

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 28 July 2009

(Extract from book 9)

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

By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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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

CONTENTS

TUESDAY, 28 JULY 2009

CONDOLENCES

Edward 'Ted' Kenna, VC..... 2239

QUESTIONS WITHOUT NOTICE

Children: protection services..... 2240
Employment: government initiatives 2240
Water: advertising campaigns 2242
Seniors: home and community care..... 2243
Bushfires: fuel reduction 2244
Housing: government initiatives 2244
Minister for Housing: comments 2245
Rail: metropolitan rolling stock..... 2246
Crown Casino: gaming expansion 2247
Police: road safety initiatives..... 2247, 2248

SUSPENSION OF MEMBERS

Member for Kilsyth 2248

WATER AMENDMENT (NON WATER USER LIMIT) BILL

Introduction and first reading..... 2250

LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL

Introduction and first reading..... 2250

CEMETERIES AND CREMATORIA AMENDMENT BILL

Introduction and first reading..... 2250

JUSTICE LEGISLATION FURTHER AMENDMENT BILL

Introduction and first reading..... 2251

RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL

Introduction and first reading..... 2251

COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL

Introduction and first reading..... 2251
Statement of compatibility..... 2251
Second reading..... 2252

BUSINESS OF THE HOUSE

Notices of motion: removal..... 2253
Program 2257

PETITIONS

Hampton Street, Brighton: pedestrian crossing..... 2253
Equal opportunity: legislation 2253, 2254
Reconciliation Victoria: abolition 2254
Water: north-south pipeline 2254
Students: youth allowance 2254
Rail: Traralgon line 2254
Mount Eccles National Park: management 2255

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulation review 2008 2255
Alert Digest No. 8..... 2255

EDUCATION AND TRAINING COMMITTEE

Geographical differences in the rate in which Victorian students participate in higher education 2255

DRUGS AND CRIME PREVENTION COMMITTEE

Strategies to prevent high-volume offending and recidivism by young people 2256

DOCUMENTS

ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL

Council's amendments..... 2257

ROYAL ASSENT

APPROPRIATION MESSAGES

MEMBERS STATEMENTS

Wild dogs: control..... 2261
Seniors: Chelsea information and communications technology project..... 2262
Edward 'Ted' Kenna and Art Shoppee 2262
Juvenile Diabetes Research Foundation..... 2262
Dogs: control 2263
Edward 'Ted' Kenna 2263
Employment: government performance 2263
Frederick Tyrrell..... 2264
Street violence: government response..... 2264
City of Kingston: councillor 2264
Police: Latrobe Valley 2265
Essendon Gem and Lapidary Club: 40th anniversary 2265
Channel 31: digital network access 2265
Jenna Donsky 2265
War Widows and Widowed Mothers Association: Ringwood branch 2265
Cranbourne East P-12 College: construction..... 2266
Cranbourne Secondary College: upgrade 2266
Seville Primary School: mural 2266
Shire of Yarra Ranges: public transport 2266
Police: shire of Yarra Ranges 2266
Beaconhills College: facilities 2266
River red gum forests: ecological thinning 2267
Emmaus College: The Wiz..... 2267
Jarryd Stevenson..... 2267
Planning: Mount Eliza land 2268
Country Fire Authority: Yellingbo and Hillcrest brigades 2268

TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL

Second reading 2268

HUMAN TISSUE AMENDMENT BILL

Second reading 2293

ADJOURNMENT

Apollo Bay P-12 College: funding..... 2302
Port Phillip EcoCentre: funding 2302
Bushfires: rainwater tank and solar energy rebates..... 2303
Country Fire Authority: Whittlesea brigade 2304
Trams: East Malvern extension..... 2304
Information and communications technology: national broadband headquarters 2305
Trafalgar High School: autism integration model..... 2305
Rail: Hurstbridge line..... 2306

CONTENTS

<i>University of Melbourne: performing arts</i>	
<i>courses</i>	2307
<i>Energy: door-to-door marketing</i>	2308
<i>Responses</i>	2308

Tuesday, 28 July 2009

The **SPEAKER (Hon. Jenny Lindell)** took the chair at 2.06 p.m. and read the prayer.

CONDOLENCES

Edward 'Ted' Kenna, VC

Mr BRUMBY (Premier) (*By leave*) — On 12 July a state funeral was held for the last surviving Australian to have won a Victoria Cross during World War II — that is, of course, Ted Kenna, VC. The Victoria Cross is the highest honour that can be awarded for acts of bravery in wartime.

Ted Kenna enlisted in the Australian Imperial Force in 1940 and served with distinction in a number of battalions. In 1944 he was assigned to the 2/4th Battalion, and embarked for New Guinea in October 1944. During action in Wewak, New Guinea, Ted Kenna displayed incredible courage under fire. He neutralised a Japanese machine-gun crew and enabled his company's attack on the enemy to succeed and, for his extraordinary bravery, he was awarded the Victoria Cross in September 1945.

In August last year I spent some time with Ted Kenna at his daughter's home in Drysdale, and I was honoured when the family asked me to say a few words at the state funeral about a man who was a hero to the nation, but who to them was a much loved husband, father and grandfather. The Kenna family had one proviso, however — that was that they did not want the focus to be on 15 May 1945 and the act of extraordinary bravery that made Ted Kenna such a legend. They wanted tribute to be paid to the generation who fought in World War II. With that in mind I briefly reiterate some of what I said about Ted Kenna at the state funeral.

Ted Kenna was one of 993 000 men and women who enlisted and one of 575 799 who served overseas. He was part of that great generation raised during the Depression who came of age at a time when Australia literally had to fight for its life; a generation who fought for the future of our country in the deserts, in the jungles, on the beaches and in the oceans and skies of Africa, Europe and the Pacific. As for Ted Kenna, we are fortunate to have counted him among us. We are fortunate because the freedoms and the liberties and the lives we at times take for granted were won for us through the service, sacrifice and valour of a generation of people like Ted Kenna. Let us never forget.

Mr BAILLIEU (Leader of the Opposition) (*By leave*) — Ted Kenna was by all accounts a regular bloke, a country boy, a Victorian born at Hamilton in the Western District in 1919. He went to school at St Mary's and delivered groceries on his bike as a youngster. He became a plumber and worked with the local council. He played footy for the local team. He fell in love with a nurse, and he married her. They lived together for 60 years and had four children. His grandson is now captain of the Box Hill Hawks.

Along the way Ted had a few problems with diabetes, and he had some heart issues. In recent years he and his wife lived with their daughter in Drysdale and more recently moved into a nursing home at Grovedale, near Geelong, where Ted Kenna died recently aged 90. That is the frame of a happy, single, loyal and loving life, an Aussie blue and true.

Like so many Australians of that generation, Ted Kenna's life was interrupted by war. Ted Kenna answered the call in August 1940 at the age of 21. He served in New Guinea in 1944–45 and returned to Hamilton in 1946.

But what coloured Ted Kenna's whole life was just a moment in time, a moment of almost indescribable courage, a moment Ted himself described in 2007 as a matter of 'just being in the right place at the right time'. Most observers might fairly describe it as quite the opposite, as the wrong place at the wrong time. When, three weeks after that event, Ted Kenna was shot in the face and advised that he was likely to die, his colourful and famous response was 'Pigs!'.

Ted Kenna was a humble man. He never let his extraordinary act of bravery change him. It may have led him to lead the Anzac parade, to meet the Queen, to be feted for 60 years in his home town, to appear on a postage stamp and to have his portrait painted by Sir William Dargie, but he always attributed his award to his fallen comrades. Ted Kenna was Australia's last surviving World War II Victoria Cross recipient. The *Hamilton Spectator* of 11 July described him as 'a top bloke and a fair dinkum Australian'. We will forever be in his debt. The Parliament says thank you. The Parliament dips its collective lid and expresses its sympathies to Ted Kenna's family.

Mr ROBINSON (Minister Assisting the Premier on Veterans' Affairs) (*By leave*) — Along with the Speaker, other members and the Premier, I was pleased to attend the recent state funeral honouring the life of Ted Kenna, VC. Ted Kenna was not only an incredibly brave Victorian, he was, as the Leader of the Opposition said, a remarkably humble man. The story

of his valour is well known and has been recalled many times since May 1945, but no matter how many times it is told, Victorians remain in awe of the strength of character and the strength of mind he demonstrated at that time. His strength of character allowed him to stand up in the face of a murderous hail of bullets. His strength of mind allowed him to steadily take aim, firstly with a Bren gun and then with a rifle, notwithstanding the continuing fire, and to silence the enemy machine gunners.

Ted Kenna rightly received the highest distinction for his bravery, and yet he received the Victoria Cross while bearing the humblest rank in the Australian army, that of private. He was a humble man. He wore his decoration proudly, but not as a means of seeking adulation for his deeds. Rather he wore it, as he said, 'for the boys who fought for it; I think it actually belongs to them as much as me'.

His life reminds us not just of one man's exceptional courage but of the service and sacrifice of a generation. Ted Kenna was a great Victorian and a great Australian, and he was accorded a very fitting farewell.

Mr RYAN (Leader of The Nationals) (*By leave*) — The *Concise Oxford Dictionary* defines 'hero' as follows:

man of superhuman qualities, favoured by the gods; demigod ... Illustrious warrior ... Man admired for achievements and noble qualities ...

Ted Kenna was a hero. In a contemporary age when the expression 'hero' is overused and often inappropriately used, Ted Kenna was the real deal. In the great nation of Australia, where so much of our history has been forged on the battlefield, Ted Kenna made a remarkable contribution. On behalf of a generation he wore the medal that he won that day, but the exploits of the man himself have been recounted through history, and justifiably so I might say, despite the wishes of the man himself, who again today has been quite rightly described as selfless, self-effacing and humble.

Ted Kenna was a hero. In his home town of Hamilton the member for Lowan has been actively involved with his community in developing an appropriate means of recognising the remarkable achievements and contributions of this great man, and we as a Parliament mourn his passing.

Honourable members stood in their places.

The SPEAKER — A transcript of today's tribute to Ted Kenna will be forwarded to his family.

QUESTIONS WITHOUT NOTICE

Children: protection services

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer to the Premier's comments on radio this morning and his admission that the government failed to protect a two-year-old girl who was bashed by her father, and I ask: will the minister guarantee the public release of the department's internal report and findings or will this become yet another case of government secrecy and cover-up?

Ms NEVILLE (Minister for Community Services) — I thank the member for her question. The recent incident involving a young girl is very tragic, and my thoughts and prayers, and I am sure those of all in this house, go out to this young child and her family. I am receiving daily briefs on her condition, which remains stable but very serious.

On being advised of this tragedy I immediately moved to establish a comprehensive review of this case. The review is being overseen by the child safety commissioner and by Professor Dorothy Scott, who are two eminently qualified and passionate advocates for children. As members would be aware, in this case notifications were made to child protection services and to police and an investigation was undertaken. The review that is under way will examine what actions were taken by the Department of Human Services and police and what informed the decisions that were taken. I want to understand, as do all Victorians, what occurred in this case that resulted in this very tragic outcome, and any recommendations from this review will inform any changes to be made to continue to improve our responses to vulnerable children in Victoria.

Employment: government initiatives

Ms BEATTIE (Yuroke) — My question is to the Premier. Can the Premier update the house on what actions the Brumby government is taking to secure Victorian jobs and address the global financial crisis?

Mr BRUMBY (Premier) — I thank the member for Yuroke for her question. Yesterday we were in her electorate at Tullamarine as we announced the new contract between John Holland Aviation Services and Virgin Blue which will create 249 new jobs for our state. As I have said in recent times, we are starting to see some signs of emerging recovery in the global economy and they are positive, but nevertheless in the course of this year it is likely that there will be more

jobs lost around the world and unemployment will increase, including in our state. In May, when we brought down our budget, that budget was about delivering jobs. It was about \$11.5 billion of new capital works to create 35 000 new jobs.

Mr Wells interjected.

The SPEAKER — Order! I remind the member for Scoresby that if he stands at the appropriate time, I will call him to ask a question. To shout a question across the chamber is inappropriate.

Mr BRUMBY — The budget papers make it very clear that the \$11.5 billion of new capital works will create 35 000 new jobs.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Scoresby not to interject in that manner.

Mr BRUMBY — I am pleased to say that the Access Economics *Investment Monitor*, which was released today, shows that the construction pipeline of major projects in our state has increased significantly over the last quarter, including eight new major public sector projects recently announced. The fact is that around the world the level of private investment has been reducing, and the role for governments during this period of time is to lift their efforts. That is exactly what we have been doing. In addition to that, we have been attracting investment to our state. Because of the budget surpluses we have put in place, the AAA rating and the cuts to taxes, our state is a magnet for investment and jobs — a magnet!

I mentioned the contract with John Holland. Today I was in Newport with the Minister for Public Transport to announce a \$440 million investment that will create 500 new jobs for our state. Last month, on 30 June, I was at Williamstown with the member for Williamstown for the announcement of the successful contract with BAE Systems for the air warfare destroyers — 222 new jobs and 178 jobs protected. Last week I was in Carrum Downs with the Minister for Public Transport giving the go-ahead for the start of work on Peninsula Link — \$750 million worth of work. Work is under way right now on Lathams Road bridge, generating thousands of new jobs there. Yesterday with the Minister for Planning I announced the Myer redevelopment for the new emporium there — \$500 million of development, creating 2500 new jobs. On Friday the federal Minister for Broadband, Communications and the Digital Economy announced with the Treasurer and me the grant for the

Institute for a Broadband Enabled Society — 64 new jobs there.

In regional Victoria the Wimmera–Mallee pipeline project is powering ahead, six years ahead of schedule; the food bowl project is powering ahead, ahead of schedule; and the north-east rail revitalisation project is powering ahead, ahead of schedule. I was in Horsham just two weeks ago announcing \$5 million for the new performing arts centre there, which is part of a \$12 million redevelopment. The fact is that wherever you look across the state there are new projects generating new jobs and creating new opportunities for the people of our state.

I am pleased to say, too, that if you look at our major events calendar there is no place anywhere in the world that can compete with what we are doing. When you think of the Salvador Dali exhibition *Liquid Desire*, when you think of the Pompeii exhibition, when you think of *Jersey Boys*, plus when you think of the huge number of people — —

Honourable members interjecting.

Mr BRUMBY — And Tiger Woods in November. He will be good, won't he!

The SPEAKER — Order! The Premier will come back to the question.

Mr BRUMBY — And we opened the convention centre. I will conclude by saying that the strategy of land release and land affordability that we have put in place has been extraordinarily important for our state. In fact Australian Bureau of Statistics figures show that Victoria has accounted for more than 30 per cent of national dwelling approvals over the last six months, including 32.1 per cent in May.

Honourable members interjecting.

Mr BRUMBY — I know the Liberal Party hates this, but here we are with 25 per cent of the national economy and 25 per cent of the population accounting for 32 per cent of new residential building approvals. The fact is that people are flocking to our state because it is a great place to live, work, invest and raise a family. We saw that with the first home owner bonus activity in the month of June. For the first time in Victoria's history more than 5000 Victorians applied for our government's first home owner grant. Around one-third of those grants, just under 1400, were for newly constructed homes, again generating thousands of jobs for our state. I believe the plans we have put in place are the right plans for our state in what is an extraordinarily difficult international environment. The

plans and projects we have put in place are the right ones for our state. They are generating jobs and opportunities for the people of Victoria.

Ms Beattie interjected.

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

Water: advertising campaigns

Mr BAILLIEU (Leader of the Opposition) — I refer to emails from staff in the communications unit of the Department of Sustainability and Environment that boast that the water advertising campaigns are in reality ‘behavioural change programs with a political bent’ and that environmental concerns can be exploited — —

Mr Herbert interjected.

The SPEAKER — Order! The member for Eltham!

Mr BAILLIEU — I will ask the question again. I refer to emails from staff in the communications unit of the Department of Sustainability and Environment that boast that the water advertising campaigns are in reality ‘behavioural change programs with a political bent’ and that environmental concerns can be exploited ‘at major sporting events for shameless PR/pics opps’, and I ask: will the Premier now admit that water consumers in Melbourne are being forced by his government to pay for shameless, self-promoting political campaigns?

Mr BRUMBY (Premier) — It is common knowledge in Victoria that we have gone through 13 years of significantly below-average rainfall.

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members to allow the Premier to address the question.

Mr BRUMBY — We have gone through a cycle which is as prolonged and significant in terms of its impact on our water supply as our state has ever experienced. Over the last two years we have seen that played out again in significantly below-average rainfall, including in June, the rainfall figures for which were the lowest on record for Melbourne.

While obviously we hope we have good winter and spring rains, the government’s responsibility is to ensure that it properly puts in place the projects for the future and changes behaviour to ensure we have secure water supplies going forward.

Honourable members interjecting.

The SPEAKER — Order! I will ask once again for members of the opposition to allow the Premier to continue addressing the question.

Mr BRUMBY — As the house is well aware, we have put in place a number of major supply augmentations. They include the Tarago Reservoir, which we commissioned just over a month ago and which is contributing something like 20 billion litres of water to Melbourne’s supply. We are ahead of schedule on the Sugarloaf pipeline, and we will shortly be announcing the successful tenderer for the new desalination plant. All of these things are about augmenting supply. We also have to tackle this challenge from the demand side. I make no apology whatsoever for our Target 155.

Honourable members interjecting.

The SPEAKER — Order! I suggest to members of the house that they are all on a warning. Although I may pick on one member in particular to exclude from the chamber under standing order 124, members should be assured that this a warning to them all.

Mr BRUMBY — It is a challenge that while you have to increase supply you also have to tackle demand when water supply is short. That is what we have done. I make no apologies for Target 155. I think this has been a very successful campaign in the Victorian community. I know that in many communities across the state families are embracing this target. We had a community cabinet in Bentleigh the other day, and as the Minister for Education and I were opening the new extensions at the Bentleigh Primary School funded by our government, I asked the students about all the things they and their families do to save water. I asked them for 10 suggestions. I had to stop when we got to about 23, because I thought we would run out of time during the day. In other words, all of those students were focused on what they could do in their homes to save water. All of them and their families were embracing Target 155. This is the right thing to do. We have to understand that this is a challenge for all of us. It has not rained, and for 13 years we have had below-average rainfall, so we need both supply-side measures and demand-side measures.

I refer to an April 2008 report of the Auditor-General entitled *Planning for Water Infrastructure in Victoria*. Under the heading ‘Recommendations’, it states — —

Honourable members interjecting.

Mr BRUMBY — We don’t like this, do we!

Mr Ryan — On a point of order, Speaker, the Premier is clearly debating the question. He has had ample opportunity to address the question he was asked. While I recognise that the nature of the question enabled the Premier to have some capacity to deal with these matters generally, he has well and truly passed that point. I ask you to have the Premier answer the question about what is blatantly obviously political advertising.

The SPEAKER — Order! I uphold the point of order. I suggest to the Premier that, even given the number of interruptions, he has been speaking for some considerable time. I ask him to conclude his answer.

Mr BRUMBY — I conclude by saying that the Leader of the Opposition asked me about the water campaign, and the Auditor-General in recommendation 1.2 stated that the government should:

progressively inform the community about the costs and benefits of projects included in the Victorian water plan ...

That is what we have done. I saw the references to this in the media today. They included a reference to Liberal Party policy to build a dam, presumably on the Mitchell — —

The SPEAKER — Order! The Premier will not go down that track.

Mr BRUMBY — We have put in place the supply augmentations and we have put in place the community information to inform the community, and I am delighted with the degree of participation by Victorian families and communities in Target 155.

Seniors: home and community care

Ms THOMSON (Footscray) — My question is to the Minister for Senior Victorians, and I refer to the Brumby government's commitment to creating a fairer Victoria. Can the minister update the house on measures being taken by the Brumby government to improve home and community care (HACC) services for senior Victorians?

Ms NEVILLE (Minister for Senior Victorians) — I thank the member for Footscray for her important question — important because in the 2006 census there were more than 685 000 Victorians aged over 65 years, and that is a number which is expected to rise to 1.1 million by the year 2021.

Victoria's seniors make an incredible contribution to our community in a range of ways — in family settings as carers and grandparents, through their volunteering spirit in community organisations and through their

wealth of life experiences. Our government, in our response to help seniors, is taking action to keep them safe and independent at home and active in their communities. I am pleased to inform the house that Victoria is boosting funding to the HACC program this year by over \$11 million. That funding will assist in attracting matching commonwealth funding to grow our system even further. It is over \$11 million of growth funding to ensure that more seniors in our community are able to stay at home and receive the care and support they need to live independently and actively in the community.

Importantly it is \$11 million that will help us to reach our goal of ensuring that a fair share of funding is received by each community, recognising that we have strong population growth in Victoria, whilst continuity of existing services is maintained. It also delivers over 250 additional jobs in home and community care, and that is another example of how the Brumby government is standing up for jobs and boosting jobs in our community. That is in contrast to the reported 12 000 jobs in the health and community services sector that disappeared under the last coalition government. The growth funding means 17 000 extra hours of allied health services, 128 000 extra meals and 37 000 extra hours of home nurse visits, as well as more transport, respite and personal care assistance right across the state.

The areas of the state where there have been strong population growth in the seniors demographic are the areas most likely to benefit from this boost in funding — communities like Ballarat, Bass Coast, Bendigo, Cardinia, Casey, Frankston, Geelong, Hume, Melton, Mornington, Whittlesea and Wyndham. These investments are to be welcomed, but I am aware that there are some people who do not support this additional funding. Some people are of the view that our HACC funding distribution process — which gives extra growth funds to communities where the population is growing — is the wrong approach. The *Maroondah Journal* has run a story saying somebody has slammed the state government for its funding increase to HACC services, and we have also seen that in the *Upper Yarra Mail*, the *Lilydale Leader* and the *Sunraysia Daily*.

Comments which do not support increasing HACC services have been made by a number of people, and who would those comments have been made by? They would have been made by the members for Doncaster, Evelyn, Kilsyth and Mildura.

Honourable members interjecting.

The SPEAKER — Order! The minister will not use question time to attack opposition members.

Ms NEVILLE — But there is something very wrong with opposing a boost to HACC funding. We believe in increasing HACC funding, and that is what we have done every single year we have been in government. The only conclusion you can draw from those who disagree with the current funding model is that they would rather cut existing funding from one community and give it to another. What would that mean for communities? Which communities would you — —

Dr Napthine — On a point of order, Speaker, the minister is debating the question, and I ask you to bring her back to order.

The SPEAKER — Order! I uphold the point of order. The minister, to conclude her answer.

Ms NEVILLE — I can assure this house and the Victorian community that we remain committed to growing and expanding our home and community care program. We are not going to cut funding to areas such as Swan Hill or Lowan. We are going to continue to ensure that seniors in our communities have access to the services we know are critical to ensuring their independence and their activity in local communities.

Bushfires: fuel reduction

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to documents from the Department of Sustainability and Environment which revealed that members of the communications unit recorded how they could:

... organise the purchase of Punt Road billboard with electronic signage so we can update Melburnians re: target figures. And throw a tantrum to get the trees removed from out the front.

