — The matter I raise is for the attention of the Minister for Education. The action I seek is that the minister allocate sufficient resources for the continued operation of the Mildura Koorie open door education (KODE) school from prep to year 10 for next year. A strong community vision led to the opening of the Mildura KODE campus in 1998. The community

has worked hard under challenging conditions to build a school that meets the community's expectations and needs. In 2006 the department combined four campuses — Swan Hill, Morwell, Glenroy and Mildura — to form the Victorian P-12 College of Koorie Education. Unlike other schools in Victoria, KODE schools are not under the schools division but report to the Koori strategy branch. Unfortunately this inhibits access to mainstream school programs.

In 2007 an external review was commissioned. In response to the review the school instigated a new literacy program. A community vision for the future was developed and presented in March. The Wannik report was released as a policy-level document, and with all this activity the Mildura KODE school was devastated when it learnt by press release that the school was to be closed, it was to have significant program changes and a new school was to be established. The committee of management believes the new model is deficient and has been unsuccessful in previous attempts. It is concerned that many current students will fall through the cracks.

The committee of management has support from Professor Tony Vinson, emeritus professor of the University of New South Wales. In his letter to the minister, Professor Vinson supports the Mildura Rural City Council and Mayor Arnold's request to keep the KODE school open. Professor Vinson stated that closing the KODE school would add a further group of indigenous children to the already substantial number of non-attendees or minimally educationally engaged youngsters.

During the KODE school debate the minister indicated that school attendance would be a priority. At a recent protest concert at the Mildura mall on Thursday, 23 October, the younger KODE students and their parents indicated they would be turning up to the KODE school in 2009.

The minister will need to back the assurance he made to the students with resources to allow them to attend a school of their choice. I note the Minister for Aboriginal Affairs is also present at the table, and with his strong commitment to Aboriginal matters I am sure he too will be supporting my call that the KODE school in Mildura remain open to meet the needs of the Aboriginal community.

Consumer affairs: Games 4 Fun

Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is for the minister to further

investigate the advertising and business practices of SMS subscription services, in particular a company which calls itself Games 4 Fun. The problem of SMS subscription services has been raised in this place before. Essentially these services offer prizes, ringtones and games through mobile phones. All you have to do is send a text message. In principle this seems like a perfectly reasonable service, but there is a catch: it is not a one-off service. When people send a text message thinking that they will receive one ringtone, one prize or one game in return, they are being misled. In fact they are signing up to a subscription service — a detail that these companies put in extremely fine print. The subscription means that consumers keep getting further text messages and keep getting charged for them.

I raised a particular instance of this with the minister previously, and I was grateful that he referred it immediately to Consumer Affairs Victoria and the federal minister for telecommunications. Unfortunately yet another one of my constituents has approached me with an example of this sneaky commercial practice. My constituent received a flyer in his letterbox from a company called Games 4 Fun, telling him that he could win a new car, a big screen TV, mobile phones and game consoles. The flyer featured large colour photos of prizes and claimed that \$20 million in prizes was available. Below this was a scratch panel that looked like any ordinary scratchie.

To the surprise and delight of my constituent, the information on the scratchie was that he had won and that he should text through the winning code. Of course the fine print on the back of the flyer told a different story. It stated:

To be eligible to enter you must subscribe to the Games 4 Fun mobile content service (which costs \$10 every five days)

All of a sudden the prizes seemed a lot less attractive. Ten dollars every five days adds up to \$60 a month or more than \$700 a year, which makes it easy to see how this company can afford to offer so many prizes. Obviously it is expecting a windfall profit. Fortunately my constituent, who is probably more sceptical and discerning than many consumers, was wise to this, but I shudder to think that other people in my electorate might have been conned.

Again I want to reiterate my concern that these contractual terms seem unenforceable and that there seem to be issues under the Fair Trading Act or the federal Trade Practices Act. For this reason, I ask the minister to investigate the propriety and legality of this flyer and obtain advice from Consumer Affairs Victoria.

Sunraysia Highway: safety

Mr WALSH (Swan Hill) — The action I seek is from the Minister for Roads and Ports. I ask that the minister meets urgently with the Sunraysia Highway Improvement Committee to discuss what can be done to improve the safety of this very important highway. The committee has been seeking a meeting with the minister to discuss its concerns and present its report on the condition of the highway, but to date it has received no reply from the minister's office.

The Sunraysia Highway Improvement Committee was formed to raise the profile of one of the state's main highways, the Sunraysia. The committee is an amalgam of six Victorian councils concerned at the condition of parts of the highway: Buloke shire, Ballarat city, Pyrenees shire, Northern Grampians shire, Yarriambiack shire and Mildura rural city councils. It has the support of VicRoads' western and northern regions, as well as the local communities along the route of the highway who are extremely concerned about the condition of the highway.