And I ask: how does the Premier justify cutting down trees which obscure his government's political advertising signage while refusing to allow Victorians to remove even one tree to minimise dangerous bushfire fuel loads?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. I have not seen the emails to which he refers, but he raised the issue of bushfires. I am able to advise the house that later this year there will be quite an intense campaign across the community and across our state which will be backed with community information to ensure that the state is as properly prepared as it humanly and technically can be for this year's bushfire season. That will include, as I

pointed out in an interview the other day with the *Herald Sun*, things like additional firebreak burning along roadsides and additional cleaning up in neighbourhoods and communities and people's own backyards.

I think we all have a responsibility — a responsibility as the government and a responsibility across the Parliament — to make sure that the state is as safe as possible as we come up to this year's fire season. So there will be an intense campaign, and it will involve some reduction in vegetation.

Honourable members interjecting.

The SPEAKER — Order! Before calling the Leader of The Nationals on a point of order, I remind the member for Bass that he will not be allowed to sit in this chamber if he continues to constantly interject. The member for Bass knows the decision he has to make.

Mr Ryan — On a point of order, Speaker, the Premier is clearly debating the question. He was asked a question dedicated to the issue of political signage and the steps taken by the communications unit to increase the signage and its exposure. To allow the Premier to answer the question in the way he is taking the interpretation of the running of this Parliament to the absolutely absurd. The focus of this question is political signage, and the question should be answered by the Premier.

The SPEAKER — Order! I do not uphold the point of order. If that was the intent of the question, then the question should have been confined to that.

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals has been informed on previous occasions that the inclusion of extraneous material in a question means that that material is relevant to the answer. I do not uphold the point of order.

Housing: government initiatives

Mr NARDELLA (Melton) — My question is to the Minister for Housing. I refer to the Brumby government's commitment to create a fairer Victoria, and I ask: could the minister update the house on recent initiatives to ensure that all Victorians have access to housing that is safe, affordable and secure?

Mr WYNNE (Minister for Housing) — I thank the member for Melton for his question. Last Sunday I was pleased to join with the Prime Minister and the member for Yuroke to launch the first three units of housing that

is being built under the Nation Building Program, which is one of the biggest social housing initiatives ever undertaken by a federal government. This multi-unit development in Tullamarine, built by builder Greg Hinton from CGH Property Group, was funded by a \$650 000 package which not only employed a number of builders but more importantly offered a real opportunity for apprentices as well. Eleven apprentices in various trades were employed on that project.

As the house would know, the partnership between the federal government and the Brumby government will mean that \$1.5 billion in housing funds will be directed to Victoria. Another \$100 million is now being spent over this and the next financial year in much-needed maintenance investment in our public and social housing stock. This is a fantastic investment which is going to make a significant difference to our existing public and social housing stock and will mean an enormous boost to supply as well.

We have risen to the challenge of the federal government. We expect to put on the ground before December next year 75 per cent of that public and social housing stock — that is, 3750 public and social housing units as a minimum by December next year. This builds on the record investment of this government. Every single year since we have been in government our investment in public and social housing has been above and beyond our commitments under the commonwealth-state housing agreement, topped off with the record \$510 million investment by the Brumby government in 2007–08 to public and social housing outcomes. That means that a further 2350 units of public housing will be built out of that \$510 million.

The projects are right across the state, from Mildura in the north throughout the whole of regional Victoria. We want to ensure that a third of our Nation Building stimulus package fund is expended in regional Victoria and two-thirds in metropolitan Melbourne, which basically reflects the distribution of our stock throughout Victoria. I also indicate that that commitment of \$510 million is counterpoised against the alternative government's \$5 million commitment above and beyond the commonwealth-state housing agreement. That is the commitment this government has shown to public and social housing outcomes. A further 127 new units have been contracted for already, and 84 are under construction right now.

This is an important initiative from two perspectives. Firstly, there is the economic stimulus. That is a major outcome. As the Premier indicated earlier in question time today, we are in a quite difficult economic

environment at the moment. The stimulus package that has been provided for public and social housing outcomes will mean that in the next 12 months alone an extra 4000 jobs will be created in Victoria — direct jobs — and of course there are jobs through the supply chain as well. This is a wonderful outcome. It means we will get a strong economic stimulus and also a great social outcome for the state of Victoria — much-needed public and social housing.

Minister for Housing: comments

Mrs POWELL (Shepparton) — My question is to the Minister for Housing. I refer the minister to his statement 'Frankston people really piss me off', and I ask: is this not yet another example of the government's contempt for people who disagree with it, and will the minister now apologise to the people of Frankston?

Mr WYNNE (Minister for Housing) — The member for Shepparton has wasted this question.

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

Mr WYNNE — I thank the member for Shepparton for her question, because it provides me with an opportunity to clarify to the house that my argument, and the argument this government has, is with the Frankston City Council, not the good people of Frankston.

I went to Frankston about 12 months ago. The City of Frankston had asked me to come there to talk to the council about homelessness and homeless youth. In a conversation I had with the council — and this was in the middle of a bitterly cold winter's night — it was pointed out to me that there were homeless young people living in the grandstand of the football ground, not 100 metres from the council's offices. There were also homeless young people living on the beach. You do not leave those sorts of conversations without saying, 'You ought to do something about this; we need to do something about this'. In fact we did. We have put together a proposal for a Common Ground — a supported housing proposal — in Frankston.

As members of the house well know — you can shake your head; that is fine — that we are going to deliver for homeless young people in Frankston.

The SPEAKER — Order! I remind the minister to direct his comments through the Chair.

Mr WYNNE — As members of the house will know, we have a Common Ground project now being built in Elizabeth Street in the city — a supported

housing model which has been widely supported by both sides of this house. That project was called in by the government and is under construction now. It is out of the ground and will be built by about this time next year. That is a fantastic project which brings all the services together on site to support homeless people and provide them with long-term, stable accommodation. We know that when you provide those sorts of facilities and those forms of support services on site chronically homeless people can and do get better and go on to live very productive lives.

What we are trying to do at Frankston is to have that conversation with the Frankston council and to put in place a mini Common Ground to address the very problems that the Frankston City Council wanted addressed — that is, that homeless young people ought not in the future be living in grandstands and living on the beaches of Frankston.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. These are very important matters, but the minister unfortunately has used a most intemperate expression to the Frankston community. We are simply affording him the opportunity to withdraw it and apologise, and I ask you to have him answer the question.

The SPEAKER — Order! I uphold the point of order and remind the minister that he has been speaking for some considerable time. I ask him to conclude his answer.

Mr WYNNE — My argument is that people like Cr Christine Richards, whom I met with two weeks ago when I went down there to explain what our proposition was in relation to Frankston and the mini Common Ground — the supported housing proposal which we hope to put on the ground there over the next 12 to 18 months — talk about public housing as being ghetto housing. I quote:

If we have heaps of cheap housing and don't balance it with more upper class housing, with no integration, you will get a ghetto.

That is the sort of mentality you get from some of the councillors down at Frankston. That is where my argument is with the Frankston City Council and not with the good people of Frankston. The member for Frankston and I will continue to pursue this proposal for the homeless because it is right for Frankston and the people of Frankston ought to have the opportunity to ensure that the most vulnerable in their community are protected.

Rail: metropolitan rolling stock

Mr CARLI (Brunswick) — My question is to the Minister for Public Transport. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house on how the Brumby government is taking action in preparation for the arrival of the new metropolitan trains?

Ms KOSKY (Minister for Public Transport) — I thank the member for Brunswick for his question and his longstanding interest in public transport. Today I was at Newport with the Premier to announce the beginning of the \$440 million program for stabling works around the metropolitan area. These stabling works are being done in order that we can receive and house the 38 trains that are currently on order. As part of the works that are occurring with the stabling yards and the new maintenance facilities we will secure around 500 jobs during the construction period, so this program is not only good for public transport but also fantastic for the economy.

A major element of our \$38 billion transport plan was the expansion of our fleet by 38 new six-carriage trains, and the rollout of those trains will commence at the end of this year. Nineteen of the trains are to be assembled in Ballarat, and that will also create 50 new jobs in Ballarat, which certainly this side of the house is very supportive of. Again it is not only about public transport, it is also about jobs. Newport will receive the very first of the trains, which have been put on the ship today and will arrive here around August, when some of the testing work will commence. They will be on the tracks later this year, which will allow us to deliver even more services for the travelling public around Melbourne.

Stabling roads will not only be built at Newport; they will be built at Sunbury, Craigieburn, Upfield, Epping, Eltham, Upper Ferntree Gully, Westall and Brighton Beach. The existing maintenance facilities at Westall will also be upgraded. By having the stabling located right around the metropolitan area we improve the reliability of the network, because we then have trains in the right locations to commence the first service in the morning in a much more reliable way. With the commencement of the arrival of the 38 new trains we will be having more timetable changes so that we can add even more services around the network.

This is an investment we are making not only in the purchasing of the new trains but also in ensuring that those trains can be housed in appropriate places around

the network close to where they will commence daily operations.

Crown Casino: gaming expansion

Mr O'BRIEN (Malvern) — My question is to the Premier. I refer to the letter dated 23 April 2009 received by the Premier from the chairman of Crown Casino, Mr James Packer, and I ask: can the Premier give a categorical denial that upon becoming aware of the concerns of Mr Packer he did not discuss or give any instructions regarding the Crown negotiations to any member of his staff, any member of the government, any departmental officer, Treasury or the commercial negotiators?

Mr BRUMBY (Premier) — The fact of the matter is that in its history there has been only one sweetheart deal with the casino — and that was one under the Kennett government. The arrangements that were negotiated between Treasury and the casino more recently put up the taxes. Legislation will be introduced into this Parliament shortly, and then we will see what the attitude of the Liberal and National parties is to our proposal to put up the taxes and to end the sweetheart deal.

Mr Ryan — On a point of order, Speaker, the Premier is very clearly debating a question which was directed specifically to the documentation to which it refers, and I ask you to have the Premier answer the question he has been asked. Is it yes or is it no?

The SPEAKER — Order! I uphold the point of order.

Mr BRUMBY — As I have previously made clear on a number of occasions, the arrangements in relation to the casino were negotiated by negotiators on behalf of the Department of Treasury and Finance. Those arrangements were not discussed with me or by me; they were negotiated by the negotiators. I repeat that the arrangements that have been proposed end the sweetheart deal put in place under the former Kennett government.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Health is not cooperating with the smooth running of question time, and nor is the Minister for Regional and Rural Development.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He was asked a simple question which requires a yes or no answer. The Premier is seeking to avoid answering a very

straightforward and specific question, and Victorians deserve to know: yes or no.

The SPEAKER — Order! The Leader of the Opposition knows that the Speaker is not able to direct a minister or the Premier on how to address a question. So long as the Premier's response is relevant to the question as it is asked, he will continue to be heard within reasonable time constraints.

Mr BRUMBY — The letter to which the honourable member refers confirms how completely wrong the opposition has been on this whole issue. This is the opposition that said I sat down in a public place with a member of the casino and negotiated — —

Honourable members interjecting.

The SPEAKER — Order! I direct the Premier not to use question time to comment on and attack the opposition.

Mr BRUMBY — As I have again made very clear, this is good legislation that was negotiated by the negotiators on behalf of the Department of Treasury and Finance, and as I have said on numerous occasions, the only discussions I had with Mr Packer were about reinforcing that Victoria is a good place to make investments and create jobs.

Mr Andrews interjected.

The SPEAKER — Order! The Minister for Health is warned.

Police: road safety initiatives

Ms MUNT (Mordialloc) — My question is for the Minister for Police and Emergency Services. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of how the Brumby government's record investment in police resources is assisting Victoria Police in targeting dangerous drivers and preventing deaths and serious injuries on our roads?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to stop for one moment. The level of disrespect being shown by members to their fellow members today is outrageous. We all come here to represent our communities, and we deserve to have respect shown to us by others.

Mr CAMERON — I thank the honourable member for Mordialloc very much for the enormous interest she takes in road safety, particularly in trying to prevent the loss of life in the Kingston area. The Brumby government is proud of its record investment in police resources and the record police budget. We know that this investment has enabled police to do more intelligence-led policing and conduct targeted operations to keep our communities safe.

We are seeing unprecedented road safety enforcement initiatives conducted by police. We have seen that with Operation Aegis and Operation RAID over the Christmas and New Year period and with the operation that commenced last week, Operation Ardent, which has an unrelenting focus on dangerous driving. That operation was launched in Casey and operated for four days from 23 July. The unfortunate results of that operation show why the police, the road safety agencies and the government are not backing away from strong road safety enforcement policies. During those four days over 12 000 motorists were breath-tested, and 20 probationary licence-holders were detected with blood alcohol readings of over 0.00, 45 motorists were detected with blood alcohol readings of over 0.05, 5 drug drivers were nabbed, 83 motorists were caught holding mobile phones while driving and 123 motorists were caught not wearing seatbelts.

As honourable members will be aware, 10 regions will be targeted as part of Operation Ardent. They have been determined by police working out the higher priorities across the state. Unfortunately while those areas have the worst history of crashes, there are some people in the community who assert that there are high numbers of motorists who are booked for speeding simply for revenue raising. That of course flies in the face of the Auditor-General's report into the effective targeting of speed to save lives and the fact that police and road safety agencies have consistently said that speed is the biggest killer on our roads. The results of Operation Ardent in Casey should be a sobering reminder as to why the Brumby government considers it important to support police to enable them to be better equipped so that they can tackle road safety enforcement.

We know that there are some people out there who have attacked police, claiming that they are not focusing on patrolling but on operating booze buses and mobile speed cameras. It is my view and the view of honourable members on this side of the house that the traffic management units across the state do a fantastic job. I know there are some people, like the honourable member for Kew, who appears to put his hand up to admit — —

Honourable members interjecting.

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

Mr Hodgett interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Kilsyth

The SPEAKER — Order! Under standing order 124 I ask the member for Kilsyth to vacate the chamber for half an hour.

Honourable member for Kilsyth withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Police: road safety initiatives

Questions resumed.

Mr McIntosh — On a point of order, Speaker, while I do not disagree with the Speaker's ruling in relation to the member for Kilsyth, the reality is that we consistently find this government using and abusing question time.

The SPEAKER — Order! There is no point of order. The member for Kew knows full well that I stopped the Minister for Police and Emergency Services as soon as he referred to the member for Kew and asked him to redirect his comments. It is unacceptable to then have the member for Kilsyth making a comment.

Mr CAMERON (Minister for Police and Emergency Services) — As the Speaker knows, the Chief Commissioner of Police focuses on a strong operational front-line approach, and that is exactly what is occurring. There will be some people who say to go soft on road trauma, to go soft on road deaths and road tragedies, but I can certainly say that these views of the opposition are totally rejected.

Dr Napthine — On a point of order, Speaker, the minister's comments are out of order. To suggest that the opposition would somehow support an increase in road trauma and road fatalities is an absolute disgrace. I take personal offence at that and ask the minister to withdraw and withdraw categorically.

The SPEAKER — Order! The minister has been asked to withdraw his comments, which the member for South-West Coast found personally offensive.

Mr Batchelor — On the point of order, Speaker, the rules of the Parliament require the withdrawal of remarks which are requested to be withdrawn, but only when the remark is personally directed to the individual. This is a Parliament in which robust debate takes place.

We think opposition members have certain characteristics; if we say that, they collectively can be upset by it, but if we direct remarks to an individual, it is the individual who is given the opportunity to ask for those remarks to be withdrawn. That has been a longstanding procedure in the house. If we are going to have robust political debate, then we need to be able to conduct ourselves in that manner. If we are not going to be able to say things, then the ruling the Chair makes would support the position being put by the member for South-West Coast.

Mr McIntosh — Further on the point of order, Speaker, I refer to page 65 of *Rulings from the Chair*, which records a ruling made by former Speaker Andrianopoulos on 18 October 2001 after personal offence was taken at remarks about the opposition in general. The Speaker ruled that:

An initial point of order was not upheld by the Chair as it was taken on behalf of 'members on this side of the house'.

However, the Speaker went on to say:

The member concerned then indicated that she took personal offence to the remark and the Speaker asked for the withdrawal of the imputation.

The member for South-West Coast took personal offence at the remarks made and has asked for them to be withdrawn. Accordingly the Speaker should maintain her ruling that the minister withdraw his remarks.

Mr Hulls — On the point of order, Speaker, I take personal offence to the comments made by the member for Kew and ask him to withdraw. That is how silly it will become if the request by the member for South-West Coast is upheld. The fact is that they were general comments and not personal comments.

It is made clear in standing order 119 that a member must not use offensive or unbecoming words in relation to another member. Once we start going down the path of taking offence to generalised comments, this whole show will become a joke. Members of the opposition need to think carefully about the path down which they

are going, because it will then encourage every member in this place to stand up and take personal offence to some ridiculous comment such as is made by the opposition on a regular basis. I ask the Speaker not to rule in favour of the member for South-West Coast.

Mr Thompson — On the point of order, Speaker, this house has had a long history of bipartisanship on its road safety committees. Victoria has led the world in road safety reform, and for the member for Bendigo West to make such remarks as he has made today is offensive not only to the members of this chamber now but also to those members who have worked over decades to reduce the road toll. A new boundary will be set if the minister does not, as a matter of honour, withdraw those remarks made about members on this side of the house.

Mr Brumby — On the point of order, Speaker, obviously the remarks that have been made today have caused some concern and consternation among opposition members, but the longstanding practice of this house, and as I understand it every Parliament which is based on the Westminster system, is that there must be the capacity for strong, robust, sometimes colourful and sometimes perhaps even exaggerated debate to occur on both sides of the house, and it has always been thus.

I can assure honourable members that in the 1990s when I was on that side of the house there were many strong exchanges but they were at party-to-party level, one side of the house to the other. It has always been the case, as I have understood it, that if a member makes a reference to another member that is personally offensive, then it is completely within the rights of that member to ask for that remark or that imputation to be withdrawn. But with general remarks about members collectively or the opposition generally, if whenever somebody on one side of the house said something collectively about those on the other side there could be a request to withdraw that — and for failing to withdraw it the person could be removed from the Parliament as being in breach of the Speaker's ruling — I think the Parliament would be unworkable.

The issue here is always to ensure that there can be robust debate. There is always robust debate and discussion during question time. That is the nature of question time; it is often adversarial. But to suggest that, because a minister has made a general comment about a particular party, a particular member can ask for that wholesale comment to be withdrawn would mean rendering the Parliament unworkable. I am as keen as anybody to ensure that if an individual member is individually identified and feels individually aggrieved,

they can ask for a remark to be withdrawn, but to say that a remark addressed generally to Parliament or a group in the Parliament or a party in the Parliament should be withdrawn any time any individual finds it offensive would mean that the Parliament would become unworkable. I believe that is the longstanding principle which is enshrined in standing order 119.

The SPEAKER — Order! I have some sympathy for both sides of the argument on the standing order. I believe the minister's attack on the opposition under the guise of question time and in response to a question is inappropriate and not according to standing orders. I accept the argument, though, that if we go down the track of asking for withdrawals whenever one particular party is criticised because someone in that party takes personal offence, then we open ourselves up to some degree of difficulty.

As always, it is in the hands of members as to how we move forward. There is in *Rulings from the Chair* a ruling by former Speaker Andrianopoulos allowing the withdrawal of remarks made against the other side when a member had taken personal offence. I believe this is a very similar instance: comments were made generally about the opposition to which one member has taken personal offence. I was in the chamber when the previous instance occurred, and I know that at that stage there was some debate around the ruling because it would tend to stifle the vibrant discussion and debate that needs to go on in this chamber. Members would therefore have to think clearly and carefully if this were to be pursued on every occasion. On this occasion I ask the minister to withdraw the comments.

Mr CAMERON — I withdraw.

Mr K. Smith — Up to the microphone!

The SPEAKER — Order! It has been recorded that the minister has withdrawn the comment. The time set aside for questions has expired.

WATER AMENDMENT (NON WATER USER LIMIT) BILL

Introduction and first reading

Mr HOLDING (Minister for Water) — I move:

That I have to leave to bring in a bill for an act to amend the Water Act 1989 to remove the non-water user limit and for other purposes.

Mr WALSH (Swan Hill) — I ask the minister for a brief explanation of the bill.

Mr HOLDING (Minister for Water) — I am very happy to inform the member for Swan Hill that, as I described when I first-read the legislation, we have in Victoria a non-water user limit, and the government proposes to remove it.

Motion agreed to.

Read first time.

LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL

Introduction and first reading

Mr WYNNE (Minister for Local Government) — I move:

That I have leave to bring in a bill for an act to amend the Local Government Act 1989 to provide for conflicting duties of persons who are or want to be councillors and for other purposes.

Mrs POWELL (Shepparton) — I ask the minister for a brief explanation.

Mr WYNNE (Minister for Local Government) — This bill implements recommendation 2 of the Ombudsman's report in relation to Brimbank council and has broader implications in relation to a number of councillors who are currently in employment within the Victorian and federal parliaments and in ministerial adviser positions, as well as dealing with some other minor matters.

Motion agreed to.

Read first time.

CEMETERIES AND CREMATORIA AMENDMENT BILL

Introduction and first reading

Mr ANDREWS (Minister for Health) — I move:

That I have leave to bring in a bill for an act to amend the Cemeteries and Crematoria Act 2003 to further provide for the management and constitution of cemetery trusts and make other miscellaneous amendments to that act and for other purposes.

Ms WOOLDRIDGE (Doncaster) — Could I ask the minister to provide a brief explanation?

Mr ANDREWS (Minister for Health) — The bill implements in full the government's stated commitments around restructuring the cemeteries and

crematoria system, particularly in relation to the large trusts which have previously reported to the Parliament under the terms of the Financial Management Act. This follows the consultative process run by the government and the inquiry run by the State Services Authority.

Motion agreed to.

Read first time.

JUSTICE LEGISLATION FURTHER AMENDMENT BILL

Introduction and first reading

Mr CAMERON (Minister for Police and Emergency Services) introduced a bill for an act to amend the Control of Weapons Act 1990, the Corrections Act 1986, the Drugs, Poisons and Controlled Substances Act 1981, the Family Violence Protection Act 2008, the Firearms Act 1996, the Legal Aid Act 1978, the Liquor Control Reform Amendment (Enforcement) Act 2009, the Major Crime Legislation Amendment Act 2009, the Police Integrity Act 2008, the Police Regulation Act 1958, the Road Safety Act 1986, the Sex Offenders Registration Act 2004, the Stalking Intervention Orders Act 2008, the Witness Protection Act 1991 and the Working with Children Act 2005 and for other purposes.

Read first time.

RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL

Introduction and first reading

Mr HULLS (Minister for Racing) — I move:

That I have leave to introduce a bill for an act to amend the Racing Act 1958 and the Gambling Regulation Act 2003 and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — I would just like a brief explanation of the bill.

Mr HULLS (Minister for Racing) — This bill is all about bolstering the integrity assurance of the Victorian racing industry. It establishes a racing industry commissioner pursuant to the Gordon Lewis recommendations. It establishes a new appeals and disciplinary structure for the racing industry, including greyhounds, and also repeals the ban on the transmission of betting odds from racecourses.

Motion agreed to.

Read first time.

COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Children, Youth and Families Act 2005 to clarify that judicial immunity applies to judges, associate judges and magistrates when carrying out judicial resolution conferences and to further provide for the conduct of those processes by judges, associate judges and magistrates and for other purposes.

Read first time.

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009.

In my opinion, the Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill aims to support the conduct of ADR processes by judicial officers. The bill will provide for the confidentiality of ADR processes conducted by judicial officers, and confirm that judicial immunity extends to actions undertaken by judicial officers conducting ADR. The bill provides a rule-making power to the courts to establish rules for the practice and procedure of judicial ADR.

Human rights issues

- Human rights protected by the charter that are relevant to the bill*

Section 24 — fair hearing

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial tribunal after a fair and public hearing.

Section 24(1) of the charter is based on article 14(1) of the International Covenant on Civil and Political Rights. Article 14 guarantees the right to a fair and public hearing in the 'determination ... of rights and obligations'. By contrast, section 24 simply refers to the right to a fair and public hearing in 'civil proceedings', an expression that is not defined in the charter. In the case of *Kracke v. Mental Health Review Board* [2009] VCAT 646 (23 April 2009) Justice Bell concluded, after reviewing the international jurisprudence, that section 24(1) is engaged where the civil proceedings in question are 'determinative of private rights and interests'. The ADR processes that this bill seeks to support are non-determinative and therefore the bill does not engage the right to a fair hearing.

The bill supports the courts in performing ADR processes that intend to resolve disputes in a more economic and efficient manner than civil proceedings determined following a public hearing. The ADR processes referred to in the bill are described as being processes for the purposes of negotiating a settlement of the dispute. At the conclusion of such processes, parties who have not reached a settlement may return to the courts' determination process culminating in a public hearing as required by section 24.

The increased use of ADR processes within the courts enhances the competency of the courts to provide access to justice through the rapid and cost effective resolution of disputes. The bill does not set out which ADR processes are to be used or in what manner, maintaining the independence of the courts. Rather, the bill specifically provides a power for the courts to construct their own rules as to the practice and procedure of ADR processes.

Conclusion

I consider that this bill is compatible with the charter because this bill does not limit any human right protected by the charter.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — By leave, I move:

That this bill be now read a second time.

The Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009 facilitates the conduct of non-determinative, appropriate dispute resolution (ADR) processes presided over by judicial officers in the Supreme, County, Magistrates and Children's courts. The bill ensures that anything said or done in the course of such a process will remain confidential, and confirms that judicial immunity extends to the conduct of ADR by judicial officers. The bill also provides the courts with rule-making powers allowing them to determine their practice and procedures for conducting ADR processes.

As I stated in justice statement 2 in 2008, the government is committed to expanding ADR in

Victoria to provide the community, business and industry with better options for resolving disputes quickly and cheaply. A crucial element of this expansion is to provide parties who are already involved in legal proceedings the opportunity to participate in an ADR process presided over by a judicial officer. In cases of financial hardship, in which parties may not be able to afford private ADR, or matters where the authority of the courts adds a different dimension to settlement negotiations, court-conducted ADR offers parties a further option to assist in the resolution of their disputes.

The courts have indicated that in order to embark on this process successfully, and with complete confidence, it must be put beyond doubt that judicial immunity extends to the conduct of ADR processes.

The bill will confirm that a judicial officer will not be liable for suit as a result of conduct undertaken during the conduct of a judicial resolution conference. This is consistent with the immunity for judicial officers at common law, which has long been considered necessary to ensure the independence of the judiciary essential to their functioning as a neutral arbiter of disputes, without fear or favour.

Legislation currently provides immunity to ADR practitioners where a proceeding is referred to them by the courts. This legislation serves Victoria's strong and flourishing private ADR system very well, and it is appropriate to ensure the immunity also applies to judicial officers.

The government has committed to supporting the courts in conducting ADR, and this bill demonstrates that commitment.

Commitment to court-conducted ADR

The government has supported its justice statement commitment by providing \$3.7 million for court-conducted ADR in the County and Supreme courts. ADR coordinators have been employed in both courts to facilitate the increased use of ADR, and the ADR directorate within the Department of Justice has been tasked with overseeing pilots of court-conducted ADR in each jurisdiction. These moves are also consistent with recommendations of the Victorian Law Reform Commission and the parliamentary Law Reform Committee that the courts' use of ADR be increased, and the courts' options for the referral and conduct of ADR be expanded.

Judicial resolution conference

The bill introduces the concept of the judicial resolution conference, which encompasses various ADR techniques, including mediation, conciliation and early neutral evaluation, when they are presided over by a judicial officer. These techniques are defined in the bill as processes for the purposes of negotiating a settlement of the dispute. The bill does not diminish the access to a fair and public hearing that is guaranteed by the Charter of Human Rights and Responsibilities Act.

Rather, the bill demonstrates that when a judicial resolution conference is ordered (or directed), the parties can draw on the authority, knowledge and experience of a judicial officer to assist them to negotiate a settlement based on their interests, in addition to their legal rights. If they so desire, or are unable to agree, parties may still return to the traditional process resulting in a public hearing and adjudication by the court.

A judicial resolution conference commences with an order or direction of the court and this marks the point at which proceedings move into the confidential stage of judicial dispute resolution. In line with the requirements of the separation of legislative and judicial powers, the bill does not prescribe the processes to be adopted, as these are matters for the courts.

The bill demonstrates that where the courts seek to take advantage of proven techniques that are increasing the satisfactory resolution of disputes, and seek to develop innovative practices that maintain the relevance and accessibility of the justice system, the government will provide the legislative support they require.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Tuesday, 11 August.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 7 to 15, 110, 167 and 206 to 209 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS**Following petitions presented to house:****Hampton Street, Brighton: pedestrian crossing**

To the Legislative Assembly of Victoria:

The elderly residents of Mayflower Brighton and many members of the local community use the Dendy Village shopping strip in Hampton Street, Brighton, for their day-to-day needs.

Hampton Street at this point is very narrow, with large volumes of traffic pulling out from parallel parking strips on both sides of the road, as well as from a dedicated car park on the western side of the street. The 'convenience purchase' nature of many of the commercial establishments (grocery, takeaway food, bottle shop et cetera) means the turnover of vehicles arriving and leaving is very high. The shopping strip is situated in the 'valley' between two hills to the north and south, so through traffic is often travelling downhill and through the village at speeds unsuitable for the conditions.

Elderly residents who rely on walking frames and motorised scooters for their mobility find it difficult and dangerous to navigate the footpath and cross Hampton Street at Dendy Village, where no pedestrian crossing facilities exist.

On 7 August 2008 a member of the Bayside community was run down and killed while trying to cross Hampton Street, at Dendy Village.

We would like the Legislative Assembly of Victoria to give its full support for a pedestrian crossing to be installed at the Dendy Village shopping centre.

By Ms ASHER (Brighton) (846 signatures).

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 — Options Paper* published by the Scrutiny of Acts and Regulations Committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values, in particular the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow freedom of choice in regards to faith-based schools in particular must be avoided.

**By Mr PERERA (Cranbourne) (164 signatures),
Mrs MADDIGAN (Essendon) (30 signatures),
Dr HARKNESS (Frankston) (37 signatures),
Mr NORTHE (Morwell) (30 signatures),
Ms MORAND (Mount Waverley)
(14 signatures) and**

Ms GRALEY (Narre Warren South)
(70 signatures).

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 — Options Paper* published by the Scrutiny of Acts and Regulations Committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values. In particular we would like to retain the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow freedom of choice in regards to faith-based schools in particular must be avoided.

**By Ms THOMSON (Footscray) (14 signatures),
Mr DELAHUNTY (Lowan) (165 signatures) and
Mr R. SMITH (Warrandyte) (120 signatures).**

Reconciliation Victoria: abolition

To the Honourable the Speaker and members of the Legislative Assembly of Victoria assembled:

The petition of the undersigned shows deep concern for the defunding of Reconciliation Victoria (Rec Vic) and the subsequent removal of any financial commitment by the government of Victoria to resource the reconciliation movement in Victoria.

Over the past seven years, with a low level of funding, Rec Vic has successfully supported 30 existing local reconciliation groups around the state, developing educational resources and running workshops to inform, educate and activate non-Aboriginal people regarding the impact of Australia's history over the last 200 years. In addition it has both organised and co-facilitated several landmark events — for example, maintaining and extending the spirit of the apology via the Mang-Mang project — a follow-up of the apology to the stolen generations in 2008 and the celebrations around the 40th anniversary of the 1967 referendum. Most importantly Rec Vic has worked tirelessly to promote respect and understanding between indigenous and non-indigenous Australians.

Your petitioners request that the Victorian government demonstrate their support for the process of reconciliation throughout Victoria as part of the overall plan for reconciliation throughout Australia, by providing independent funding for reconciliation work and not blending, taking or utilising any resources dedicated to providing services and support for the indigenous community.

By Mr TREZISE (Geelong) (153 signatures).

Water: north–south pipeline

To the Legislative Assembly of Victoria:

We call on the Legislative Assembly to stop Mr Brumby building the north–south pipeline, which will steal water from country Victorian farmers and communities and pipe this water to Melbourne, because there are better alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens.

By Mr HODGETT (Kilsyth) (40 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminates against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and call on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

By Mr DELAHUNTY (Lowan) (511 signatures).

Rail: Traralgon line

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the intention of the Brumby government to terminate some of the existing Traralgon V/Line services at Flinders Street station.

The petitioners therefore request that the Legislative Assembly of Victoria retain all current Traralgon V/Line services to Southern Cross station.

By Mr NORTHE (Morwell) (857 signatures).

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 — Options Paper* published by the Scrutiny of Acts and Regulations Committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice the current exceptions provide for us in the exercise of our faith and

values. Therefore we request that all three religious exemptions in the Equal Opportunity Act 1995 — sections 75, 76 and 77 — be kept without change. Our request is based on the following:

religious freedom is meaningless if Christians are forced to act against their deeply held beliefs;

churches must be free to hire workers who uphold their beliefs and practices;

Christian schools, whether run by a church or by a group of parents, have the right to hire staff and other workers who share the religious beliefs which the school was established to promote;

people who oppose the beliefs or practice of a church, church camp, church welfare body or school have no right to demand employment there.

If the charter of rights and responsibilities is used to take away the rights of religious believers, then it will have failed to protect human rights in Victoria.

By Ms MORAND (Mount Waverley)
(32 signatures).

Mount Eccles National Park: management

To the Legislative Assembly of Victoria:

The petition of residents of south-west Victoria draws to the attention of the house the lack of a ranger's daily presence at the visitor and camping facilities of Mount Eccles National Park near Macarthur.

The petitioners therefore request that the Legislative Assembly of Victoria immediately ensures a ranger is present daily at the Mount Eccles visitor and camping facilities and to oversee the 10 000-hectare park. Since the loss of a dedicated ranger, there has been a noticeable reduction in the care of facilities and a lack of maintenance of tracks and camp sites.

By Dr NAPTHINE (South-West Coast)
(442 signatures).

Tabled.

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

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

Ordered that petition presented by honourable member for Kilsyth be considered next day on motion of Dr SYKES (Benalla).

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Regulation review 2008

Mr JASPER (Murray Valley) presented report, together with appendices.

Tabled.

Ordered to be printed.

**EDUCATION AND TRAINING
COMMITTEE**

**Geographical differences in the rate in which
Victorian students participate in higher
education**

Mr HOWARD (Ballarat East) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 8

Mr CARLI (Brunswick) presented *Alert Digest* No. 8 of 2009 on:

Courts Legislation Amendment (Sunset Provisions) Bill
Energy Legislation Amendment Bill
Human Tissue Amendment Bill
Primary Industries Legislation Further Amendment Bill
Residential Tenancies Amendment (Housing Standards) Bill
Superannuation Legislation Amendment Bill
Tobacco Amendment (Protection of Children) Bill

together with appendices.

Tabled.

Ordered to be printed.

DRUGS AND CRIME PREVENTION COMMITTEE

Strategies to prevent high-volume offending and recidivism by young people

Mrs MADDIGAN (Essendon) presented report,
together with appendices and transcripts of
evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Orders under s 17D
granting leases over:

Geelong Telegraph Station Reserve

Kardinia Park Reserve

Old Springfield Cheese Factory Reserve

Sandringham Beach Park Reserve (two orders)

Yarra Park

Essential Services Commission — Review of Victorian Ports
Regulation

Land Acquisition and Compensation Act 1986 — Certificate
under s 7

Planning and Environment Act 1987 — Notices of approval
of amendments to the following Planning Schemes:

Benalla — C4 Part 1

Boroondara — C95

Brimbank — C112 Part 1

Campaspe — C68

Cardinia — C105 Part 2, C119

Central Goldfields — C16

East Gippsland — C64, C73, C74

Glen Eira — C63

Glenelg — C41

Golden Plains — C44, C47

Greater Dandenong — C107

Greater Geelong — C145, C172, C174, C180, C181

Horsham — C45

Indigo — C38

Kingston — C80

Latrobe — C42, C61

Manningham — C82

Melton — C89, C93

Mildura — C54

Moira — C44, C52

Moonee Valley — C81

Nillumbik — C48

Northern Grampians — C30

Pyrenees — C24

South Gippsland — C47

Stonnington — C58

Warrnambool — C53

Wellington — C61

Whittlesea — C41 Part 3, C112

Wodonga — C49

Wyndham — C118 Part 1

Yarra — C125

*Project Development and Construction Management Act
1994* — Nomination order under s 6, application order under
s 8 and a statement under s 9 of reasons for making a
nomination order (three documents)

Road Management Act 2004 — Order under Schedule 5A
(*Gazette S242, 14 July 2009*)

Statutory Rules under the following Acts:

Accident Towing Services Act 2007 — SR 80

Building Act 1993 — SRs 79, 82

Chattel Securities Act 1987 — SR 75

*Crimes (Mental Impairment and Unfitness to be Tried)
Act 1997* — SR 69

Disability Act 2006 — SR 76

Environment Protection Act 1970 — SR 77

Fundraising Act 1988 — SR 72

Magistrates' Court Act 1989 — SR 83

National Parks Act 1975 — SR 81

Road Safety Act 1986 — SRs 73, 74

Supreme Court Act 1986 — SR 70

Trade Measurement (Administration) Act 1995 — SR 71

Trade Measurement Act 1995 — SR 71

Transport Act 1983 — SR 84

Zoological Parks and Gardens Act 1995 — SR 78

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 70, 73, 74, 75, 78, 79, 81, 83

Ministers' exemption certificates in relation to Statutory Rules 68, 71, 72, 76, 80

Ministers' infringements offence consultation certificate in relation to Statutory Rules 72, 80.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

Crimes Amendment (Identity Crime) Act 2009 — Whole Act except Parts 3 and 4 — 16 July 2009 (*Gazette G29, 16 July 2009*)

Energy Legislation Amendment (Australian Energy Market Operator) Act 2009 — Whole Act — 1 July 2009 (*Gazette S222, 30 June 2009*)

Fair Work (Commonwealth Powers) Act 2009 — Schedule — 23 June 2009 (*Gazette S196, 23 June 2009*); Remaining provisions other than Part 3 — 1 July 2009 (*Gazette S227, 1 July 2009*); Part 3 — 2 July 2009 (*Gazette S230, 2 July 2009*)

Public Administration Amendment Act 2009 — Part 2 — 8 July 2009 (*Gazette S233, 7 July 2009*).

ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

ROYAL ASSENT

Messages read advising royal assent to:

30 June

Appropriation (2009/2010) Bill (*Presented to the Governor by the Speaker*)

Appropriation (Parliament 2009/2010) Bill (*Presented to the Governor by the Speaker*)

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill
Occupational Health and Safety Amendment (Employee Protection) Bill
Primary Industries Legislation Amendment Bill
Primary Industries Legislation Further Amendment Bill
State Taxation Acts Amendment Bill
Superannuation Legislation Amendment Bill

7 July

Duties Amendment Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Courts Legislation Amendment (Sunset Provisions) Bill
Tobacco Amendment (Protection of Children) Bill.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 30 July 2009:

Children Legislation Amendment Bill
Courts Legislation Amendment (Sunset Provisions) Bill
Human Tissue Amendment Bill
Tobacco Amendment (Protection of Children) Bill.

In moving this motion today we have identified four pieces of legislation that the government proposes be dealt with by virtue of the business program. The four bills are interesting in their own right. They are all different and important, and they will engender a great deal of debate from both sides of the chamber.

However, they will not be the only things we will be doing this week, which is why the government has proposed a list of only four items under the government business program. We will also be dealing with the statement of government intentions, which has been on the notice paper for some time. There has not been a great deal of debate on the statement. On numerous occasions representatives of the opposition have asked for items to be placed back on the business program for

the week, and we intend to do that in this parliamentary week. In addition the member for Lowan has made specific reference to it on many occasions. He wanted the opportunity to speak on it, and we are giving him that opportunity this week. I hope to hear from him, unless he has already spoken, in which case I regret that I have not remembered that.

There are two other matters. Members will have noted from the notices of motion I outlined to the house a few moments ago that there will be two motions in relation to the Dispute Resolution Committee — and I expect there will be some interest in that debate. There is also, as members have just heard, a message from the Legislative Council in relation to amendments that were moved and passed by that house on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill which has come back to the Legislative Assembly for endorsement.

In that context there are four pieces of formal legislation on the government business program, and in addition there are other interesting and time-consuming matters that will need to be dealt with during the course of this week. I commend this motion to the house.

Mr McINTOSH (Kew) — The opposition will oppose the government business program, but not because of the length of time the four bills will take and the concern that it may exhaust the opportunity for everybody to contribute to the debate on the four bills: rather our complaint lies with the failure of the government to adequately provide a proper briefing on the Courts Legislation Amendment (Sunset Provisions) Bill.

In his second-reading speech the Attorney-General referred to two evaluation reports that were provided to the government on removing the sunset provisions in relation to the Family Violence Court intervention project, and also the sunset provisions relating to the Neighbourhood Justice Centre. Both of those reports are referred to in the second-reading speech.

At the briefing the opposition was understandably keen to get the details of those evaluation reports, and subsequent to the briefing we requested in writing those evaluation reports or details of them. The government has not been forthcoming either at the briefing or in terms of providing a formal response to the opposition's attempt to obtain some details about those reports.

The opposition takes the view that this rather presumptuous behaviour by the government and the Attorney-General's officers who briefed the opposition

in relation to the bills completely hamstrings the ability of the Parliament and the people of Victoria to properly assess the extension of the sunset clauses, which is the import of the Courts Legislation Amendment (Sunset Provisions) Bill. The second-reading speech did not provide any detail of those evaluation reports, and the details have not been made available to the opposition; therefore, debate on that bill is extremely premature. The government is arrogantly going about its business and not caring about informing the community about why the sunset clauses are being extended. Without some justification that the community has been made aware of, it should not be put in a position where it is asked to accept a piece of legislation without the detail being provided.

I also understand that there has been a considerable amount of community disquiet in relation to the extension of the Family Violence Court intervention project. Details of that will be made clear during the debate, but the opposition's view is that it is premature to debate the Courts Legislation Amendment (Sunset Provisions) Bill without proper detail on those evaluation reports. The detail has not been provided, notwithstanding the fact that the evaluation reports are referred to in the second-reading speech. It seems the opposition and the community at large are supposed to accept as a given the government saying, 'We are doing this. Trust us'.

Something is clearly wrong with a government that is so arrogantly dismissing the views of the opposition and indeed those of members of the community, particularly in relation to the Family Violence Court intervention project. Accordingly the opposition will be opposing the government business program.

Mr LUPTON (Prahran) — I rise in support of the government business program and the motion moved by the Leader of the House. The legislation before the chamber in this parliamentary sitting week is significant legislation which will go to ensuring the health and welfare of the people of Victoria in a range of ways. Although the Tobacco Amendment (Protection of Children) Bill, the Human Tissue Amendment Bill, the Courts Legislation Amendment (Sunset Provisions) Bill and the Children Legislation Amendment Bill deal with diverse topics, there is an interesting symmetry — all of them ultimately connect in issues of health, welfare and safety. Of course the government business program ought not necessarily and does not operate on any theme in a given sitting week, but it is interesting that on this occasion the bills listed for debate fall into those categories.

The Tobacco Amendment (Protection of Children) Bill will deal with people smoking in cars in which minors are passengers. The Human Tissue Amendment Bill will introduce improvements to the blood donation system. The Courts Legislation Amendment (Sunset Provisions) Bill, which has been referred to by the opposition, goes to the continuation of what the government believes are very important programs in our courts: it will remove sunset provisions and enable certain programs to continue. The Children Legislation Amendment Bill goes to the safety and welfare of young people in our state.

The Leader of the House has already commented that there are some other matters outside the guillotine which are of importance to members of the chamber, particularly in relation to dispute resolution and the parliamentary processes around that. We look forward to the opportunity for that debate. All in all, the amount of legislation before the chamber this week and the content of it commend themselves to the house, and I support the motion moved by the Leader of the House.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to say that we also will be opposing this government business program. The reasons for doing so have been very well outlined by the member for Kew. Here is a government that promoted — that put up in bright lights — the notion that it was going to be open and transparent, yet we cannot get all the information in regard to the very important Courts Legislation Amendment (Sunset Provisions) Bill. The evaluation reports are very important information for which the opposition has asked and to which it has not been given access. When we debate these bills we should have all the relevant information in front of us so we can have a proper and fulsome debate in relation to these very important matters. As I said, the member for Kew has outlined the reasons for opposition to the government program. The Nationals share that view, which is why we will be opposing the program.

I turn to the other bills that are within the guillotine. The Tobacco Amendment (Protection of Children) Bill has finally hit the Parliament — after the government was shamed into it by the Deputy Leader of The Nationals in the other house, Damian Drum, putting forward his own private members bill. That really brought to the fore the fact that we are not doing enough work in this area.

I do not think this bill should be called a protection of children bill; the title should have more reference to adults, because, as members will see as the debate goes on, that is more relevant. It is good to see that the bill has finally hit the Parliament, and we will do all we can

to protect the health and wellbeing of our younger people, particularly in relation to tobacco control. This is another step forward in tobacco control. I have been a proud member of the board of VicHealth for many years, so I know that a lot of work has been done in the area of tobacco control.

The Human Tissue Amendment Bill deals with one matter — that is, it provides that young people are able to make blood donations without parental consent. That debate will be interesting. Some members of The Nationals are keen to have input into that debate and into the debate on the Children Legislation Amendment Bill.

The Leader of the House highlighted that we are finally getting back to the debate on the annual statement of government intentions. It is almost the end of the seventh month of the year, and we are finally getting back to that debate.

Ms Beattie — We were busy.

Mr DELAHUNTY — Busy? I do not know where you have been busy. The reality is that the statement should have been debated earlier and all members should have had the opportunity to speak on it.

Mr Lupton interjected.

Mr DELAHUNTY — The member for Prahran says we are never satisfied. It would be good for the member for Prahran and other members of the Labor Party to listen to the contributions made by members of the other parties in this house. They might learn something, including how to run this state better. Victoria is a great state, and this government has the opportunity to learn from opposition members about how the state could be run better.

It is also interesting to see on the notice paper two bills which originated in the Legislative Council. It was this government that changed the structure of the Parliament. The Labor Party — —

The SPEAKER — Order! The member is straying from the question at hand.

Mr DELAHUNTY — Thank you, Speaker. These bills are coming back from the upper house because of changes made by the opposition parties. During the last Parliament no bills came back, so it is good to see that the upper house is operating as it should.