Despite the Sunraysia Highway being a state-owned road, each of the councils has invested its own money in forming the committee, frustrated that the highway is not receiving the attention and maintenance it deserves as a major road. They have commissioned and funded a report which has found that the highway fails to live up to its classification. The Sunraysia Highway is a designated B-class road with traffic volumes varying between 470 and 1520 vehicles a day. On average 150 of these are heavy vehicles.

This highway serves as a critical link for the mineral sands and gypsum mining, viticulture, agriculture, food processing and winemaking industries to transport their produce to Victorian ports and Adelaide. Restrictions to rail freight have meant that the highway has become even more important in transporting goods and services for the industries there. It is also an important tourist route linking Mildura to the Wimmera-Mallee and Ballarat.

The report shows that parts of the highway are causing concern and that sections of the highway are too rough and too narrow for vehicles to comfortably overtake trucks. According to the report, the highway has limited and inadequate rest stops and toilet facilities, 23 poorly aligned intersections, some with limited visibility, narrow bridges which make it dangerous to overtake, provides limited overtaking opportunities, has high accident rates in the St Arnaud and Donald townships, and is very hazardous where trees are growing close to the road. The Buloke Shire Council tells me that

sections of the highway that run through its municipality are in effect dangerous.

I commend the initiative of the six councils which have formed the Sunraysia Highway Improvement Committee and urge the minister to carry out the action I seek and meet with the committee as soon as possible.

Brunswick City Baths: redevelopment

Mr CARLI (Brunswick) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. What I am seeking from the minister is financial support or the support of the application by the City of Moreland for the redevelopment of the Brunswick baths. This is a really major project in my electorate. The Brunswick City Baths are iconic in Brunswick. They have been there for well on 90-plus years. They were constructed in 1913 so we are not quite at 100 years yet, but we are starting to notice the wear and tear on the building and its infrastructure.

The baths are a much-loved institution and the most important community centre in Brunswick. It was constructed in the early part of the 20th century and added to in 1927. It almost became a venue for the 1956 Olympic Games. There was talk about it at the time, which tells you how prominent it was in Melbourne then. It has been a much-loved institution, and we have had quite a deal of public concern about its future.

We had a major petition signed by over 1000 people from Brunswick. I must commend Danny Michell who really took up the cause of the Brunswick baths. I must also commend the council which has taken the responsibility to look at a redevelopment that will ultimately cost \$15 million. We are talking about a redevelopment for the future, for the long term. There are over 500 000 visits a year, mainly from people from Brunswick. There are over 3000 members. In fact the only thing that stops the membership getting even bigger is a lack of space and a lack of facilities. It is part of the local heritage. It was built in 1913. It is a centre that is part of community life. Many people walk and cycle there, so it is great in terms of local issues of sustainability and a sense of community, but it is ready for redevelopment.

I took the minister there earlier this year to have a tour. He saw what an important asset it is to the Brunswick community, but he also saw how dated it was and how it really does need a major redevelopment and overhaul. Obviously the community wants to preserve what is great about it. They want to preserve the outdoor pool and the indoor pool — not necessarily a 50-yard pool,

but I think they will go for a 50-metre pool — the exercise area and the children-friendly facilities. They really want to keep it as an integral part of the Brunswick community. What I am seeking from the minister is financial support from the state government in partnership with the local council to make this possible and ensure that the future is sound for this fantastic facility and that it is there for future generations in Brunswick.

School buses: Nepean Special School

Mr BURGESS (Hastings) — I wish to raise a matter for the attention of the Minister for Education. The matter I wish to raise relates to a much-needed extension of the bus service that currently transports disabled children to and from the Nepean Special School in Frankston. I ask the minister to intervene urgently to ensure that the families and children of areas south of Somerville are more readily able to access the services provided by the Nepean School. Numerous families have now approached me about the need to extend the bus service to the townships of Hastings and Bittern. This would save the affected families a 40-minute round trip at both ends of every school day to access the school bus.

I previously raised this matter with the minister in this place on 23 August 2007 and 1 November 2007. There have also been numerous letters, emails and phone calls. The net result is the families and these disabled children have been left to suffer by this government. The many requests to the minister finally resulted in a meeting between local families, a senior education officer for the southern metropolitan region and me on 11 April 2008. This interview was initially seen as productive. Parents were told that the department was committed to the bus extension and given an assurance by the officer that further details of the solution would be provided within a week. Unfortunately, despite numerous efforts by my office and the parents, no further communication has been forthcoming in the six months since the meeting. The conduct of the department in this matter has been a disgrace.