We oppose the government business program for the reasons outlined by the member for Kew. Item 8 on the notice paper is consideration of the Legislative

Council's amendments to the Water Amendment (Critical Water Infrastructure Projects) Bill, which is a 2006 bill. That is not a typographical error; that is when the bill came back to this house — and it is still sitting on the notice paper. For those reasons, and for the reasons mentioned by other members of this house, The Nationals will be opposing this motion on the government business program.

Ms MUNT (Mordialloc) — I rise to speak in support of the motion on the government business program moved by the Leader of the House. As other speakers have noted, there are four very important pieces of legislation to be dealt with this week, and I believe they should be dealt with without delay.

It is interesting that the opposition always finds a reason to delay the government business program and the business of the house. The Tobacco Amendment (Protection of Children) Bill, the Human Tissue Amendment Bill and the Children Legislation Amendment Bill are vital pieces of legislation that should be dealt with as quickly as possible by this Parliament. Given that the staff of the parliamentary library, who provide an excellent service for members of Parliament, have put together a briefing paper on the Tobacco Amendment (Protection of Children) Bill for members to use this week — I have had a quick look at the paper; it is truly an excellent piece of work, and I thank the library staff for it — it is appropriate that we deal with this legislation as quickly as possible. We also need to consider that the Children Legislation Amendment Bill will further protect children in our community.

As it happens, yesterday I spoke with Mr Todd Harper, the head of VicHealth, on matters concerning the protection and enhancement of community health and safety. This legislation will be a very important —

The SPEAKER — Order! I ask the member to come back to the question at hand, which is the government business program and not a discussion of the bills in detail.

Ms MUNT — Thank you for that direction, Speaker. I do not support The Nationals and the Liberals, who want to oppose and hold up these important pieces of legislation. The bills should be dealt with as quickly as possible. I support the motion on the government business program.

Mr CLARK (Box Hill) — I oppose the motion on the government business program, particularly in relation to the inclusion of the Courts Legislation Amendment (Sunset Provisions) Bill. The

Attorney-General has sought to erect a wall of silence around what he is proposing and to deny both the Parliament and the community information that they need to make an informed assessment of this legislation. This bill asks the house to remove or extend two sunset provisions — one relating to the Family Violence Court intervention project, which will otherwise sunset on 1 October, and the other relating to the Neighbourhood Justice Centre, which will otherwise sunset on 31 December. A full evaluation study was supposed to have been completed and made available for each of these pilot projects, but no such study has been completed or made public for either of them.

The obstructiveness of the Attorney-General in relation to this legislation began with the briefing given on the bill. Even by the standards of the Attorney-General it was an appalling briefing. Government representatives could not or would not even tell the member for Doncaster and me anything about the Family Violence Court intervention project itself. They could not or would not give us any further information about the progress of the two evaluation studies that are under way. The ministerial adviser continually intervened to silence the public servants present and prevent them from answering our questions. Eventually some matters on which we were seeking further information were taken on notice. Late yesterday the member for Doncaster was sent an email from the minister's office which gave some extraordinarily limited answers in relation to our question about what the Family Violence Court intervention project is achieving. We were told nothing about the evaluation project and were simply given some summary details about the project itself.

There are two aspects to this. Firstly, the obstructiveness of the Attorney-General, which has reached new heights in relation to this bill, is counterproductive to the effective working of the Parliament and therefore to the Parliament's ability to legislate for the benefit of the community. Even by the standards of others within the government, the Attorney-General reaches appallingly low levels. I contrast his conduct with the conduct of the Minister for Industrial Relations.

When the Minister for Industrial Relations wanted legislation which was to refer powers to the commonwealth expedited by this Parliament, he provided the opposition with constructive and cooperative briefings and responses to the issues that we raised and that facilitated the expeditious passage of that legislation. Similarly we have just given leave for the introduction of the judicial resolution conference legislation to this house, and I thank the Leader of the

House for facilitating a constructive briefing, on this occasion from officials from the Department of Justice.

Cooperative and professional operation in respect of legislation can be achieved when good sense is exercised by government ministers, but in general that has been lacking in the actions of the Attorney-General, particularly on this bill. There is a further issue in relation to this bill — that is, that without the evaluation studies, which all along were intended to have been completed and made public before the end of the pilot period, it is impossible for people in the community or for the Parliament to assess whether or not we should agree to the extension or removal of the sunset provisions. This is not just an academic issue in relation to the Family Violence Court intervention project. A number of community groups have expressed serious reservations about the proposal.

This item should be taken off the legislative program, and whatever information is now available about the incomplete evaluation study should be made available to the public. The item could then be put on the legislative program for the next sitting week, when an informed decision could be made by this Parliament. Interested members of the public and people in the community — particularly those people who are concerned about family violence issues — would be able to study whatever information the government was able to make public and therefore have their considered input into the legislative process. To try to steamroll this bill through the house in the current week's legislative program is to treat both this Parliament and the community with contempt.

House divided on motion:

Ayes, 49

Allan, Ms	Kairouz, Ms
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Neville, Ms
Duncan, Ms	Noonan, Mr
Eren, Mr	Pallas, Mr
Foley, Mr	Perera, Mr
Graley, Ms	Pike, Ms
Green, Ms	Richardson, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Scott, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thomson, Ms

Howard, Mr
Hudson, Mr
Hulls, Mr

Treize, Mr
Wynne, Mr

Noes, 32

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr

Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

MEMBERS STATEMENTS

Wild dogs: control

Mr TILLEY (Benambra) — The Brumby Labor government continues to wipe its hands of north-east farmers and fails to support its very own minister charged with the responsibility of allowing our primary producers to be their very best.

Recently Mr Allan Evans, a Colac Colac farmer, destroyed 28 pregnant merino ewes and wethers which had been mauled in an attack by a wild dog that could fit a whole sheep's head in its mouth. On 15 July the minister kindly gave me of his time to speak with him directly on the issue of wild dog attacks before he travelled to the Corryong area. Farmers were incensed when the minister visited and did not meet with them, despite being less than 200 metres from the site of this dreadful attack. A departmental officer stated that the minister had not been taken to the site as it was feared the minister would find it 'unsavoury'. Departmental minders must not stage-manage, sanitise and hide from the minister this very real threat of attacks on livestock by wild dogs.

In some cases farmers have reduced their sheep numbers by up to or more than 50 per cent — not because of drought or challenging economic times but because of stock losses attributed to wild dog attacks. That is unacceptable and unsustainable, but the minister still refuses to introduce aerial baiting. Decisions are being made based on the results of trials being described as 'inconclusive'. Miscalculated dosages of poison in baits and baits spread too lightly to be

effective do not lead to accurate, reliable results that can be used to argue for or against any initiative. There is something wrong in Victoria when hardworking farmers are not being supported by this government.

Seniors: Chelsea information and communications technology project

Mr BATCHELOR (Minister for Community Development) — The internet is increasingly able to connect people and reduce social isolation. That is why the Brumby Labor government is extending the reach of its community development work to include both real and virtual communities.

Last week I visited the Longbeach Place neighbourhood house in Chelsea with the Speaker to launch the Chelsea seniors information communications technology (ICT) project. The project is part of the Chelsea community renewal initiative, which was recently extended by three years with \$630 000 committed in the last budget.

The program has identified that there is a higher proportion of people who are over 55 years of age in Chelsea than in most other Victorian communities. Many seniors across Victoria have embraced the internet, but there is still a disproportionately large number who have not. Seniors often have the most to gain from the internet, such as the ability to be connected to other family members, to do online shopping and pay bills without leaving home or perhaps even to join a social network.

The Chelsea seniors ITC program will get more Chelsea seniors online, and at the launch the government announced a \$120 000 grant to help this happen. These funds will be used to purchase and install computers, to provide training, to provide broadband connection and to provide assistance to seniors to make sure that they become and remain a part of a connected community.

Edward ‘Ted’ Kenna and Art Shoppee

Mr DELAHUNTY (Lowan) — It is with great sadness that I acknowledge on behalf of the Lowan electorate the passing of two special men — Ted Kenna, VC, and Art Shoppee.

Edward ‘Ted’ Kenna was Australia’s last living World War II recipient of the Victoria Cross for action in New Guinea. Ted and his wife, Marjorie, who had nursed him, had four children — Robert, Alan, Annette and Marlene. He was a very proud grandfather and

great-grandfather. Ted Kenna will be remembered for his humility and his courage.

I also pay tribute to Art Shoppee, whose association with the Wimmera began with the Dimboola Hotel and the Lowan Star drycleaners. For Art there were not enough hours in the week, so he coined the Artisms ‘That’s what God made weekends for’ and ‘Just take big steps and more of them’.

Art had three children — Theresa, Kim and Paul. He was heavily involved in the Nhill community, St Patrick’s School and the church. He was a projectionist at the Nhill theatre, a volunteer ambulance driver and a member of the Apex Club and the Wine and Food Society. Art also raised ducks in his back shed, and from these humble beginnings grew the enterprise that was to become Luv-a-Duck. As the duck sales grew, so did Art’s determination. He was never one to do things by half measure. He quickly learnt that ducks need good food and good conditions to grow. Selling them profitably and getting paid was the hard part.

For 25 years until his death Dawn was Art’s partner and confidante. It was their love of jazz and duck that led to Art’s support and sponsorship of the very successful annual Nhill Duck and Jazz Festival, now in its ninth year.

On behalf of the people of Lowan I offer condolences to the families of these two great men.

Juvenile Diabetes Research Foundation

Mr LANGUILLER (Derrimut) — I wish to commend the Juvenile Diabetes Research Foundation for organising the Kids in the House event held today in the Assembly. I commend the passion, courage and commitment of Dr Susan Alberti, Mike Wilson and Corrie Keller. I also wish to commend Joseph, Marlee, Peter and Erin, who courageously shared their stories about life with type 1 diabetes. I joined them in telling my story about my son’s experience with type 1 diabetes. Their firsthand accounts have enlightened the parliamentarians present about the devastating impact and challenges of living with type 1 diabetes. We were all privileged to access their personal experiences.

Diabetes has been receiving more attention as a public health priority, which is a good thing. However, there are some misconceptions about diabetes that can be damaging. In Australia 95 per cent of all young people under the age of 18 with diabetes have type 1 diabetes, with the remainder suffering from type 2 diabetes. The common misconception that diabetes is caused by junk

food and lifestyle factors and can be treated with diet and exercise is therefore, of course, incorrect. In our efforts to develop strategies to prevent the disease and find a cure we do not want to muddy the waters with misinformation and false hope.

Overall, outcomes for children and adults in Victoria with type 1 diabetes have improved significantly over the last 15 years. The challenge we face is to maintain the positive momentum in improving services and making them more accessible.

Dogs: control

Dr NAPHTHINE (South-West Coast) — The member for Benambra raised the important issue of wild dogs destroying livestock, and I support his call for action on this important issue, but I wish to raise concerns of farmers in my area who are losing valuable stock due to attacks by domestic dogs.

Recently a Portland farmer lost over 30 lambs, which as prime stock would have been worth over \$3000. Personally I am aware that many other farmers who have stock near towns or near rural lifestyle blocks have suffered similar and even larger losses. Currently farmers can only take action if they catch the dogs actually harassing their sheep.

I call on the government to enact new laws that allow police and shire rangers to collect DNA samples from blood and saliva left by dogs on dead and injured livestock and then empower them to take DNA samples from suspect dogs so that action can be taken to identify these livestock killers. Therefore the legislation should also enable action to be taken when these killers are identified to allow for compensation to be paid to the owner of the livestock and for appropriate action to be taken against those dogs.

Attacks on livestock by domestic dogs are a growing problem. Our laws need to be updated to combat this problem, which is costing farmers thousands of dollars every lambing season. I would hope that strengthening these laws would also send a strong message of responsible pet ownership to everybody with dogs, especially those who live near farming communities.

Edward ‘Ted’ Kenna

Mr LANGDON (Ivanhoe) — Today I rise to pay tribute to Edward ‘Ted’ Kenna, VC. Ted Kenna, whilst serving with the 2/4th Battalion, showed his magnificent bravery, with the result that he was awarded the Victoria Cross on 15 May 1945. Some weeks after the incident he was severely wounded in the face and was eventually admitted to Heidelberg

Repatriation Hospital, which is now part of Austin Health. He was only 25 years of age. When admitted he was close to death. However, he survived and turned 90 years of age on 6 July 2009, just two days prior to his death.

Ted met his beloved wife, Marjorie, at the repatriation hospital. She was a nurse who helped his recovery during his long plight. A plaque has been dedicated to his battalion in the remembrance garden at the hospital. It was personally unveiled by Ted on 3 November 2000.

When word came through to the hospital that Ted had been awarded the Victoria Cross, the then commanding officer, Colonel Thomas, called Kenna to his office. It is interesting to note that the granddaughter of Colonel Thomas is now the director of physiotherapy at Austin Health and will soon be in charge of the Kokoda gymnasium which is being constructed there. In the Kokoda gymnasium will be the Edward Kenna Room and also the Bruce Kingsbury Room and the Peter Badcoe pool — all part of the project for the redevelopment of the repatriation hospital.

Employment: government performance

Mr WELLS (Scoresby) — This statement condemns the Brumby Labor government for its poor economic management and negligence in continuing to do nothing about jobs in this state. The latest Access Economics business outlook report released last week confirms a continuing gloomy outlook for Victorian jobs. Despite a welcome upgrade for the Australian economy as a whole, the report stated that ‘Victoria’s current performance is weak, and its short-term outlook is similarly weak’ — far from the rosy picture the Premier has been painting of late. The report predicts that Victoria will continue as the second worst performing economy in Australia after the basket case state of New South Wales. To make matters worse the report also revealed that the gap between the two states is narrowing ‘as the sharp shake-out in manufacturing hits home hard’ in Victoria. Victorians will be shocked to learn that Victoria is destined to have the second lowest economic growth rate of any state to 2012–13, which does not bode well for jobs. The report is a damning indictment of John Brumby’s economic management, and it paints a particularly gloomy picture for jobs in Victoria.

Reinforcing recent Australian Bureau of Statistics jobs data for June, which showed that Victoria’s unemployment rate has now hit 6 per cent — up from 4.3 per cent in August last year — and that almost 170 000 Victorians are now unemployed, Access

Economics forecasts that Victoria will continue to have the second highest unemployment rate in the nation and that 63 000 Victorians will become unemployed this year.

Frederick Tyrrell

Ms BEATTIE (Yuroke) — I rise today to pay tribute to Frederick Gordon Tyrrell, also known as Fred, who died on 3 July aged 94. Fred was an amazing man who continually served his country and his community throughout his distinguished life. Fred was one of the last World War II veterans in Craigieburn, having served as a radiographer in the Australian Army Medical Corps, including in Darwin, New Guinea and New Britain.

Fred started volunteering for the Craigieburn unit of the State Emergency Service (SES) at the age of 79. In 2008, aged 93, Fred received his national service medal for 15 years service to the Craigieburn unit. Fred recently drove the idea to have the Anzac Day ceremony in Craigieburn re-established and played the key role of reading the famous Anzac Day ode in both the 2008 and 2009 services. The 2008 service was the first in Craigieburn for over 20 years. It was warmly supported and was attended by over 200 residents. This year's service — the second since the Craigieburn war memorial was relocated — attracted over 500 residents. I am sure each year this Anzac Day service will grow and that it will be a lasting tribute to Fred and his determination to have a service held in Craigieburn.

Fred was fittingly farewelled by a sea of orange SES uniforms at his funeral on Wednesday, 8 July. My condolences go to Fred's family. He was dearly loved, and he will be sadly missed. Vale Fred Tyrrell.

Street violence: government response

Mr R. SMITH (Warrandyte) — On 12 July, the same day as the Premier's Walk for Harmony, I attended the victims of crime rally on the steps of Parliament. My coalition colleagues and I noticed several Labor MPs, who had come into town to participate in the harmony walk, walking past those who were sharing their personal stories and speaking about the lack of justice they had received from this government. This government's lack of commitment to or compassion for these victims was evident in the fact that not one of those MPs stopped for even a moment to listen to the heartfelt stories. The Premier's harmony walk was far more important to them — an event which I doubt has prevented one bashing or stabbing since it was staged.

The latest tragedy is the case of Luke Adams, who was bashed unconscious in a fast-food store. The Premier's response was typical. He conceded that violent crime is on the rise — in contradiction of his previous propaganda that the opposite is true — but has now told us that it is not the government's place to do anything about it. Providing public safety is a fundamental government responsibility. That this government is prepared to absolve itself of that responsibility proves it is not fit to govern.

I ask: does the state of Victoria actually have a police minister anymore? Victorians have seen no sign of him and heard no comment from him in relation to this violence. What does this man do to justify his ministerial salary? I support the principles of the Premier's harmony walk but not as a substitute for acting to stop this violence. Journalist John Hamilton summed up my feelings best in the *Herald Sun* on 16 June:

I'm angry with a weak, limp-wristed state government that wastes money on photo opportunity stunts ... instead of pouring money into getting enough police on our streets to restore order.

Victorians have had enough of violence, and it is a disgrace that in response this Premier chooses to wave the white flag of surrender.

City of Kingston: councillor

Ms MUNT (Mordialloc) — As members of this house are aware, petitions to the Victorian Parliament are an important way for members of our local communities to communicate with Parliament and to have their say about a range of matters. As the member for Mordialloc I have collected and tabled many petitions on behalf of the local community across a diverse range of topics. Very often these petitions lead to action from ministers to address the concerns of local residents. I was therefore concerned and surprised to read in the *Mordialloc Chelsea Leader* last week a letter to the editor from Cr Paul Peulich in which he claimed to have tabled a petition in this Parliament addressed to the Legislative Council.

My understanding is that under the standing orders and other rules and regulations that operate in this Parliament, only members of the Victorian Parliament may table petitions. My checks with the papers officers of the Assembly and Council confirmed that no such petition had been tabled. As petitions contain personal information and are signed by local residents in the expectation that they will be taken seriously and treated appropriately, perhaps Cr Peulich really meant that he was collecting the petition to put on the kitchen table at

home for his mum, a member for South Eastern Metropolitan Region, to table in the Legislative Council. If that is the case, then he should come clean and say so. He should treat local residents with respect and tell them the truth.

Police: Latrobe Valley

Mr NORTHE (Morwell) — The Latrobe Valley community is extremely angry at a decision that will see police resources reduced in our region. It is my understanding that a total of five police officers who are currently stationed at Traralgon, Morwell and Moe police stations will be lost from the Latrobe Valley. It is a bemusing decision and a kick in the guts for our local police officers who do a remarkable job in difficult circumstances. It is even more bemusing when you analyse the following data. Victoria Police 2007–08 crime statistics show that 10 777 offences per 100 000 population were recorded in the city of Latrobe compared to the state average of 7185 offences. Further, an assessment of police rosters in November 2008 showed that Morwell police station was 19 officers short of a total capacity of 65 due to vacancies and long-term absences for reasons such as WorkCover claims and long service leave. Due to the same factors, Traralgon police station fared little better, being nine police officers short of its capacity of 43 officers.

It is a contradiction in terms for the Brumby government to profess on the one hand that it is intent on reducing crime while on the other hand it is taking away valuable police resources from regional areas such as the Latrobe Valley. With an ever-expanding Morwell court complex, continuing occurrences of criminal and antisocial behaviour within the Traralgon entertainment precinct and a growing population in Traralgon, you can only wonder at why police resources will be reduced in Latrobe Valley. The Latrobe Valley community deserves better, as do our hardworking and dedicated police officers.

Essendon Gem and Lapidary Club: 40th anniversary

Mrs MADDIGAN (Essendon) — On Sunday I had the pleasure of attending at the Essendon football ground the 40th birthday of the Essendon Gem and Lapidary Club, which has had 40 years of great success and has a very large membership — one of the strongest clubs in the state. The *Essendon Gazette* of May 1969 reported that the Lapidary Supplies Shop at 145 Lincoln Road was opened by Ralph and Doreen Smith, members of the Richmond division of the Gemmological Association of Australia and the

International Rolling Rock Club of Texas. The shop, which was incorporated into their well-known Toyland Store, carried a full stock of gem-making machines, rough stones and reference books.

The club had occupied a number of houses until 1987, when it was finally located in a building on the Cross Keys Reserve, where it still operates today. Ralph Smith, who was mentioned in that 1969 press release, is still a very active member of the club. The lapidary club has a great deal to thank him for, and a special presentation was made to him at the weekend for the great support he showed to the club over those 40 years. I would like to congratulate the committee of the club and all those members who have been involved over the years, and especially those who organised the celebration last Sunday.

Channel 31: digital network access

Mrs VICTORIA (Bayswater) — The federal government is continuing to prevent Channel 31 from broadcasting in digital mode, leaving Melbourne's only community TV station with an uncertain future. Since January 2009, the channel's monthly audience figures have dropped, which in turn affects its ability to attract marketing sponsors, who provide 80 to 90 per cent of the station's revenue. Without those sponsors, Melbourne and Geelong's community television station will not survive. This is a seriously unfortunate situation, which also impacts upon the residents of Knox and Maroondah, as Channel 31 provides many local programs such as *Eastern Newsbeat*. This program presents all the top news and issues that affect the eastern suburbs and is an important community service. It is time for Channel 31 to be given a fair go and the opportunity to broadcast in digital mode.

Jenna Donsky

Mrs VICTORIA — Through the Victorian parliamentary internship program I recently had an intern named Jenna Donsky working with me. Jenna is an intelligent and diligent young woman. Her report on youth services in the Knox and Maroondah local government areas was of the highest quality. This was recognised more broadly when she won the presiding officers award — a great honour. I would like to take this opportunity to congratulate Jenna and give her my warmest thanks.

War Widows and Widowed Mothers Association: Ringwood branch

Mrs VICTORIA — My sincerest congratulations go to Brenda Crawshaw and all involved with the

Ringwood branch of the War Widows and Widowed Mothers Association. Recently they celebrated 50 years of its being an important support network for those who lost husbands or children as a result of fighting for our great nation. Well done!

Cranbourne East P-12 College: construction

Mr PERERA (Cranbourne) — It was a great pleasure recently to join the Minister for Education and partake in the official sod-turning ceremony for the construction of Cranbourne East P-12 College, right next to the children's centre announced by the Minister for Children and Early Childhood Development only a couple of weeks ago. Cranbourne East P-12 College will be located in the rapidly developing residential area of the Hunt Club estate in Cranbourne East and will be open in time for the 2011 school year, duly supporting the Cranbourne East community. This education initiative also complements the construction of the Cranbourne North Primary School, which will be completed in January 2010.

Cranbourne Secondary College: upgrade

Mr PERERA — It was also a great pleasure to join the Minister for Education recently at the official sod-turning ceremony for the \$7.2 million Cranbourne Secondary College modernisation works.

I take this opportunity to congratulate the school principal, Yvonne Watts, the assistant principal, John Jovic, and the college school council, which is headed by president Angela Henley, all of whom have worked hand in hand with me to secure funding for this wonderful project.

The Brumby Labor government is investing in better educational outcomes, not only for the electorate of Cranbourne but for Victoria as a whole. With these new educational facilities Cranbourne will soon become one of the education precincts in the south-east — —

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member's time has expired.

Seville Primary School: mural

Mrs FYFFE (Evelyn) — I was delighted to be asked to dedicate Seville Primary School's mural to the community. I congratulate the principal, Pat Hillas, the parent involvement group and Seville primary students for the work and enthusiasm they have put into creating the mural. Special congratulations go to parents Sue McMurdie and Maree Edleston for their artistic and organisational skills, which contributed greatly to the creation of this terrific piece of work. Having students

work together on the mural reinforced the school's commitment to learning, respect, safety, doing their best and having fun and friendship.

Seville Primary School plays an important role in the Seville community. The mural is and should be a source of pride to all involved and will be cherished by future generations.

Shire of Yarra Ranges: public transport

Mrs FYFFE — Clearly the people of Yarra Ranges live on the wrong side of the tracks for this government. We had 773 train cancellations in 2008; the most in the state. Our nearest rival for this dubious honour was Sandringham with 704 cancellations. The recent timetable expansion by the government, which commenced on 20 July, failed to add any extra train services to the Lilydale line. Trains running on the Lilydale line to the city during peak hour are full by the time they reach Box Hill, and trains for the return trip are full after exiting the city loop at peak hour, so it is essential that our services be increased to six per hour, which is the same as the increases to the Williamstown, Pakenham and Frankston lines.

Police: shire of Yarra Ranges

Mrs FYFFE — According to the Police Association, the Yarra Ranges shire needs an extra 26 police officers to keep the community safe. But what has happened? Two have been taken from Belgrave and one from Mooroolbark. We need more resources for people to be safe.

Beaconhills College: facilities

Ms GRALEY (Narre Warren South) — It was a pleasure to attend Beaconhills College village campus for the official opening of its stage 7 human movement and food technology centres on Friday, 29 May 2009.

Beaconhills College is a first-rate school with high standards and a commitment to excellence. The program for the opening featured inspiring music; beautiful singing by the choir and some talented instrumental performances. Each presentation was introduced by well-presented and well-spoken students who were confident in themselves and proud of their school community. You always get a smile and a firm handshake when you are welcomed at Beaconhills. The students are not only getting a good education but a great start in life.

The school is enthusiastically led by the headmaster, Mr Tony Sheumack, and head of campus, Ms Jenny Williams. They have a dedicated group of teachers

working hard to ensure that each child achieves their personal best, and you would not find a more dedicated chair of a school board than Dr Lois Maghanoy. Her service to the school has been exemplary and she has much to be proud of.

Unexpectedly I had the real honour of officially opening the new buildings and facilities: a great big gym and a *MasterChef*-like kitchen. Congratulations to the school for its financial management and fundraising and of course to the parents and friends of the school who have generously assisted. I strongly believe that a good education is the best help that anyone can give to a young person, and it is inspiring to see so much investment happening in education in Victoria

My message to the student body was to enjoy these new physical surroundings, but the great gift of a Beaconhills education is the lessons learnt about a commitment to service and doing your best not just for yourself but for others, especially the disadvantaged. The Christian tradition of Beaconhills College provides a strong foundation for this work

To conclude the celebrations the school prayer was introduced by school captains Michael Truter and Ashleigh Bruder. Part of the prayer reads:

So illumine our hearts and minds with truth and love
That our lives may shine with understanding and honesty
And with respect — —

The ACTING SPEAKER (Mr Ingram) — Order!
The honourable member's time has expired.

River red gum forests: ecological thinning

Mr WELLER (Rodney) — I wish to bring to the attention of the house the state government's tardiness in developing an ecological thinning program in the proposed new river red gum national parks as part of an active forest health program.

At a meeting held on 19 March this year, the Minister for Environment and Climate Change assured timber workers that he would investigate a program of ecological thinning as a means of assisting to actively manage the health of the proposed river red gum national parks and to help ease the blow for timber cutters banned from harvesting in the forest from 30 June this year.

The minister agreed it was important that timber workers be actively engaged in the design of the program, so a working party consisting of two timber industry representatives and Department of

Sustainability and Environment staff was established to consider the scheme.

Timber industry workers are concerned that more than four months have passed since that meeting and still no plans have emerged to indicate what an ecological thinning scheme would look like, what the volume of timber would be and what grades of timber would be available to timber cutters. Timber industry representatives on the working party are frustrated at the government's apathy on this issue and the lack of urgency in developing an ecological thinning program. Such a program would provide desperately needed employment opportunities for people in the timber harvesting industry who have been under enormous financial and emotional pressure since they were locked out of the forests on 30 June this year.

Emmaus College: *The Wiz*

Ms MARSHALL (Forest Hill) — It was with great pleasure that I was invited to attend the final performance of Emmaus College's musical production, *The Wiz*, on Saturday, 25 July, at the Whitehorse Civic Centre. The energy, the costumes, the choreography and of course the voices all contributed to an amazing evening. From the opening scene with Dorothy and Toto right through to the clicking of her magic slippers at the end to return home it did not disappoint.

It was a magical show, a modern interpretation full of colour and upbeat characters. I watched in awe the depth of talent the young cast displayed. Director Jane Wilson and the entire cast and crew should be extremely proud of their efforts.

It was pleasing to see that a number of community stakeholders, including the Whitehorse City Council, combined to make this production a reality. Congratulations to everyone who performed on the night or worked behind the scenes. It was a job well done.

Jarryd Stevenson

Ms MARSHALL — On another matter, I am pleased to bring to the attention of the house the efforts of one particular Forest Hill resident whose drive and dedication to achieving academic excellence was formally acknowledged during the Premier's Victorian certificate of education (VCE) awards ceremony at the Melbourne Convention Centre last week.

Jarryd Stevenson, who attended Vermont Secondary College, received an award in recognition of his academic results in the VCE subject of industry and enterprise. His results ranked him as one of the top five

students in the state for this subject area. On behalf of the Forest Hill community, I extend my congratulations to Jarryd, who achieved such fantastic results while attending one of the many great schools in Forest Hill.

Planning: Mount Eliza land

Mr MORRIS (Mornington) — Yet again I raise in this house the gross inadequacy and total ineffectiveness of the government's green wedge planning controls. Melbourne's original green wedges go back to the mid-1960s. The then Minister for Local Government, Rupert Hamer, initiated a shift in planning priorities away from a monolithic metropolis to a decentralised city with protected green belts and satellite communities. Sensitive areas of the hinterland, including the Mornington Peninsula and the Yarra Valley, were well protected by the resulting planning controls for decades afterwards.

Then in 2002 the government introduced Melbourne 2030, appropriating the green wedge name but expanding the area tenfold without proper consideration and in the process severely weakening controls on already protected areas. The Mount Eliza–Mornington green break subsequently suffered a number of assaults on its integrity. Applications were approved that could not have been considered even under the earlier controls. The latest is an application for a caravan park at 1308 Nepean Highway, Mount Eliza, with 101 sites and 5 three-unit buildings plus associated facilities. This is not a holiday park. It is clear from the application that this development is planned to provide low-cost housing. It is an application for residential development in an area in which it is not permitted. It can only be considered because of the flawed controls introduced by this government. The minister must call in and reject this totally inappropriate application.

Country Fire Authority: Yellingbo and Hillcrest brigades

Ms LOBATO (Gembrook) — I have had much pleasure spending time with the Country Fire Authority Yellingbo brigade over the last two weekends. I attended two magnificent events, the first of which was a fundraiser organised for and by Yellingbo and Hillcrest brigades and held at Launch Fresh Fruit and Vegetables at Launching Place. I was delighted to attend and assist on one of the stalls, a badge-making stall for children. Feedback suggests that I performed this task quite well, and I am proud of the new skill I now possess. Local residents along the Warburton Highway came out in support of Yellingbo and Hillcrest fire brigades and thanked them for their massive efforts all year round but especially during

February. I am advised that this fundraiser proved very successful.

Last Sunday I attended the Yellingbo station after accepting an invitation to unveil a painting by Kalorama resident Chris Clark. During the February fires Chris saw a photo in the *Age* of a Yellingbo firefighter surrounded by fire and painted the photo. This very significant painting was presented to the Yellingbo brigade and will now hang proudly in the station. A smaller replica painting was also produced by Chris for a future fundraiser for the brigade. I was honoured to have spent time with five past captains along with the current captain, Paul Spinks. I was inspired when I met the brigade's first captain, Ian, who began the brigade in 1954. On behalf of the Gembrook electorate I express my heartfelt gratitude —

The ACTING SPEAKER (Mr Ingram) — Order! The time for making members statements has expired.

TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL

Second reading

Debate resumed from 25 June; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — I rise to speak in the debate on the Tobacco Amendment (Protection of Children) Bill 2009. The opposition does not oppose this piece of legislation. We support very strongly the principles underlying it; however, there are some elements we will be watching in terms of its implementation.

The aim of reducing the level of smoking in the Victorian community is one that has been shared by all political parties, health professionals and organisations promoting healthy living and health programs for more than two decades. Generations of Australians, like people all over the world, have smoked tobacco without knowing of its disastrous effect on the human body and on their health. We can all probably recall our own family members enjoying a quiet after-dinner cigarette, cigar or pipe. I remember my grandfather smoking until the age of 88 before passing away. He did not die from lung cancer, but he regulated very carefully the number of cigarettes he had per day and always did his push-ups.

My father finished up with emphysema. During the war he went to New Guinea and like many soldiers smoked almost incessantly, I suppose as a result of that experience, then as a veteran suffered emphysema,

which affected his heart and so forth. I saw the very bad side of the effects of smoking.

Many of us remember smoking ourselves. I tried my first cigarette as a teenager doing a project on tobacco. Half went on the project, and I had a little puff of the other half, which nearly made me sick. Most people in my day tried cigarettes, particularly at the caff at Melbourne University. Such ignorance has cost millions of lives throughout the world and caused untold harm to many more people.

I want to refer now to the government's tobacco strategy, because it has some very helpful information about the challenges in relation to tobacco. Despite the fact that there has been considerable progress, page 5 of the strategy states:

... 700 000 Victorians regularly smoke, and every day, young people continue to take up the habit.

The paper goes on to talk about tobacco being the leading cause of avoidable disease and death. It states:

Tobacco kills one-third to one-half of all people who use it, on average, 15 years prematurely. Every year smoking causes 4000 unnecessarily early deaths. In comparison, just over 300 deaths are caused by accidents on our roads each year, and approximately 900 deaths are due to alcohol and other drugs.

The paper goes on to say:

Smoking also causes the most significant proportion of avoidable chronic illness and hospitalisation from conditions such as cancer, cardiovascular disease and chronic obstructive pulmonary disease ... Tobacco use causes 90 per cent of all lung cancer, three-quarters of chronic bronchitis and emphysema and one-quarter of all ischaemic heart disease ...

I happen to be married to a cardiac surgeon, and in our discussions on this topic he gets very angry about the effects of smoking and the fact that people continue to do it. It is something that people get addicted to, and it is very hard to stop. It remains a major blight on the health of not only the people of our state but of the people of our nation and the world.

Tobacco is also a leading cause of social inequality in health, as is stated in the paper. It says:

Smoking rates remain high in particular social groups, some of which are among the most disadvantaged and vulnerable communities in Victoria. As a result, smoking causes health inequalities and compounds disadvantage by reducing available income.

This paper goes on to talk about the high proportion of people in Aboriginal communities who smoke. As an adviser to the then federal opposition in that area in the early 1990s, I observed in Aboriginal communities that

a huge proportion of Aboriginal people smoked, and the consequent effect on their health was enormous. We need to be very aware of the fact that Aboriginal people do not live as long as other Australians. The paper states:

In particular, targeting smoking cessation services to disadvantaged groups represents one of the best opportunities to reduce social inequalities in health in Victoria in the short to medium term.

I was also interested to see in the strategy paper that 1 in 10 pregnant women smoke prior to the birth of their child. This is an issue of very deep concern. It is interesting to see women who are expecting children going to the gym and doing all the right things, but 1 in 10 will smoke cigarettes. The strategy paper says:

Smoking during pregnancy is one of the most significant, avoidable threats to the health of both mother and child during and after pregnancy.

Smoking cuts approximately seven years from a woman's life expectancy. Smoking increases the risk of infertility, ectopic pregnancy and many other conditions.

Babies born to women who smoke during pregnancy have a significantly greater chance of premature birth, low birth weight, stillbirth and sudden death. There are also long-term effects on the health of the child ...

These are the things that this strategy document has reported and which I think are significant.

The parliamentary library has also prepared a paper which I am told is hot off the press, so I have not had a big opportunity to look at it. However, I thought it was interesting to look at tobacco as a global public health issue, and I would like to quote a couple of parts of this paper. We are acutely aware of smoking here in Victoria and Australia, but I quote from page 6 of the library's document, which looks at the issue globally:

According to the World Health Organisation (WHO) tobacco has claimed 100 million lives over the course of the 20th century. Today, it claims an estimated 5.4 million lives per year through heart disease, lung cancer and other related illnesses. WHO has declared the use of tobacco to be a global health epidemic, which would not exist 'without the industry's marketing and promotion of its deadly products'.

... WHO has estimated that, if left unchecked, the number of deaths from tobacco use could rise to 8 million per year by 2030.

That is a very scary prospect.

In reference to young people smoking — and I think that is an area which we are all very deeply concerned about — I quote from page 7 of this document:

It is widely acknowledged in medical literature that the majority of smokers take up the habit before the age of 18.

According to WHO and other researchers, young people represent potential 'replacement smokers' who can supplant those who quit or die; they are indispensable to the tobacco industry's future profitability ...

What have Victorian governments done to reduce the level of smoking to avoid illness and resulting deaths? The Victorian Tobacco Act, which was passed in 1987, and the subsequent legislative reforms passed by successive governments, along with VicHealth and Quit campaigns et cetera, have limited the public places where people can smoke and expose others to second-hand smoke and have encouraged large numbers of older Victorians in particular to give up smoking.

I also refer to health warnings on cigarettes. I am not sure whether they are a real deterrent, but at least they are there so that every time someone picks up that pack they see that health warning.

In 21 years adult smoking prevalence in Victoria has reduced from 34 per cent to 17 per cent, which means it has been halved. There has been a 50 per cent reduction. Over the last 10 years there has been a reduction of 4.3 per cent. Sadly, as the figures I have quoted show, smoking still is a leading and very avoidable cause of many diseases — cancers, respiratory diseases and cardiovascular diseases.

The process for the current legislation before the house to place further restriction on tobacco usage started last year with a public consultation process. Stakeholders made a large number of submissions, and I had representations made to my office, mostly by companies worried about the effects of the changes and the new restrictions. I listened to what they had to say, but I must say that I very strongly support the principles of this legislation. The government has a very worthy aim to reduce the level of smoking in the community even further, and particularly to reduce smoking levels amongst young people, pregnant women and other people at risk or in disadvantaged groups.

I now turn to the bill itself. The overall intention of this piece of legislation will be to place further restrictions on the display and sale of tobacco products and the consumption of tobacco products under specific circumstances, and to ban the sale of non-tobacco products that resemble or imitate tobacco products. I think that is talking about the flavour.

Specifically, the purpose of the bill is to implement the Victorian Tobacco Control Strategy 2008–2013 by introducing the following measures. Firstly, it creates a new offence prohibiting the display of tobacco advertising, including tobacco product display in retail

outlets, with exemptions for specialist tobacconists and on-airport duty-free shops. The issue was raised about who was going to pay for the cover-up and so forth. The explanation given to me was that something as simple as a curtain will do the trick. I hope it does not become an expensive thing for small business, and I will refer to some of the concerns expressed in relation to that later.

Secondly, the bill makes it an offence for a person to smoke in a motor vehicle where another person under the age of 18 is present. Of course there is a history to this particular amendment, which I will refer to in a little while. This is something that has been taken up by most other states. I think Western Australia is the only other state where this is not in the legislation.

Thirdly, there is a new offence prohibiting the sale of tobacco from temporary outlets. This includes a temporary display stand, a booth, a tent or other temporary or mobile structure. It is intended particularly to stop the sale of cigarettes at festivals, fairs and the like.

Fourthly, there is a new power for the Minister for Health to ban the sale, in certain circumstances, of tobacco products and packaging which may appeal to young people, such as products which possess a distinctive fruity, sweet or confectionery flavour; non-tobacco products that resemble tobacco products; and any other product the advertising of which might encourage young people to smoke. I have not personally seen these products. The only thing I do recall, from when I was a very little child, is those sweets that looked like cigarettes. I do not know whether they would be banned. They certainly gave little children the idea that they were something that you put in your mouth and you pretended to smoke, so perhaps it would be reasonable to ban them. But I personally have not seen cigarettes that have a sweet flavour.

Further amendments will implement a review of penalties and enforcement provisions, including new body corporate provisions and extended provisions to the power of the secretary to require disclosures by tobacco companies and wholesalers of information relating to tobacco retailing businesses. The expression 'body corporate' refers to businesses.

As I have intimated in my introductory comments, smoking continues to remain the major cause of numerous cancers and other illnesses. According to figures released by Quit Victoria, the total cost of tobacco use in Australia in 2004–05 was \$31.5 billion, which is an extraordinary amount of money.

An article in the *Herald Sun* contains figures which show that regional Victoria has the highest rate of smoking deaths. As I have mentioned previously, it states that some 4000 Victorian lives are lost every year through smoking, but intimates that regional Victoria has the highest rate of smoking.

Quit notes that smokers face significantly increased risk of death, and I have said that, but Quit really focuses on the effect on individuals, including reduced fertility in men and women, blindness and other health problems. A lot of these illnesses are avoidable if we can educate people or talk them into stopping smoking.

Smoking also has a consequence for non-smokers who are affected by secondary smoking situations. This legislation goes to the heart of secondary smoke in motor vehicles, particularly as it affects children. According to the federal government HealthInsite website, the risk of heart attack or death from coronary heart disease was 24 per cent higher in non-smokers living with a smoker. That was a statistic I was not aware of and one that people who smoke around their families should really take into account.

The Cancer Council Australia states that passive smoking can lead to conditions such as adult onset of asthma, chronic obstructive pulmonary disease, nasal sinus cancer, heart disease et cetera. Among children and infants passive smoking has been linked to sudden infant death syndrome, lower birth weights, brain cancers and lymphomas.

I am sure the house recalls that Damian Drum, a member for Northern Victoria Region in the upper house, introduced a private members bill into Parliament. Many of the concerns and amendments in that piece of legislation are now reflected in this piece of legislation. In particular Damian Drum wanted to introduce the notion of banning smoking in cars where there are children, or people under the age of 18. I think the government recognised that this was a worthy amendment to the legislation and took it up, and the coalition is pleased that this has now come before the house.

As I have said, many of the concerns raised in the private members bill are addressed in this bill. Some that are not include the prohibition on selling, possessing and using tobacco products in public places by people under 18 years. There is no law against a person under 18 years of age selling or smoking cigarettes, which is something that is a bit of a contradiction but has not been addressed at this point in time. Maybe it is something that will be considered in the future, but it would have to be considered extremely

carefully. One of the other amendments proposed in the private members bill required that a person under the age of 18 must not represent themselves as being over the age of 18, I suppose for the purpose of not being detected. There was also a requirement that a person under the age of 18 complete an approved anti-tobacco education course as part of an infringement requirement. That may well be something that can be looked at in the future and be taken into consideration.

The consultative process that the government undertook resulted in some issues being raised by relevant stakeholders, and some of the meetings that we had with DHS (Department of Human Services) raised a couple of issues. One of them was, as I have just mentioned, the fact that someone under the age of 18 can smoke in public. I have said that is an issue that needs to be taken into account.

Another issue is that the use of a tobacco product by a person under the age of 18 in the presence of an individual over the age of 18 in a motor vehicle is not an offence. If a 16-year-old lights up in the company of an 18-year-old, that is not an offence; but if the 18-year-old lights a cigarette in a car with a 16-year-old, that is an offence. That raises an issue that we need to think about. I am not proposing that we move an amendment to change any of that; however, it is something we need to consider.

The current bill also aims to further limit the exposure of young people to smoking and strategies, whether direct or indirect, to encourage smoking. It should be noted that sections 15F and 15J of the Tobacco Act prohibit anyone from smoking at an under-age music/dance event. That is anyone of any age at these events. Some people have claimed that only people aged under 18 years are not allowed to smoke at those events, but no-one is allowed to smoke at those events.

In relation to the provisions of the legislation, part 1 establishes the aims and provides for a staggered commencement of the bill. Part 1 of the bill is to be introduced on 1 January 2010, and part 2 of the bill will be introduced on 1 January 2011. Part 2 limits the existing controls on tobacco advertising to specialist tobacconists and on-airport duty-free shops — that is, they are currently exempt from a point-of-sale advertising prohibition. It prohibits tobacco advertising, which includes point-of-sale displays, in all other forms of retail outlets that sell tobacco products. This prohibition is to include tobacco sales from vending machines.

Part 3 provides for amended penalty and enforcement procedures. Examples include section 5G(3), which

relates to the display of no-smoking signs at a retail shopping centre. In that case the penalties have been increased from 5 penalty units for a natural person and from 10 penalty units for a body corporate. Members can go through the sections to see the exact increase in penalties, but I will just pick a couple. Permitting a person under the age of 18 to obtain tobacco products from a vending machine will now incur a penalty of 60 penalty units for a natural person and 300 penalty units for a body corporate, which is a new part of this legislation. Permitting the sale of tobacco products from a temporary outlet will also incur a penalty of 60 penalty units for a natural person and 300 penalty units for a body corporate.

Part 3 also places a ban on smoking in motor vehicles, as I have indicated, for anyone under the age of 18, and prohibits the sale of tobacco products from temporary or mobile points of sale. It prohibits the sale of products from a point of sale in a retail outlet established in an area for the duration of specific sports, music or art-related events. This does not relate to permanently established retail outlets which may operate where such events occur. The minister may also ban tobacco products, as I have already discussed, if they possess distinctive fruity characteristics.

Part 3 also provides for the certification of current and future retail outlets as specialist tobacconists. That is a particular area because specialist tobacconists and on-airport duty-free stores are exempt. Just to clarify, for a retail outlet to be certified as a specialist tobacconist, the secretary of DHS must be satisfied that the gross turnover of tobacco products at the premises is projected to constitute a minimum of 80 per cent of projected gross turnover of all products to be sold at the premises in the 12 months following the commencement of trade. If a tobacco retailing outlet is in operation at the time of application, the gross turnover of tobacco products at that premises must constitute 80 per cent of gross turnover of all products sold at the premises in the 12 months preceding the application. Those particular amendments affect current specialist tobacconists and those applying to start up a business. Part 4 provides for the automatic repeal of the bill on 1 January 2012.

I refer now to some of the responses. It was interesting to note that the Master Grocers Association did not believe that the bill would have any effect on its members. Philip Morris had some grave concerns in relation to the burden of implementation falling on small business, particularly regarding point-of-sale issues and about not being able to advertise at point of sale.

The Australasian Association of Convenience Stores (AACS) noted that overall the legislation was unfair to its members. It said its members were concerned they would bear a greater financial burden compared to other retail businesses. It had numerous concerns. It said it believed that convenience stores traded on the premise of fast and efficient service and that anything which disrupted that would lead to a loss of sales with customers migrating to other retail stores. I suppose it believes that people will move to supermarkets. It believes that display bans have not worked in some other countries. It does not believe they have worked in Canada, but Quit is of the view that such controls have worked, and I tend to support that view. The AACS businesses were concerned that their businesses rely very heavily on the sale of cigarettes, with some 30 per cent of their sales coming from tobacco products. They believe it could have a bad effect on their businesses.