The extension of this service would significantly improve the lives of the families and children that currently struggle to access a service that terminates a significant distance from their community. They are being forced to leave home before 7.00 a.m. and return after 4.00 p.m. The additional burden currently placed on these families, just to get to and from the only school capable of providing the level of services their children require, is just not reasonable.

These families are not asking for special treatment or handouts; they just want to be able to get their child to a school that can provide the care they need. The families already have much to deal with; just doing the things that most families take for granted, such as getting their child to school, can be a massive challenge. The department told these families that it understood the enormous difficulties they faced and that it would act quickly to fix the problem, but that was more than six months ago, and the department still has not even re-contacted the families. The Brumby government's treatment of these vulnerable families and their children is nothing short of disgraceful.

I ask that the minister intervene urgently to ensure that these families and children are provided with the transport they need to reasonably access suitable education facilities.

Soccer: Geelong cup

Mr EREN (Lara) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. Like the member for South Barwon, I too have a soccer issue. The matter I wish to raise relates to what used to be called the Geelong Advertiser Cup, which I am informed is the oldest ongoing soccer competition in Victoria and has been played annually since 1981 in Geelong. The cup was initially sponsored by the *Geelong Advertiser* up until 2005, at which time estate agents Century 21 took over the sponsorship for a three-year period, which ended this year, meaning the clubs are looking for a new sponsor for at least the next two years. The action I am seeking from the minister is the provision of funding to sponsor this very important sporting event.

The competition runs through early February to early March. The teams that are involved are North Geelong, Geelong Rangers, Geelong, Corio, Bell Park, Hoppers Crossing, Geelong Region Football Association and the Surf Coast. The competition draws large crowds during the summer months and is hotly contested, with every game being a local derby.

Geelong has provided national team players continually for the Socceroos — —

Mr Carli — And Croatia.

Mr EREN — Absolutely — Kris Trajanovski, Steve Horvat and Eddie Krncevic. Geelong also has provided players to the Olyroos team. It has provided locals Matt Spiranovic and Adrian Leijer and internationals Joey Didulica and Josip Skoko.

The event also had international flavour when former Manchester United great Bobby Charlton opened the competition in the early years. The cup receives excellent coverage in the *Geelong Advertiser*. Even though the newspaper stopped sponsoring the event in 2005, it covers every game and usually has a photographer in attendance at the matches. In addition the local radio station covers every game.

The tournament rotates every year, giving the opportunity to the clubs involved to get some people through their gates and to showcase their clubs and grounds. The tournament this year is being held at Myers Reserve, the home of the Geelong Rangers, in the heart of Geelong soccer country in my electorate. Incidentally the Rangers were promoted this year to the second division after finishing on top of the third division ladder, which is a great effort.

As I have said on previous occasions in this place, I am a proud soccer supporter who is actively involved in the soccer community. Soccer is a great game which has a large following in Geelong. The action I seek from the minister is the provision of funding to sponsor this important sporting event.

Kew Little Athletics Club: starter pistol

Mr McINTOSH (Kew) — I raise a matter for the attention of the Minister for Health. The matter I wish to raise for the minister is the use of the starter pistol at the Kew Little Athletics Club and the fact that the Boroondara council has recently declared the use of the starter pistol between the hours of 9.00 a.m. and 11.00 a.m. on about 20 Saturday mornings between October and March each year to be a nuisance under the Health Act. The action I seek from the minister is that he urgently meet with representatives of the Kew Little Athletics Club, the Victorian Little Athletics Association, Athletics Victoria, concerned residents and the Boroondara council in order to find a resolution to this impasse to enable our kids to continue their healthy activity, not only in Kew but potentially elsewhere in Victoria.

On a Saturday morning a couple of weeks ago, along with the mayor of Boroondara and other representatives, I had the opportunity of attending the Kew Little Athletics Club to see over 250 children from the ages of 5 to 14 competing in about 50 events and a large number of parents helping organise and run those events. I note that Boroondara council has recently spent nearly \$20 000 of ratepayers money to provide a portable sound curtain to reduce the noise from the starters pistol for local houses, although it is an unsatisfactory mechanism, because it is almost

impossible to move it around a field to the start of different events on a Saturday morning.

The starter pistol meets international standards for athletics and is used not only to start a variety of events but also for timing purposes. Our future champions need to use a starter pistol in order to stay competitive at higher levels, because doing so provides them with the same conditions they face in other competitions. If the club is no longer able to use this international standard, parents may very well remove their children from Kew and move to other clubs to access a higher level of competition.