I was interested in the letter from Quit because I thought it would have totally embraced the legislation. Although Quit supports the legislation it believes it has some loopholes. It believes these loopholes may unintentionally undermine the intention of the legislation — for example, Quit would like to see a water pipe defined as a tobacco product. It would like to see an end date by which specialist tobacconists must comply with the point-of-sale display bans. Quit would like to extend the proposed point-of-sale display bans to include on-airport duty-free shops. It would like the prohibition of all forms of tobacco sponsorship. While Quit supports the legislation, it wants these matters taken further and wants further amendments to the principal act.

I am pleased the government has introduced this legislation. I recognise that the coalition put forward a private members bill to ban smoking in cars where children are present, and I think that was a very worthy cause. With those few remarks I wish this bill a speedy passage.

Mr LANGUILLER (Derrimut) — It gives me great pleasure and satisfaction that we are today debating the Tobacco Amendment (Protection of Children) Bill 2009. I say at the outset that currently as the member for Derrimut and in the past as the member for Sunshine representing a working-class electorate in the western suburbs of Melbourne made up of Sunshine, St Albans and Albion, it is my strong belief based on empirical evidence and research and on anecdotal experience that there is far too much smoking of tobacco in my electorate. My clear, firm but respectful message to my constituents is that the smoking of tobacco kills. It is my observation that smoking causes

cancer, and that it also causes an enormous amount of poverty.

I am so glad that the government has introduced this bill, particularly the provisions that protect children. Helping to protect Victorians from the harmful effects of tobacco use is one of the Brumby government's top priorities. We know that the impact of tobacco use stretches far and wide across our community. It is responsible for almost 4000 deaths in Victoria each year and costs the Victorian community over \$5 billion annually in health-care and social costs. I absolutely believe that governments have a responsibility to introduce legislation to provide programs and to invest in research for the purpose of helping those who unfortunately suffer from diseases caused by the use of tobacco. I also believe passionately in the notion that individuals and families have to take responsibility and have to do something to protect themselves. Parents particularly have the responsibility of protecting their children.

I am delighted that the government has introduced this legislation. I commend the document entitled *Victorian Tobacco Control Strategy 2008–2013* and encourage every member of the Parliament to ensure that they have a copy in their possession and in their office. The strategy is plain and simple; it makes sense and tells a great story. I believe every member of Parliament should use it as a tool for the purpose of talking with their constituents to make sure that more and more citizens understand the dangers associated with tobacco.

The strategy details the very proud track record of this government since it came to office in 1999 in relation to all the measures it has undertaken for the purpose of helping to reduce the use of tobacco. In June 2009 the Victorian government introduced legislation to amend the Tobacco Act 1987.

The bill before the house is part of the Victorian government's new tobacco control strategy 2008–13. The bill does a number of very important things, and I wish to quote what the Minister for Health said when he told the house on 25 June that despite major legislative reforms and policy initiatives over the last two decades:

... smoking remains the leading avoidable cause of many cancers, respiratory, cardiovascular and other diseases.

Unfortunately and tragically, for thousands of Victorians and Australians that is the case. While smoking rates have decreased across the general population, they remain disproportionately high in

particular communities. Therefore it is important that we understand what the main purposes of the bill are.

As stated in part 1, the purpose is to amend the legislation. It will prohibit the display of tobacco advertising in all retail outlets except for certified specialist tobacconists and on-airport duty-free shops. It will ban the sale of tobacco products in temporary outlets; ban smoking in cars in which a person under 18 years of age is present; provide the minister with the power to ban the sale of youth-oriented tobacco products and certain other products; create new offences relating to smoking and the sale of tobacco products; introduce new offences for body corporates; amend penalty and enforcement provisions and make other minor amendments. We are bringing the state into line with the changes being made in other jurisdictions, and we are proud of the fact that we are doing so and in fact that Australia — along with the United States and Canada — leads the world in these provisions.

Changes to the law regarding smoking in cars have been made in South Australia, Tasmania, New South Wales, Queensland and Western Australia, but I wish to refer to the United States because recently President Barack Obama signed the Family Smoking Prevention and Tobacco Control Act, which provides the United States Food and Drug Administration (USFDA) with the power to regulate marketing, production and distribution of tobacco products. In particular, this includes restriction on tobacco advertising and marketing to children and the banning of candy-flavoured cigarettes.

The legislation also enables the USFDA to prohibit the use of terms such as 'low-tar', 'light' and 'mild' on tobacco products. President Obama described the legislation as:

... a law that will reduce the number of American children who pick up a cigarette and become adult smokers.

It is wonderful to see the president of the united states of America — and may I say, with respect, the United States, of all places — leading the charge and joining forces with other jurisdictions to ensure that they do the best they can to ensure that fewer Americans die as a result of tobacco use.

I also wish to refer to Canada, because I was there last year. In May 2009 Bill C-32 was introduced into the Canadian Parliament. The legislation, known as the Cracking Down on Tobacco Marketing Aimed at Youth Act, aims to ban tobacco advertising in print media and to ban youth-friendly additives and flavour in cigarettes.

I had the pleasure of meeting one of the ministers who was, as I understand it, a driving force in introducing the legislation. She is the Minister of Healthy Living, with responsibility for seniors and for Healthy Child Manitoba. At a conference in Canada the minister was telling me how passionate she was, along with an increasing number of Canadians, about reducing the amount of smoking in their state.

This is good legislation. It is wonderful to see, and it must be placed on the record that the opposition is also supporting it because the message we wish to send from this Parliament is that tobacco use must be overcome, that it can be done and that there are programs that can help individuals who smoke. I commend the sincerity of the shadow minister, who related to the house how in her earlier life she did try one or two cigarettes, and I must say so did I and perhaps so did many of us, but I am glad we came to the understanding and awareness of how dangerous smoking is.

I am delighted that, particularly today, we are bringing about amendments and provisions which will ban smoking in cars. Members can perhaps detect my frustration on this point because it really annoys me to see children in cars where adults are smoking. The secondary effects of smoking are very dangerous, and I am sure that those parents will do their best to ensure that this does not continue to happen.

As we said at the outset, there are 4000 deaths from smoking in Victoria at a cost of \$5 billion annually. I commend the government, the minister and the Parliament because we have a fantastic strategy before us, the *Victorian Tobacco Control Strategy 2008–2013*, which must be used by every member as a working tool and as something to help people in their electorates overcome the use of tobacco. I commend the bill to the house.

Mr NORTHE (Morwell) — I am pleased to make a contribution to the Tobacco Amendment (Protection of Children) Bill, otherwise known as the Damian Drum bill. Its purpose is to amend the Tobacco Act 1987. It does a number of things, including banning the sale of tobacco products from temporary outlets and providing that retailers in on-airport duty-free shops or those that have been certified as specialist tobacconists under new part 2A of the act may display tobacco advertising.

As the previous speaker mentioned, the bill will ban smoking in cars in which a person under the age of 18 years is present, enable the minister to ban the sale of youth-oriented tobacco and certain other products, create new offences in relation to smoking and the sale

of tobacco products, amend the penalty and enforcement provisions, introduce new offences for body corporates and make other minor miscellaneous amendments to the principal act.

To give some history about the bill I point out that Damian Drum, one of the members for the Northern Victoria Region in the other place, introduced a private members bill in the Legislative Council in June 2008. Following much debate, in which there were some very good contributions from all sides, the bill was passed. However, it still sits on the notice paper in the Legislative Council, having been returned from this house.

The intent of that private members bill was to align legislation for the use of tobacco products with that of alcohol for minors. The reason Mr Drum introduced his private members bill and the reason we are debating this bill today is the increase in concern about minors taking up smoking and the long-term health implications that occur as a result of smoking.

Previous speakers have mentioned the health issues that follow smoking, which is a leading avoidable cause of serious illness such as cancer, heart disease and respiratory disease. According to statistics, the prevalence of smoking has reduced from 34 per cent in 1987 to somewhere in the vicinity of 16.5 per cent in 2008, and Quit Victoria has done a good job in reducing the incidence of smoking. However, the fact remains that there are still too many young people taking up this habit. When the figures show that 4000 lives are lost each year due to smoking it is an incredible situation and something we all need to tackle, without even touching on the fiscal cost of managing the ongoing health issues of those who smoke.

Prior to the member for Northern Victoria Region, Damian Drum, introducing his private members bill we visited some of the local schools in my electorate to discuss possibilities in developing the legislation. We visited Kurnai College in Churchill and Traralgon Secondary College, and we spoke to many of the younger people about their opinions on how legislation might improve and how we might reduce the incidence of young people taking up smoking.

It was really interesting to share the opinions and views of our younger people on whom, in reality, this legislation will impact. In my opinion there was a great divide between younger people: those who smoked did not agree with what was being proposed but those who did not smoke absolutely agreed wholeheartedly that we need to develop better legislation and, as a

consequence, better health outcomes for our younger people.

Much of what we have been debating here today is a result of information that is included in the *Victorian Tobacco Control Strategy 2008–2013*. Section 3.1 of that strategy talks about the banning of tobacco point-of-sale displays in retail outlets, which is dealt with in clauses 4, 5 and 6 of the bill. This is an important point: the marketing and advertising of tobacco — which is visible in these retail outlets — has an impact on our youth. If a product is in people's face, if it is confronting them, they are more inclined to purchase that product — my wife is a good example of that when she goes shopping! — and the same applies to our younger people. If they see a product marketed to them, there is a tendency for them to purchase it.

It is quite interesting to read the first part of section 3.1 of the strategy, which talks about the rationale of that strategy and says:

Despite bans on tobacco advertising, cigarettes remain more visible and more widely available than any other consumer product in Australia, including milk and bread.

I find that staggering. It is very sensible that we should deal with this aspect in the legislation.

The banning of sales of cigarettes from temporary outlets was also something that needed to be addressed; the member for Caulfield spoke about youth events such as the Big Day Out where temporary stands might offer tobacco products for sale. This legislation deals with that aspect, which is very sensible, providing our youth no opportunity to purchase tobacco products at those types of events.

I found section 3.3.5 of the tobacco control strategy document — the banning of smoking on school grounds — interesting. The document says that even though there are rules prohibiting smoking in government school buildings and outdoor enclosed spaces, smoking by adults on school grounds in unenclosed spaces is currently permitted. I am not sure if that issue has been addressed, but it certainly is not in this legislation. It is an interesting fact and needs to be addressed, if it has not already been. We do not want teachers sneaking around corners, having cigarettes and being caught out by students, because that does not set a great example.

Proposed clauses 15O to 15S deal with the banning of the sale of tobacco products to young people, and I think the amendment is a sensible one. Proposed clause 15O says the secretary may recommend to the minister that a ban ought to be made in respect of a specified

product or class of products — and this includes tobacco products that may have a distinctive fruity, sweet or confectionery-like character.

The AMA (Australian Medical Association) made some comments on this point, and I agree wholeheartedly with its points. The AMA noted that this insidious marketing ploy of trying to attract young people to take up smoking was something that should be prohibited, and the AMA is very much in support of the legislation. I hope all those little marketing ploys will be eradicated by this legislation.

An area of concern, which the member for Caulfield also raised in her contribution, is the fact that while it is illegal to sell tobacco to a minor, it is not illegal for a minor to smoke. Clause 19 inserts new division 1A, which creates a new offence of smoking in a motor vehicle when a person under the age of 18 years is present. You could have the anomaly where an 18-year-old and a 15-year-old were in a vehicle and it would not be illegal for the 15-year-old to smoke but it would be illegal for the 18-year-old to do so. That is something we have not addressed in this legislation and, as I said, it would be an anomaly. In the future we should consider how that anomaly should be addressed.

However, as the previous speaker said, the provision prohibiting adults from smoking in vehicles has widespread community support. There is nothing more disturbing than seeing an adult smoking in a vehicle that has children in it, and I am pleased to see that addressed through this legislation. Over the years those who smoke have become accustomed to not being able to smoke in confined spaces, whether it be the home, the workplace, in restaurants or other places, and the prohibition of smoking in motor vehicles is another step in the right direction. I am pleased it has been addressed in the bill.

In closing I thank Damian Drum, a member for Northern Victoria Region in the other place, for the work he has done in effectively coming up with some of the elements of this legislation.

Mr SCOTT (Preston) — It gives me great pleasure to rise in support of the Tobacco Amendment (Protection of Children) Bill 2009. I note that people have been discussing the history of tobacco regulation and the actions that have been taken in this and other parliaments for a very long time. As far as I am aware, the first such action was taken in 1604 when King James VI of Scotland, who was also James I of England, penned what he termed 'A counterblaste to tobacco' and then sought an edict which was titled

'Commissio pro tabacco' which sought to impose a duty.

It is worth noting that in 1604 the Sovereign of England and Scotland said that tobacco was:

A custome lothsome to the eye, hatefull to the Nose,
harmefull to the braine, dangerous to the Lungs ...

The notion that tobacco has ill effects is not a new one. That edict imposed a duty to make it more expensive to purchase tobacco in order to discourage smoking. The actions of governments are often reinventing the wheel.

I also note that in the commissio — I understand it was an edict from the Sovereign to the High Treasurer of England rather than an act of Parliament — the king stated that in the:

... takinge of Tabacco the Health of a great number of our
People is impayred, and theire Bodies weakened and made
unfit for Labor, the Estates of many mean Persons soe
decayed and consumed ...

The economic effects as well as the health effects were noted as early as 1604. Sadly it is taking a long time for people to act as quickly as they should on the issue of tobacco smoking.

I note there has been a discussion of the nature of the industry and its product. The nature of tobacco and the nature of the product is best summarised in a report prepared for Philip Morris by Arthur D. Little International on the effect of smoking on the public finances of the Czech Republic in 2000. I note that the report makes an argument which is stunning in its cynicism and its reprehensible nature — that is, that smoking would save money for the Czech Republic, in part because it would kill off elderly individuals earlier so the state would not have to pay pension costs and would save on housing the elderly. I kid people not! That is an actual analysis in the report. Upon the publication of this reprehensible and odious document Philip Morris soon attempted to disassociate itself from it, but I think it is a useful insight into the knowledge that the industry itself has of the effects of smoking.

The report goes on to discuss the sorts of diseases that have been outlined, including cancers, cardiovascular disease, respiratory disease and diseases amongst infants, including respiratory disease syndrome, short gestation and low birth weights, for example. I could go on. This is a very lengthy report and one that reflects clearly that the people involved in the industry — and if Philip Morris is not the world's largest tobacco company, it is certainly up there amongst them — understand full well the nature of their product and that this product will kill people, shorten lives or harm the

health of children. Of course children will be innocent victims, because many of them will suffer the effects of smoking by pregnant women.

The effect of second-hand smoke is also discussed in the report. This sort of impact is clear to the industry itself, so I am not minded to take too much account of the industry's objections to the bill, particularly as I note that the shadow minister has discussed Philip Morris's objections. I will let Philip Morris's report on the effect of smoking on the public finance balance of the Czech Republic speak for itself. I think all members would judge it to be a reprehensible organisation, the actions of which speak for themselves.

This bill builds on work that has been done across parties in the fight against tobacco smoking in Victoria since 1987 with the passing of the Tobacco Act. Since 1999 the current government has acted to protect public health in relation to tobacco through reforms targeting youth smoking, such as increasing penalties for selling cigarettes to minors, which was passed in November 2000; smoke-free dining and shopping centre laws and further restrictions on tobacco advertising and retail display in 2001; further restrictions on smoking on licensed premises and gaming and bingo venues and the casino in 2002; and bans on smoking in enclosed workplaces at under-age music and dance events and in covered areas at train station platforms, tram and bus shelters in March 2006. Bans were introduced on buzz marketing and on non-branded tobacco advertising, the ban on cigarette sales to minors was strengthened and smoking bans were introduced for enclosed licensed premises in 2007.

In addition, as other members have noted, the Victorian Tobacco Control Strategy was announced in 2008. Its aim is to reduce smoking among adults by 20 per cent, reduce smoking among pregnant women by 50 per cent and reduce smoking among Aboriginal and other groups in which there is a high prevalence of smoking by at least 20 per cent. I am heartened by the support across the chamber for antismoking actions and legislation.

In summary this bill seeks to ban the display of tobacco products in retail outlets other than specialist tobacconists and on-airport duty-free shops, to ban smoking in cars carrying persons under 18 years of age and to ban the sale of cigarettes from temporary outlets. It provides the minister with the power to ban youth-oriented tobacco and related products, and it amends penalties enforcement provisions and makes consequential housekeeping amendments.

This is an area I am sure many other members feel strongly about, particularly action to protect children from the effects of tobacco products. Any debate around tobacco deals with the limiting of people's rights, but it is not a limitation of a person's rights for them to be freed from second-hand smoke in a car. A child is incapable of making a choice about whether or not they are in a car in those circumstances. It is a reasonable limitation on people's rights to protect the health of children. As is noted in the report provided by staff in the parliamentary library, children are particularly vulnerable to second-hand smoke as it puts them at increased risk of severe asthma, sudden infant death syndrome, acute respiratory infections and slower lung development. As has been noted by others, the United States Surgeon General found that there is no risk-free level of exposure to second-hand smoke.

I commend that aspect of the bill, but other aspects of the bill also deserve to be commended. Another aspect of the debate is that nicotine is an addictive chemical substance. People do not necessarily exercise free will when dealing with addictive substances, particularly when they are marketed to children. Not only are adults not necessarily able to make rational decisions in their own interest when dealing with chemicals which are addictive in their nature but children are doubly so because they do not have the ability to make a judgement. Not only is there the health impact on children to consider, which is greater than on adults, there is also the moral question of whether children are able to make rational choices about their own welfare. Nicotine is a strongly addictive substance from which it is very difficult for people to shake free. There is a further issue that it is doubly difficult for children to break that addiction. I commend the aspects of the bill that deal particularly with the impact of smoking on children.

This is an excellent piece of legislation that builds on previous work this government and other governments have undertaken to limit the impact of tobacco in our society. Because of the inventive nature of people involved in this industry and their marketing, I suspect there will need to be future pieces of legislation to deal with yet undreamt of forms of advertising and marketing. Sadly I think the Parliament will have to deal with similar issues in the future. However, this is an excellent piece of legislation which I am very pleased to commend to the house. It builds on good work that has been done previously to limit the impact of smoking. If we can limit the impact of smoking further, we will save lives and build a healthier society.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Tobacco Amendment (Protection of

Children) Bill. I will start my contribution by quoting from an article published in the *St Petersburg Times*:

His head, bald from chemotherapy, lolls on a pillow. The bones of his cheeks and shoulders protrude under taut skin. His eyes are open, but he can no longer respond to his mother or his wife, Bobbie — who married him in a makeshift ceremony in this room three weeks ago after doctors said there was no hope. At the funeral service at nearby Blount, Curry and Roel Funeral Home, Bryan's casket was open and 50 friends and relatives could see the devastating effects of the cancer. Addiction is more powerful. As the graveside ritual ended, a handful of relatives backed away from the gathering, pulled out packs of cigarettes and lit up.

This was the story of an American, Bryan Lee Curtis. He died at the age of 33 after taking up smoking at 13. While I generally prefer to draw on local experiences, I thought this was very powerful and establishes the tone of why we are debating this bill today. We must do everything we can to prevent this happening to other young people. While antismoking messages have had some success, as the article says, addiction is more powerful, and this is where as legislators we need to become involved.

The purpose of this bill is to create a new offence prohibiting the display of tobacco advertising, including tobacco product displays in retail outlets, with an exemption for specialist tobacconists and on-airport duty-free shops. It also creates a new offence when a person smokes in a motor vehicle in which another person under the age of 18 years is present. As has been highlighted by other speakers, the bill will prevent anyone over the age of 18 years smoking in a vehicle in the presence of anyone under the age of 18 years, but it does not prevent someone under the age of 18 years from smoking in the car. While it is illegal to sell tobacco to a person aged under 18 years of age, as has been highlighted by previous speakers, it is not illegal for someone under the age of 18 years to smoke. I hope this matter will be addressed in the time between this bill leaving this house and arriving in the other place.

The bill creates a new offence prohibiting the sale of tobacco from temporary outlets. It creates a new power for the Minister for Health in certain circumstances to ban the sale of tobacco products and packaging that appeals to young people, non-tobacco products that resemble tobacco products and any other product the nature or advertising of which might encourage young people to smoke. It also implements a review of penalties and enforcement provisions including new body corporate provisions and extended provisions for the power of the secretary to require disclosure by tobacco companies and wholesalers of information relating to tobacco-retailing businesses.

The government first announced its plans to remove cigarettes and extend smoke-free areas to cars in December 2008 as part of a five-year plan to reduce smoking in the adult population by 20 per cent from 17.3 per cent to 13.8 per cent.

Almost 4000 Victorians lose their lives to tobacco every year; 18 000 people lose their lives Australia-wide. Smoking rates among adults in Australia and Victoria have declined over the past two or three decades. In 2008 the percentage of adult smokers aged 18-plus was 18 per cent for males and 15 per cent for females, which is almost half the rate in 1983. The most recent data from February 2009 shows that less than one in five Victorians is now a regular smoker.

Tobacco marketing has had a big influence on why people smoke. For years the industry has focused on glamorising smoking by advertising in movies, on television, on billboards and even in children's cartoons. Aside from the chemical dependency, many people smoke because of a psychological dependency, believing that it helps them relax and cope with difficult situations because it gives them confidence or something to do with fidgeting hands. A lot of young females smoke to stop themselves from eating. It is sad that the obsession with being slim and beautiful can affect their health in such a way.

The majority of teenagers smoke due to peer pressure. They may feel smoking makes them more mature in the eyes of others, or they may smoke as a form of rebellion, but most of all teens are more likely to pick up the habit if they are exposed to it in the home. If mum or dad has a pack of cigarettes lying around on the coffee table, the opportunity is there.

Quit Victoria has stated that getting cigarettes out of sight in shops helps dismantle the idea that cigarette smoking is normal behaviour and will reduce the rate of young people smoking. The organisation claims that over 90 per cent of Victorian smokers support a ban on smoking in cars with children, as has been mentioned before.

I will present some of the hard facts about smoking. Cigarette smoke contains over 4000 chemicals, of which nicotine is the most well known and most addictive. Tobacco contributes to the hardening of the arteries, which can interrupt blood flow, causing heart attack or stroke. It is also a primary cause of cancers, including lung cancer, oral cancer, uterine cancer, liver cancer, kidney cancer, bladder cancer, stomach cancer, cervical cancer and leukaemia. Another health problem associated with smoking is the onset of emphysema,

which is an overinflation of the air sacs in the lungs that makes breathing extremely difficult. It is irreversible and is one of the most common causes of smoking-related deaths. If you smoke for a lifetime, there is a 50 per cent chance that your death will be smoking related.

I turn to children and second-hand smoke. Children are especially vulnerable to other people's tobacco smoke. In households with smokers, the best way to protect children from second-hand smoke is by parents enforcing a total ban on smoking inside the home. Considering that we are dealing with people that have an addiction, it is difficult for parents to self-enforce this ban.

Cigarette smoke is more dangerous for young children than adults because they have smaller and more delicate lungs which are still developing. Children of parents who smoke are more likely to suffer from asthma and serious chest infections such as bronchitis, bronchiolitis and pneumonia. Exposure to second-hand smoke can cause middle-ear diseases, a common cause of hearing loss in children.

Smoking during pregnancy is one of the major risk factors for sudden infant death syndrome. Children of smokers are more likely to have symptoms such as cough, phlegm, wheezing and breathlessness. Children of smokers also have slower lung growth and a greater prevalence of asthma.

It is interesting to note that cigarettes are often the first product you see in a shop, with the best retail real estate dedicated to huge walls of cigarettes at the cash register. I am pleased to see that clause 27 of the bill places more responsibility on occupiers of premises where cigarettes are being sold from vending machines. I can remember that in the early 1990s a prominent Melbourne hotel — the Hilton — had a cigarette vending machine tucked away down a quiet hallway. In retrospect I realise it would have been amazingly easy for a young person under 18 to quickly load their money and withdraw a pack of cigarettes without anyone being the wiser. In order for this clause to be workable, I would suggest that it relies on occupiers placing vending machines in positions within the clear sight of staff so that they can monitor who is accessing the vending machines at any given time.

Clause 38 gives the minister the power to ban a class of tobacco products declared under section 3A of the Tobacco Products Regulation Act. Of course all this depends upon effective policing. A regulation or law is only effective if it is enforced.

Before I finish speaking on this bill, I express my concern that the government is not banning bongos. While the bill makes positive steps towards preventing our young people from taking up smoking, as a parent it maddens me that the Premier and the Minister for Roads and Ports, who were front and centre for the launch of the Transport Accident Commission's campaign to tackle drug driving recently, have not committed to banning the sale of bongos. Bongos are the tools of tobacco and cannabis smokers. Both tobacco and cannabis represent addictive substances that are seriously damaging to health, and yet the government has stopped short of banning bongos, which would symbolise an all-encompassing approach to help stop smoking in all its forms. Bongos can be purchased in four places in Lilydale, and every year 400 000 Victorians use cannabis. Alarming, 20 per cent of 16-year-olds and 17-year-olds have tried it. With the effects of long-term cannabis use including the possibility of lung cancer, psychotic disorders, memory deficit and dependence, it angers me and many others in our community that the government is not taking this opportunity to ban bongos.

In conclusion, in 1998 Applied Economics estimated that over 17 000 lives have been saved by tobacco-control measures. With tobacco costing the nation in excess of \$21 billion in 1998–99 in health care, business and other related costs, it makes sense to do what we can to reduce the uptake of smoking; however, I would like to see more done to improve enforcement.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Tobacco Amendment (Protection of Children) Bill before the house. In reflecting on this bill it is interesting to consider the changes in attitude to smoking that have taken place in my lifetime. There has been quite a dramatic change. Many members around the house, especially those as old as myself and older, would remember television advertising for cigarettes and how fashionable smoking was. We remember the Craven A ads; we remember the Marlboro ads with the man riding on horseback; and after that we moved on to Paul Hogan's 'Anyhow, have a Winfield' commercial and a broad range of other commercials that we enjoyed and felt warmly about.

In terms of smoking in the community, we accepted it as something that in some cases seemed quite trendy and fashionable, whether we took it up or not. I am pleased on reflection that while I smoked a small amount I never actually took up smoking and so have been saved from having to try to give it up, as my brothers have and as so many other people I know have.

We saw smoking as being quite acceptable in workplaces. As a former teacher I remember not so long ago being in my staffroom where it was accepted that teachers would be smoking at recess time and filling the air with smoke.

Mr Delahunty — At Kaniva.

Mr HOWARD — In Kaniva and then more recently at Wendouree. It was just something you accepted at the time. But on the other side of it, over our lifetimes we have had many sobering experiences where we have personally seen the effects that smoking has had on people we have known and people we have loved. In my 30s I watched my father-in-law die of lung cancer, and that was a very sobering and sad experience. I know of so many others — family members and friends — who have contracted lung cancer or suffered from emphysema and have either died or are suffering from those and many other ailments that are clearly related to their smoking of cigarettes earlier on in their lives.

We now recognise the damage that can be done by smoking. Some older people have been successful in giving up. It is a real challenge, I know, for some of those who are trying to give up and who have tried, but we still see some younger people in some other areas who have not got that message and who still see smoking as being a trendy peer group thing that they want to take up. We have also seen over recent years the issue of people who do not smoke still having to put up with people smoking around them in enclosed environments. In my nightclubbing days — they have pretty much ended now — you came home knowing that your clothes would stink for days afterwards, and you had to hang them outside to get the smell out of the house and other environments. You accepted that that was part of the process that took place. But more and more people have said, 'No, we don't want to put up with that', and many people advise friends who come to their house, 'No, you can't smoke inside'. We have seen that happening more and more, so the government of this state — and not just the present one but past governments, as well as the federal government — has recognised the great harm that has been done by smoking and has enacted a range of legislation over a period of time which has gradually seen the situation in regard to smoking turn around.

Under this state government we have pushed further along with legislation being brought forward on numerous occasions. In 2000, 2001, 2002, 2006, 2007 and again this year we brought forward further legislation which restricts a number of issues associated with smoking. In the past we have seen the progression

of legislation which has banned smoking in a number of enclosed situations. We saw it being banned from restaurants first of all and then gradually from a range of licensed premises. Now smoking indoors in any public place is effectively prohibited, so that is a great thing.

We have also seen changes take place progressively in advertising. We no longer have any of that advertising for cigarettes on television or in other forms of media. In fact we have the reverse kind of advertising, and sometimes you want to turn off the commercial television stations when ads warning us in very graphic detail of the effects of smoking come on. They are very graphic and very unpleasant to watch, but hopefully they are getting that message further out there amongst people who might be inclined to take up smoking or to continue smoking. Of course we have had the Quit program set up to help people stop smoking.

This particular piece of legislation, which I am pleased to support, goes further along the way to preventing smoking in cars where children under the age of 18 are present. You would have thought it would be an obvious thing that parents would not want to smoke with children in the enclosed environment of their cars, and many of course have stopped, but this legislation goes that extra step by saying, 'It is prohibited. If you do it, then you can be charged'.

We have also gone a step along the way of ensuring that we are preventing or dealing with that point-of-sale advertising that takes place and the displaying of cigarettes in so many venues. As the Acting Speaker said just a moment ago when speaking on the bill, as we go into so many of our stores, whether they be supermarkets or other stores, we see that the cigarettes are front of house. That is one of the last bastions we need to address — the presentation and the promotion of cigarettes as something you want to get and something you want to be as available as possible.

This legislation goes further in banning the display of tobacco products in retail outlets and helping to turn that situation around. This government has set significant targets in terms of its plans to reduce smoking. We want to see smoking reduced amongst adults by 20 per cent. We want to reduce smoking amongst pregnant woman — another group of people who can be greatly harmed if they smoke. We want to see that message get through, and we want to set targets to see the level of smoking among that group reduced by 50 per cent. We want to see smoking amongst Aboriginal communities and other groups in which it is prevalent reduced by 20 per cent.

There is a targeted program for people in the health industry to work with young people and educate them about the harms of smoking. That is continuing to happen in schools and in many other venues, but this legislation in particular I am pleased to see, as previous speakers have said and as I am sure many other speakers following me will say, takes the next step in recognising that the enclosed space of a car is a place where people can be harmed. If they are young people they cannot say 'Put out the cigarette' to their mum, their dad or whoever the adult might be. We also recognise that the advertising issue still needs to be further addressed.

I am certainly very pleased to support the bill before the house. I trust it will further reduce the level of smoking that takes place within this state. I wish it would happen in other parts of the world where that message is still yet to really get in, but obviously this government has the responsibility for the people of this state. We are trendsetters, and I trust the trend will gradually move around the world.

Mr DELAHUNTY (Lowan) — I rise proudly on behalf of the Lowan electorate and also as a member of VicHealth to speak on this very important bill, the Tobacco Amendment (Protection of Children) Bill 2009.

I will firstly say that I think this bill is a little bit inconsistent, because this legislation is more about dealing with adults than it is about the protection of children. Unfortunately I do not believe it has gone far enough, so therefore I am not opposed to the steps we are taking, because I think we should be doing everything we can to look after our communities and, importantly, the young ones on whom this bill is supposed to be focused.

I have often said that youth are our investment in the future. A lot of them do not make good decisions, but thankfully I did not get sucked into the tobacco craze when I was a young person. I will admit, though, that when I played with an under-16 football team I travelled from Hamilton to Ballarat on a school bus and did the wrong thing by buying a packet of cigarettes. I can still remember the brand name. They were called Country Life — and here I am now, a member of The Nationals! I only smoked a couple of them in the back of the bus while travelling home, and I am sure the teachers must have been aware of it. I thought the cigarettes were horrible, and I could not work out why people sucked on these things. Someone said to me they were the worst cigarettes ever made. I am glad I bought that brand as they put me off smoking for the rest of my life.

I have been heavily involved with sport most of my life, and I still take a vital interest in it. Through my sporting associations I know that country football was sponsored by tobacco companies — Peter Stuyvesant and others. I am glad the Victorian Health Promotion Foundation (VicHealth) came on board in 1987, and from then those country championship matches were often sponsored by VicHealth. At times, while fundraising for the footy club that I was involved with, we would have bingo competitions. A lot of the people who played bingo in those days also smoked. It was horrendous and unhealthy to be in those small, confined facilities with smokers calling bingo numbers. Therefore I am pleased to see the progress we are making through this legislation.

The shadow Minister for Health has spoken in detail about this legislation and my parliamentary colleague the member for Morwell has also spoken about details of this bill. I will quickly go over some of those details because the purpose of this bill is to place further restrictions on the display and sale of tobacco products. It also deals with the consumption of tobacco products under specific circumstances and seeks to ban the sale of certain other non-tobacco products.

The purposes of the bill include a new offence of prohibiting the display of tobacco advertising, including tobacco products displayed in retail outlets. There are some exemptions for specialist tobacconists and on-airport duty-free shops. I know that this is difficult for small business, but I think we have been moving towards this change for many years. Even though I have a concern about the impact on small business, the reality is we should realise that tobacco consumption is a thing of the past.

I have often said I do not have a problem with people smoking — as long as they do it in a 50-hectare paddock! Even that is getting unacceptable today. I look at people who smoke and often say, 'It is a dying habit'. I am glad that the number of smokers is decreasing.

The impact of smoking has major ramifications on a person's health and, as has been highlighted by members of Parliament today, it costs the Victorian community about \$5 billion each year. That is a huge economic cost, as it is for our hospitals. I have a brother-in-law who is a trauma surgeon in Canberra. He often says to me that it disappoints him greatly when he is trying to save peoples' lives, that when he opens them up he can see straight away, without having to look at their chart, whether they are a smoker. As he said, 'It is really difficult when you are trying to save

lives and they are smoking cigarettes; it is really the nail in their coffins'.

The bill has provisions for a new offence that prohibits a person from smoking in a vehicle when a person aged under 18 years is present. This is where we have missed the mark because according to my information, people up to 17 years of age can smoke in the car, but a person who is over 18 cannot do so. In other words, a person can be driving along with a 17-year-old who is smoking, with other people in the car, but that is not an offence. I think we will have some major problems in its implementation.

The other issue is how we are going to enforce this. I fully support non-smoking in cars. I can remember years ago working for the then Department of Agriculture and Rural Affairs, one would pick up a car to go somewhere and find that the previous driver had been a smoker. The ashtray would be full and the car would smell. It was very unhealthy and offensive. We have missed the mark a little with this bill in relation to smoking in cars.

The bill also amends the implementation review of the penalties and enforcement provisions. As highlighted by many other members, local government plays an important role here because the enforcement of this issue mainly rests with environmental health officers. I know my colleague the member for Shepparton, who is the shadow Minister for Local Government, will speak about that in detail. In relation to penalties and enforcement procedures, in the briefing I had I asked how many convictions we have had, but I could not get information about whether there have been a lot of convictions. The present law enables prosecutions, but I do not think it has been enforced as much as it could have been.

Smoking continues to be the major cause of numerous cancers and respiratory and cardiovascular diseases. We must do all we can to reduce that incidence. I am a board member of VicHealth, which was established with funding from government-collected tobacco taxes back in 1987, after the passing of legislation. It was mandated to promote health in Victoria.

In 1998 VicHealth moved to buy out tobacco company sponsorship of sport and the arts. That was when the Quit campaign, the Heart Health program and other health promotion programs were established to replace tobacco sponsorship. At that stage VicHealth also funded the first Victorian breast cancer screening program. And how far we have come in relation to that!

In 1989 tobacco billboard advertising was abolished. In 1990 a ban was placed on tobacco advertising in all print media in Victoria — and that would have caused some ramifications back in those days. It is also interesting that the Victorian Arts Council became the first completely smoke-free venue. I know that work has been done in this area at the Melbourne Cricket Ground and other facilities, and we will come to that a little bit later. In 1992 the federal government finally banned tobacco sponsorship; and from 1995, most remaining forms of advertising. In 1993 a partnership with the health industry was launched; in other words, health promotion in the workplace started to happen.

It was in 1994 that the World Health Organisation called on other countries to adopt the VicHealth model, so we can see that VicHealth played a leadership role in promoting health. Importantly it was responsible for taking away a lot of the tobacco advertising being done by tobacco companies.

A couple of years ago Damian Drum, a member for Northern Victoria Region in the other place, introduced a private members bill. It got through the upper house with the support of all parties. Unfortunately this government failed to address the bill and did not debate it in this chamber. It said it was bringing forward the Victorian Tobacco Control Strategy, but that did not start until 2008, some time after Damian Drum had put forward his private members bill. With all the resources of government it was not until after Damian Drum's work that the government's strategy came forward. It is a good document and a good strategy. The work done by Damian Drum shamed this government into moving forward on its tobacco control strategy. It was unfortunate that that is what it took to make the government address the issue. It is staggering that this bill was not implemented sooner.

Like many other members of this house, I was involved in taking Damian around to the various schools in my electorate, one of which was Baimbridge College in Hamilton. It was interesting to see that young people were tougher on making laws than we are. They virtually wanted to lock people up and throw them in jail for smoking. There is a lot of support for tobacco control, and like other members, I am not opposing this bill.

Ms D'AMBROSIO (Mill Park) — I am pleased to join the debate on the Tobacco Amendment (Protection of Children) Bill. In recent years we have moved forward in leaps and bounds with the curtailment of cigarette smoking in our community. This bill, with a clear focus on tackling the still too high rate of smoking amongst young people, is one significant component of

the government's Victorian Tobacco Control Strategy. By 2013 the strategy aims to reduce smoking among adults by 20 per cent, amongst pregnant women by 50 per cent and amongst Aboriginal and other susceptible groups by 20 per cent. I welcome this bill with great enthusiasm because obviously we must tackle the pernicious harm caused to the health of children by secondary smoke and the targeting of young people in the evolution of particular smoking products or the use of temporary advertising, for example, at events predominantly frequented by young people.

When I was growing up it was common amongst young people in my cohort to be surrounded by cigarette smoke. My father was a 20-a-day man, as was often the case. In our home the kitchen had an ashtray, the lounge room had an ashtray, as did my parents' bedroom. Our day began with a smoke and ended with a smoke. Family outings in the car meant being subjected to endless wafts of smoke from the repetitive puffing on a cigarette by my father. My father is obviously not coming out well in my contribution, but it was common in his generation for men — and not just men — to be susceptible and hooked on smoking by the age of 10. That was the case for my father.

I will never forget what I thought was a fascinating and moving billboard image on the top of Young and Jackson's hotel back in the 1970s. On our family outings we visited family members who lived on the other side of the city — living then, and still living, in the northern suburbs. On our return journey I would always make sure that I was looking up at Young and Jackson's hotel to see that wonderful and fascinating billboard of moving slats featuring two images of the Marlborough man on a horse. As we passed Young and Jackson's and the slats changed I was always hopeful that we would not go past before I could see the next image coming up on the board. That has stayed in my mind to this very day.

At school we pretended to smoke by sucking on Fag cigarettes. For those members who not are old enough to know about Fag cigarettes, they were lolly sticks which were fashioned to resemble cigarettes. They had a notable red tip which mimicked the lit end of a real cigarette. They were crunchy, tasty and sugary, but nonetheless we got them so that we could pretend we were smoking in the playground.

Each year in our home we had a ritual where all the walls would be washed down to get cleanliness and freshness back in the house. I never linked smoking in the home to this ritual, but thinking back now I wonder if that was my mother's response to smoking in the

home. Possibly it was, or perhaps it was just a fetish of hers, but I suspect that smoking was a contributing factor to that annual ritual.

Eventually the Fag lolly cigarette became the Fad cigarette after a lot of pressure and rising concern in the community about the link between advertising and smoking amongst young people, especially primary school-aged children, as I was at the time when I was puffing on a Fag lolly. Ads began to appear on TV about the ills of smoking and its effect on pregnant women and their developing foetuses. However, at the same time there were some changes in the marketing strategies for selling cigarettes that kept evolving insidiously. I remember as a teenager that young women in particular were being targeted by menthol-flavoured Kool cigarettes that came in green boxes. That was very much about getting young girls hooked on smoking. Thankfully over the last few decades we have been on a steady but sure road to combating cigarette smoking and the ill effects of secondary smoke. The government's strategy, which I referred to earlier, is a key next step in the fight against smoking and the terrible diseases it causes.

Victoria has led the way over the decades with tougher laws on selling cigarettes to minors, restrictions on advertising, banning cigarette smoking in pubs, clubs, cafes and restaurants, as well as enclosed workplaces and other places like tram and bus shelters, for example. There has also been massive funding for broad anti-tobacco campaigns.

Since 1987 with the advent of the Tobacco Act the rate of smoking in Victoria has almost halved to a rate of around 16.5 per cent, but still smoking is the leading cause of preventable death in Victoria. It is estimated that 4000 deaths per year are caused by tobacco-related diseases. There are serious health effects such as asthma, emphysema, heart disease and strokes. We must tackle this impact on young people as well as the effect of secondary smoking, which impacts on children. Smoking still has a higher rate of prevalence amongst young people, at around 20 per cent, while the prevalence in the overall population is around 16.5 per cent.

I have mentioned the targets of our five-year strategy. They include the banning of cigarette smoking in cars carrying children under the age of 18 and the sale of tobacco products from temporary outlets, which will take effect from January 2010. The latter is especially important where there is temporary advertising at events and venues that are frequented by many young people. We need to break the link with such

advertising, which targets the coming together of young people.

Also in the bill is ministerial power to ban non-tobacco products and packaging resembling tobacco products, which appeal to young people. I do not think we will ever see the return of the lolly cigarettes called Fags. I say that in jest while remembering that this type of advertising and campaigning is the most pernicious and insidious, and we need to break those links. We are also looking at a ban on the display of tobacco products in retail outlets from January 2011.

Much has been said about the ill effects of smoking on people's health. There are many social effects, but it is important to remember that the cost of the health consequences of tobacco smoking for the state of Victoria is around \$5 billion a year. If we keep up the campaign to reduce the take-up of smoking, we will see a reduction in the ill effects on people's health. If that means we then have greater amounts of money freed up to tackle other types of diseases in our community, that is a really good outcome.

It is important to remember that 80 per cent of smokers become addicted to nicotine as teenagers. That comes back to the difference in the rate of smoking amongst young people compared to the average population in Victoria. That is why we need to take the next step, which this bill does, with our strategy in Victoria over the next three years being to significantly reduce the take-up and therefore the health impacts of smoking. With those few words and anecdotes from my past I am very pleased to give my support to this bill. It comes on the heels of many other changes in legislation and broad community expectations of the role of government in filling this space in terms of campaigning against tobacco and its ill effects.

Ms WOOLDRIDGE (Doncaster) — I am very pleased to speak on the Tobacco Amendment (Protection of Children) Bill. I must say at the outset that I support many aspects of the bill and strongly support all efforts that can be made to reduce the incidence and effect of smoking in our community. The coalition will not be opposing this bill, as we believe there are some anomalies that have the potential to be addressed.

Overall the bill seeks to place further restrictions on the display, consumption and sale of tobacco and tobacco-like products. Specifically there are provisions that prohibit the display of tobacco advertising in retail outlets. There is a new offence when a person smokes in a motor vehicle where another person under the age of 18 is present. The bill also prohibits the sale of

tobacco from temporary outlets. It grants the Minister for Health the power to ban the sale, in certain circumstances, of tobacco products in packaging that may appeal to young people, and it also has other amendments implementing a review of the penalties and enforcement provisions.

I have to say at this stage that I commend a member for Northern Victoria Region in the other place, Damian Drum, who introduced a private members bill last year in relation to many of the aspects of this bill. There is no doubt that he was catalytic in terms of bringing forward the provisions that we are debating today.

In Victoria smoking leads to approximately 4000 premature deaths and costs the state \$5 billion annually. Tobacco smoking is the largest single preventable cause of death and disease in Australia. It is responsible for 9.5 per cent of the burden of disease in men and 6 per cent in women. Overall about 17 per cent of Victorians smoke, and annually in my community of Manningham 72 deaths are caused by smoking — that is, just over 11 per cent of all deaths in Manningham, including those resulting from lung and other cancers, heart disease, bronchitis, emphysema and stroke, are caused by smoking. About one in five cancer deaths in Australia is attributed to smoking. Interestingly, the most common way that under-age smokers get access to cigarettes is through their friends, so it is important that there are new provisions that seek to address that.

I would like to raise a number of aspects of this bill that need further consideration. As we have heard from other speakers, the bill fails to address the use of cigarettes by people under the age of 18. Research shows that the majority of smokers take up the habit when they are under 18. This aspect was included in the private members bill in the other place but has not been incorporated in the bill we are debating today. In addition, some concerns have been raised by a number of the key agencies that do very important work in this area, and I would like to raise them as well. First and foremost, Quit Victoria, a fantastic organisation that has been instrumental in achieving the reductions we have seen in smoking, has a number of concerns and has asked for them to be raised. There is a concern that the definition of 'tobacco product' in the act does not address the issue of water-pipe smoking and that Victoria is now the only state that does not address the use of water pipes in its tobacco control laws.

There is also a concern that there is no point at which specialist tobacconists, which are excluded under the display provisions in this bill, come under the bans included in the bill. This contrasts with the situation in

other states, where they have been included but with a longer time frame for implementation. Quit Victoria is also concerned about the proposed point-of-sale display bans not applying to airport duty-free shops. It says if retail outlets such as airport duty-free shops are exempted from this process, we will not achieve what we are trying to achieve in relation to this bill. An issue that Quit has always had a strong position on is that it wishes the bill had included the prohibition of all forms of tobacco sponsorship. Quit says in its response to me in relation to this bill that if these issues are not addressed, the resulting loopholes in the bill could allow for its intention to be easily undermined, and it would result in Victoria falling well behind other states and territories and best practice standards in tobacco control.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Ms WOOLDRIDGE — As I was saying, there are a number of recommendations from Quit Victoria, which has raised some concerns that if the legislation in relation to restrictions on smoking displays, advertising and promotion is not extended we will not achieve what we are trying to achieve in Victoria, and compared to progress in other states and territories we will certainly slip back.