The Kew club has been in operation for some 30 years and has always used the starter pistol with no complaints. There are many other Little Athletics clubs and senior athletics clubs that are also concerned that the complaints from Kew residents may have a snowballing effect elsewhere in Victoria, leading to other councils adopting the Boroondara precedent and banning starter pistols elsewhere in Victoria.

I am sure I speak for all members when I say we are all concerned that our kids be encouraged to keep fit and lead healthy lifestyles instead of being restricted in ways that mean they no longer want to compete in sport or other healthy activities. Again I request that the minister meet with representatives of the various bodies, local residents and the local council to resolve this deep impasse. I note that I have had the opportunity to speak to the minister during the course of today, and I am happy to provide him with the correspondence that has been provided to me from the Kew Little Athletics Club.

Brookland Greens estate, Cranbourne: landfill gas

Mr PERERA (Cranbourne) — I raise a matter for the Minister for Environment and Climate Change. The action I seek is for the minister to ensure that all future landfills built in Victoria meet best practice standards. As the local member of Parliament representing the residents of the Brookland Greens estate in Cranbourne, I have spent many days on the ground, supporting residents as state government agencies, emergency services and Casey council work together to address the movement of landfill gas from the Stevensons Road landfill.

To date the Victorian government has undertaken a range of actions to assist the residents of Brookland Greens, including providing \$3 million which will be administered by the Environment Protection Authority to assist the City of Casey install in-home monitoring

equipment and undertake household modification works, including gas venting in homes. More than 260 gas monitors have been installed on the estate to date.

The money will also be used to establish grants to help householders. There will be immediate emergency grants of up to \$1067 and temporary accommodation grants of up to \$8650 per affected household. Residents will be able to access free legal advice and a one-stop, 24-hour assistance phone line will be established — 1800 890 390.

The residents of Brookland Greens are rightly calling for answers, and that is why we have committed \$700 000 to the state Ombudsman to ensure he has the resources to carry out a comprehensive inquiry.

It saddens me to see that Mr Gary Rowe, a councillor of the former Cranbourne Shire Council which opted for a landfill design which was not best possible practice, is now running for Casey Council in the upcoming election. At the time when Gary Rowe was on the council, other councils and landfill operators in other parts of Melbourne recognised the need to build landfills with effective liquid extraction systems. Cranbourne Shire Council did not choose this option. The residents of Casey deserve better.

Responses

Mr WYNNE (Minister for Local Government) — The member for South-West Coast raised a matter for the Minister for Roads and Ports in relation to the installation of electronic speed zone signs outside the Timboon P-12 School, and I will make sure the minister is aware of that.

The member for South Barwon raised a matter for the Minister for Sport, Recreation and Youth Affairs in relation to a funding grant to the Barwon Soccer Club for the replacement of stolen equipment. I will draw that to the minister's attention.

The member for Mildura raised a matter for the Minister for Education seeking support for the retention of the Mildura Koori open door education school, and I will make sure the minister is aware of that representation.

The member for Frankston raised a matter for the Minister for Consumer Affairs in relation to the activities of an organisation called Games 4 Fun and a potential to trap unwitting consumers using text messages.

The member for Swan Hill raised a matter for the Minister for Roads and Ports and asked that the minister meet with the Sunraysia Highway Improvement

Committee. I will make sure the minister is aware of that request.

The member for Brunswick raised a matter for the Minister for Sport, Recreation and Youth Affairs seeking financial support for the City of Moreland's application for the redevelopment of the historic Brunswick City Baths, where many of us have swum over the years — including my son every Monday morning. It is a fantastic pool, and I will make sure that the minister is aware of that request.

The member for Hastings raised a matter for the Minister for Education seeking support for the Nepean Special School bus service extensions into Hastings and Bittern, and I will make sure that the minister is aware of that request.

The member for Lara raised a matter for the Minister for Sport, Recreation and Youth Affairs, seeking sponsorship of a soccer tournament known as the Geelong Advertiser Cup and seeking support for that application. I will make sure the minister is aware of that.

The member for Kew raised an interesting matter for the Minister for Health in relation to a matter that was recently in the *Age*, I noticed — —

Mr McIntosh — *Herald Sun*.

Mr WYNNE — *Herald Sun*, was it? An issue with a starter pistol — —

An honourable member — Don't you read the *Herald Sun*?

Mr WYNNE — Indeed I do. The issue is to do with the use of a starter pistol at the Kew Little Athletics Club, and he has requested a meeting be convened between the minister, the club, Athletics Victoria and local residents. The council is trying to resolve the problem.

Finally, my colleague the member for Cranbourne raised a matter for the Minister for Environment and Climate Change seeking the minister's support for the development of best practice standards for future landfill sites in Victoria.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 4.35 p.m. until Tuesday, 11 November.