I also heard from VicHealth as to its views on the bill. It supports the bill but has the same concerns that Quit Victoria has in relation to specialist tobacconists, water-pipe smoking and the exemption of airport duty-free stores and tobacco sponsorship. They generally should be included. VicHealth believes that specialist tobacconists, who are currently excluded, should be subject to some sort of ongoing review so that, having received the exemption, they do not then change their displays and the way they present themselves to try to further attract young smokers in particular into their shops. There are some good recommendations there.

I also want to raise an issue flagged by the AMA (Australian Medical Association) which supports the bill, as we have heard from previous speakers. The AMA also recommends that the Victorian government improve the enforcement of tobacco laws and increase the transparency of state and local government actions to reduce smoking. While there has been a significant focus in the cancer strategy in relation to penalties, there has not been the same focus on enforcement. We will not achieve what we want to achieve by increasing the penalties unless that is followed up with trying to make sure that they are enforced. The deterrence factor is minimal when penalties are not applied and enforced, as evidenced when we see many children still being

able to purchase tobacco in shops across the state. The AMA recommends more enforcement and greater accountability through annual reports on smoking rates in local government areas collated by the Department of Human Services, investment by local government to enforce regulations, and a record of fines and prosecutions in each local government area.

Overall I am very passionate about reducing the incidence of smoking. This is something that I have felt very strongly about since I was a teenager. We must do all we can to prevent young people taking up smoking, to assist people to quit smoking and to protect people from the harmful effects of smoking. This has been brought home to me very strongly in recent years because my husband is a thoracic surgeon. His bread-and-butter work is with lung cancer, and I must say he is kept exceptionally busy by the stream of patients coming through. He tells me that many of them are people in the prime of their lives who have smoked, but many others are people who have never smoked but have worked in environments where people smoked or had parents or family members who smoked. It is incredible to see the lengths he goes to on a daily basis to extend the lives of people who are being killed by the effects of smoke and smoking. There is no doubt that prevention is much better than treatment — and potentially even cure if we get better at identifying lung cancer earlier. Doing all we can to reduce the incidence and effects of smoking is very important.

I commend the bill to the house. I think an important challenge to all of us is to not let up on vigilance in relation to reducing the incidence of smoking and the effect it has on families across Victoria.

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to speak on this legislation, which is a key component in the Victorian Tobacco Control Strategy that aims to reduce adult smoking rates by 20 per cent by 2013. That date is looming large and makes this legislation very important. It is time critical, health focused and health based.

As a member of a government which is taking action to tackle cancer and the epidemic of preventable chronic disease, of which smoking is a factor, I strongly support this legislation. The key reforms included in the legislation are banning the display of tobacco products in retail outlets, other than specialist tobacconists and on-airport duty-free shops; banning smoking in cars carrying a person under 18 years of age; banning the sale of cigarettes from temporary booths at events such as the Big Day Out or the Melbourne grand prix; providing the health minister with the power to ban youth-oriented tobacco products and packaging, such as

fruit-flavoured cigarettes; and introducing stronger penalties and enforcement provisions.

This is good legislation. Non-smokers and hospitality workers know the detrimental effects on their health of passive smoking. As adults we can move away from smokers. The back balcony of this Parliament could well be testament to that fact: if we enjoy the wonderful outlook here at Parliament but we do not want to enjoy the smoking, we can move elsewhere. But children in cars do not have that luxury. This legislation is an important step to safeguard the health of children under 18 years of age from the harmful effects of passive smoking in cars. In looking at some research for this legislation I learnt that sitting in a smoke-filled car is as dangerous and unpleasant as sitting in a smoke haze in a club or pub. The minister has provided us with research that shows that even in cars with windows wholly or partially down there is no risk-free level of second-hand smoke.

I want to briefly mention advertising. Why have advertising? Advertising is designed to convince people they want, need or should have a product. Already Parliament has placed a ban on advertising cigarettes, but point-of-sale advertising will also be brought under this ban as a result of this new legislation. I welcome legislation that bans point-of-sale tobacco displays.

Another important part of this legislation is that it provides ministerial power to ban products that appeal to young people, such as fruit-flavoured cigarettes. In our tabloid newspaper in Victoria we usually find articles regarding nicotine, teenagers and items such as fruit-flavoured cigarettes. When such gimmicks are put out they always get a run. Fortunately this legislation addresses this issue, so that tobacco producers can no longer encourage young people to become smokers. Eighty per cent of smokers become addicted to nicotine as teenagers. Therefore it is really important that we do everything in our power as a Parliament and as a community to tackle the problem of smoking, particularly when people are at their most vulnerable.

I also learnt in preparing for this bill that research shows that up to 20 per cent of 17-year-olds are current smokers, and that rate is higher than the adult smoking rate. As a result of strong legislation by this government we have managed to cut the rate of smoking. How did we manage to do that in the adult population? It was through a range of important tobacco reforms. Since 1999 the government has enacted a series of legislative reforms to better regulate tobacco use and to protect public health. I want to briefly run through a number of those.

In November 2000 we passed reforms addressing youth smoking, such as increasing the penalties for selling cigarettes to minors. Smoke-free dining laws were passed in July 2001. We have had smoke-free shopping centre laws passed. Further restrictions were placed on tobacco advertising and displays within tobacco retail outlets in July 2001. Further smoking restrictions in licensed premises, gaming and bingo venues, and the casino were passed in September 2002. We have all enjoyed dining out and going to licensed venues more since that smoking ban was introduced. We strengthened laws to enforce the ban on cigarette sales to young people in March 2006, and smoking bans in enclosed licensed premises were introduced in July 2007. As a result of those very proactive measures to address the level of smoking we have cut the adult smoking rate here in Victoria.

There are two other items I would like to cover. The one I will address first is the new target for reducing the prevalence of smoking among pregnant women. Before becoming a member of Parliament I had the great honour of working in a pregnancy support and family support agency. If there is ever a time in a woman's life when she is highly motivated to address her health and her wellbeing, it is when she is pregnant. In reading the *Victorian Tobacco Control Strategy 2008–2013* I found there is a fabulous passage on page 7 which outlines the smoking prevalence among pregnant women. I learnt that currently almost 1 in 10 pregnant women smoke in the month prior to the birth of their child. That is an alarming figure.

Part of the strategy of our government is to cut the rate of smoking during pregnancy. You may ask why. It is self-evident for those of us with friends who have smoked: we have seen how their children have a greater chance of premature birth, low birth weight, stillbirth and sudden death. We also know there are long-term effects on the health of the child, including an increased risk of asthma, childhood obesity, high blood pressure and other conditions. That information was published by the Centers for Disease Control and Prevention in 2004. We also know that quitting smoking early in pregnancy brings the greatest benefit. Women who quit smoking in the first three to four months of pregnancy give birth to infants of similar weight to infants of women who have never smoked. That evidence is from Bernstein in 2005.

The motivation for pregnant women to cut smoking is high. I commend those who were involved in the Victorian Tobacco Control Strategy for placing particular emphasis on pregnant women, because it not only helps them but it also helps their child, and it

addresses a target group that is highly motivated at a special time in their life.

Finally, I would like to mention briefly how wonderful the legislation is in that it addresses and strongly hits the penalties. The current penalty for the offence of smoking in an enclosed workplace is 1 penalty unit. The enclosed workplace offence by an occupier doubles from 1 penalty unit to 2 penalty units. The same applies for outdoor dining and drinking areas, where an offence by an occupier increases from 1 penalty unit to 2 penalty units. In outdoor dining or drinking areas which have no-smoking signs the infringement increases from 1 penalty unit to 2 penalty units and so on. Well done for those involved in this strategy.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Tobacco Amendment (Protection of Children) Bill 2009. The purpose of the bill is to place further restrictions on the display and sale of tobacco products, the consumption of tobacco products and other specific circumstances and to ban the sale of non-tobacco products that resemble or imitate tobacco products. The bill will also implement the Victorian Tobacco Control Strategy 2008–2013.

The bill includes a new offence prohibiting the display of tobacco advertising, including tobacco product display in retail outlets with the exception of specialist tobacconists and on-airport duty-free shops. A new offence is proposed for a person smoking in a motor vehicle in the presence of another person who is under the age of 18 years. There is also a new offence prohibiting the sale of tobacco from temporary outlets, which includes temporary display stands, booths or tents or temporary mobile structures or enclosures.

The Minister for Health is given the power to ban the sale in certain circumstances of tobacco products and packaging which may appeal to young people, such as products which possess a distinctive fruity, sweet or confectionery flavour, non-tobacco products that resemble tobacco products and any other products the nature or advertising of which may encourage young people to smoke. The minister can amend or implement the review of penalties and enforcement provisions.

This has been a long time coming. Some of the background to the bill was raised by my colleague Damian Drum, a member for Northern Victoria Region in the other place. Last year he spent a great deal of time preparing a private members bill. Without his efforts we might not be here today because much of the work that has been done and is incorporated in this bill resembles his private members bill.

Smoking continues to be a major cause of numerous cancers and respiratory or cardiovascular diseases. Smoking-related diseases are clearly avoidable. Smoking has health consequences for both smokers and non-smokers who encounter secondary smoking conditions. In Victoria smoking leads to approximately 4000 deaths annually and costs around \$5 billion annually.

Other concerns have been expressed. I am concerned that missing from the bill is the offence for possession by a minor. I am hoping that will be sorted out later, but the omission of the prohibition on selling, purchasing and possession in public places of tobacco products by persons under 18 years of age is a flaw in the bill. I am hopeful that it will be corrected at a later stage. I will refer later to a report entitled *A Healthier Future for all Australians*, which is causing considerable debate in the community about the future of health. It will head our bestseller lists and many references will be made to it in the future.

I refer back to the tobacco strategy. Tobacco use is the leading cause of avoidable illness and death in Victoria and, as I said earlier, a great many people die at great expense to Victorians. I was surprised that the figures indicate that while 300 deaths are caused by accidents on our roads, which is no surprise, 900 deaths are due to alcohol and other drugs. I was surprised at the difference in those figures, but I believe they are correct. Smoking causes a considerable number of avoidable chronic illnesses and hospitalisation. Tobacco use is a leading cause of social inequity in health. Unfortunately, smoking remains high in particular social groups, some of which are among the most disadvantaged and vulnerable in Victoria. As a result smoking causes health inequities and compounds the disadvantage by reducing available income.

Smoking is the leading avoidable cause of poor Aboriginal health. Of concern is that in 2004–05, 50 per cent of adult Aboriginals in Victoria were daily smokers. According to figures from the Australian Bureau of Statistics in 2006 that rate has not significantly declined over the last 10 years. Smoking accounts for 10 per cent of the total health-gap difference between Aboriginal and non-Aboriginal people and 20 per cent of Aboriginal deaths. If we are to close the gap then clearly a lot of work will need to be done in dealing with smoking in Aboriginal communities. That is something I hope our federal colleagues will take on board as well, because there is a commitment from the federal government to address the difference between the health of Aboriginals and non-Aboriginals.

Returning to the commonwealth report, Dr Christine Bennett is chair of the National Health and Hospitals Reform Commission (NHHRC). During 2008, prior to the release of the current report, she spoke on smoking and chronic health issues. As the control strategy indicates, chronic and complex health issues arise from smoking. Dr Bennett points out that if we do not get this issue sorted out we will be paying for it for decades. The Australian smoking rate is continuing to fall and we are doing well, so a number of things are working. We have one of the lowest smoking rates among Organisation for Economic Cooperation and Development countries, so we are doing well, but it is still very costly.

Given our ageing population and the fact that our health services are under pressure, we need to address this issue. The bill is really about fencing off the top of the cliff rather than having the ambulances waiting at the bottom, to use Dr Bennett's words. Similarly, despite the fact that parents want healthy children, the power of the smoking addiction should not be underestimated and the smoking-in-cars reform is sound thinking and a very positive initiative. Young people are making health choices, and if smoking issues are not addressed adequately then in the words of Dr Bennett, the youth of today will be dying at a younger age than their parents. She explained this in some of her addresses last year when she talked about the pressure that the health system will be under with chronic illness over a long period, meaning that it may not be able to respond to added pressure from the needs of our young people.

During 2008 the National Health and Hospitals Reform Commission conducted forums in capital cities, and smoking rated as one of the front-of-mind issues requiring more action. The reality of our health services is that we cannot afford to have ambulances at the bottom of the cliff. As I have said before, nicotine is strongly addictive, and the member for Pascoe Vale indicated that 80 per cent of smokers start in their teenage years. This is indeed a serious issue. We have all watched someone who has suffered from a smoking-related illness and seen how much they struggle to give up nicotine. It is one of the most powerful addictive social drugs. It is far better that people do not start smoking at all, particularly young people, because it is such a long time between when we finish the fence at the top of the cliff and when we can take the ambulances away at the bottom. Similarly I support the words of the member for Doncaster in her presentation when she said that prevention is far better than treatment. We only wish there were a cure but there is not, there is only treatment. The cost to the health system is enormous, but we have to resist the

temptation not to be compassionate to the needs of people who suffer from this addiction.

The Nationals are not opposing the bill. We owe a great deal of thanks to Damian Drum, the Deputy Leader of The Nationals in the Legislative Council, for his efforts in introducing it. I very much look to the future and expect that there will be an amendment over the possession issue so that we can close up the last gap in the fence and wait two generations to take the ambulances away.

Ms RICHARDSON (Northcote) — I am very pleased to speak in support of the bill. As someone who has lost a family member through a smoking-related illness, I welcome all measures that discourage the use of tobacco products and encourage people to quit smoking.

I am very proud of the role the Labor government has played since coming to office in 1999 in implementing a range of measures to reduce the uptake of smoking and encourage people to quit. Our record in government since 1999 has been impressive indeed and has done much to reduce smoking in Victoria. In 2000 we introduced reforms to address youth smoking such as increasing the penalties for selling cigarettes to minors. In 2001 we introduced the smoke-free dining laws, the smoke-free shopping centre laws and further restrictions on tobacco advertising and displays within tobacco retail outlets. In 2002 we introduced further smoking restrictions in licensed premises, gaming and bingo venues and the casino, and in 2006 we introduced smoking bans in enclosed workplaces, at under-age music and dance events, and in covered areas at train stations and platforms, tram shelters and bus shelters. These were important initiatives.

In 2007 bans on smoking in enclosed licensed premises were also introduced. Today, as part of our Victorian Tobacco Control Strategy 2008–2013, we are continuing to tackle the harmful effects of tobacco. Therefore from 1 January 2010 there will be a ban on smoking in cars carrying passengers under the age of 18 years. Up to 90 per cent of Victorians who were surveyed on this question supported this measure — and why would they not when we all know of the harmful effects of being a passive smoker, particularly for children?

Children are at an increased risk of premature death and disease and can suffer from reduced lung function as a consequence of passive smoking. Another important benefit of this initiative is the educational effect of this measure. Children are highly impressionable and from a very young age are keen to impress upon all of us

how much they know about the laws of the land and the need to comply with those laws. In fact my five-year-old is continually reinforcing to me the current speed limits as we pass the signage and the like, and he is very keen to remind me of the exact date upon which he can move from the back seat of the car into the front. He is very much my law enforcement officer as I drive my vehicle about, and I can well imagine how he would react if someone were to move into his space and light up a cigarette. He would be immediately quoting the laws and regulations around smoking within a vehicle. Young people are incredibly impressionable and as a consequence of these sorts of reforms being put in place are well able to understand the dangers of smoking.

Other key reforms that will be included as part of the bill are a ban on the sale of tobacco from temporary outlets and the power for the minister to ban tobacco products and packaging that appeal specifically to young people. The member for Mill Park talked about Fags, those sweets I recall having as a child which had the little red flavour at the end of the lolly and which were obviously designed to entice us to take up the real thing. Clearly that is absolutely unacceptable, and I am very pleased to see that the Minister for Health will have wide-reaching powers to eliminate these kinds of products from the marketplace. From 1 January 2011 there will also be a ban on the display of tobacco products in retail outlets, with the provision of an exemption for specialist tobacconists and airport duty-free shops. We will also review the penalties and enforcement provisions as part of this legislation.

These are all very important measures, especially when we consider that the challenge to end smoking-related deaths and illnesses still lies before us. Despite our considerable progress to date in reducing the number of smokers, and despite the increased knowledge of the dangers of smoking, there are still 700 000 Victorians who regularly light up and smoke. Smoking is still, as many speakers tonight have said, the leading cause of death and avoidable disease in Victoria. This chilling fact came home to me when I was a full-time motorcyclist for 10 years. I did not drive a car, and for some crazy reason decided to ride a motorbike everywhere. I spent some time in and out of casualty rooms and wards at various points in my motorcycle career after clearly coming off second best in a number of incidents. Walking or — in many cases for me — limping around the wards to speak to other patients, or in one case to visit a motorcyclist friend of mine who had broken his leg, it became clear to me that the vast majority of the patients were there as a consequence of a smoking-related illness. There was bed after bed of patients who had long had a smoking habit.

This is borne out by the statistics, with 4000 lives a year being lost as a consequence of smoking and 80 per cent of lung cancers being the direct result of smoking. This costs our health system \$5 billion per year, but that pales when you compare it with the toll taken on families and lives by this terrible habit.

All of these facts are pointed out regularly by the medical profession: doctors are continually lamenting the smoking-related illnesses they encounter that are entirely avoidable. All of them want to tackle diseases that come via other means rather than smoking-related diseases.

I would also like to take this opportunity of focusing on the important initiative that has been identified in the Victorian Tobacco Control Strategy of reducing the number of women who are smoking in pregnancy. Again the dangers are clear. Through our health professionals we need to increase awareness of these dangers in the wider community and get fewer women smoking during pregnancy. Twenty-two per cent of women are smoking when they first fall pregnant. That number does fall, but nearly 1 in 10 women still smoke throughout their pregnancy, and many resume smoking after giving birth. It is critically important that we address these rates, as the risks to the unborn child are clear. They include an increased risk of premature birth, low birth weight, stillbirth and sudden death. The long-term risks to a child are increased risk of asthma, obesity and high blood pressure.

As I said earlier, these risks are all avoidable, and we must do everything we possibly can to tackle them and reduce the rate of smoking. As the member for Pascoe Vale said earlier, 80 per cent of smokers start smoking in their teenage years, so the measures in this bill that address the enthusiastic attitude teenagers may have towards cigarettes are very important.

This bill is a critically important health measure, and I am very pleased that members on all sides of the house are supporting it. I therefore commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Tobacco Amendment (Protection of Children) Bill 2009 and to say that the coalition is not opposing this legislation. We understand the need to reduce the harmful effects of smoking and the numbers of deaths that happen because of smoking-related illnesses, but we also understand that the government needs to do more to reduce smoking around children and among Aboriginal and higher prevalence groups. The purpose of this bill is to ban the sale of tobacco products from temporary outlets, to ban smoking in cars

in which a person under 18 years of age is present, to ban the sale of youth-oriented tobacco products, to create new offences in relation to smoking and the sale of products, to amend penalty and enforcement provisions and to introduce new offences for body corporates.

As I just said, we understand the importance of reducing smoking. Programs have been available through a number of organisations to enable and encourage people to quit, but smoking still remains the leading avoidable cause of a number of cancers. The statistics say that the cost to Victoria every year is approximately 4000 lives and \$5 billion.

This is another bill where the coalition had brought forward similar legislation in another form which the government had opposed, subsequently introducing its own legislation. A number of my colleagues have talked about the private members bill of Damian Drum, a member for Northern Victoria Region in the other place, through which he sought to raise this issue in that very important forum. He has done many years of work on this issue, yet the government opposed that legislation. It is absolutely appalling to think that those same members of the Labor government in the other house will now be supporting the bill that comes in from the government; it will be interesting to look at their contributions.

I congratulate the Honourable Damian Drum. In December 2007 on behalf of The Nationals he gave notice that he intended to introduce a private members bill to ban cigarette smoking in cars when children were present. Members in this house may think that sounds like an echo, because a number of members have been talking about that. That was the bill Damian Drum introduced which this government opposed last year.

In putting forward his bill Damian Drum did a lot of research. He spoke to all the stakeholders and visited state and secondary schools right around Victoria. Many members have spoken about the schools he went to; he went to a number in Shepparton and spoke to young people to talk about how the legislation would affect them and whether in fact it would work. They said it would. As I said, that bill was opposed only by Labor members; every other member in the upper house supported that coalition legislation.

Mr Drum's Tobacco (Control of Tobacco Effects on Minors) Bill passed the upper house on 25 June last year, but it was not introduced into the Legislative Assembly because Labor members refused to debate the bill, saying it was a money bill. In August the government undertook its own public consultation and

presented a report headed the *Victorian Tobacco Control Strategy 2008–2013*. The government had received submissions from right across Victoria, and that strategy found there was support for smoking reforms. We could have told the government that; Damian Drum had already done that research and had found the community was ready to have these sorts of reforms brought in.

As the Aboriginal affairs shadow minister I consider the way this government has not looked after Aboriginal smokers appalling, even though it had said doing so was its objective. The government said it would aim to reduce smoking among Aboriginal adults from 50 per cent to 40 per cent and talked about the ABS (Australian Bureau of Statistics) 2006 statistics, which showed that 50 per cent of Aboriginal people in Victoria are daily smokers. The government has known this since 2006; it has been in government for the last 10 years and still things have not changed.

The government's own report states that little evidence exists regarding what measures will work in reducing smoking in Aboriginal and other high-prevalence communities. It also says that smoking reforms need to be culturally sensitive and that the Aboriginal people need to be consulted.

The Victorian government's indigenous affairs report 2007–08, which was tabled in the Parliament in May this year, shows that 40 per cent of indigenous women who give birth are smokers, compared to 7.9 per cent of non-indigenous women. The problems with smoking during pregnancy are well known — low birth weight, premature birth, stillbirth, birth defects and sudden infant death syndrome. The government has known this, and that report admits that the government has failed. It says that few programs aimed at encouraging indigenous women to stop smoking have been implemented or evaluated, and that greater effort in this area is required.

In his recent report on indigenous affairs the Auditor-General says that the programs across departments are not working and that there is a lack of consultation across departments. I think the government needs to understand it is important if you are going to work with the indigenous community that there are a number of organisations and departments which must work together to try to make the lives of indigenous people better.

As shadow Minister for Local Government I know that local government has more responsibility because of these strategies. The government's own tobacco control strategy states that local government is crucial in

making tobacco legislation work across Victoria. Environmental health officers are responsible for inspecting tobacco retailers, licensed premises and other venues and in ensuring that those venues comply with the act.

In 2006–07 councils made 264 enforcements where tobacco laws were broken. The Victorian government is providing funding to local councils for these activities. I have sought advice from the Municipal Association of Victoria about whether it believes the onerous responsibilities placed on councils will be not just a matter of cost shifting onto those councils but that councils will be recompensed for the work they have to do, given that the workload will have increased. The MAV advised that it was not aware that this bill would be introduced this week, but the association did say it is happy with the discussions and the workings of the legislation dealing with tobacco.

The association also said that council officers are happy with the new legislation, particularly with the banning of advertising, because the association believes it makes clearer the procedure to be used when officers inspect shops.

Councils are happy with the current agreement in terms of funding, but they are not aware of the finer detail of the obligations to councils, nor of the number of times council officers will have to investigate an organisation or a retailer; councils are also not aware of some of the responsibilities councils will have to bring forward. I urge the government to talk to councils. I understand the government says it will do so, but because of the onerous conditions placed on councils the government must listen to them and make sure every effort is put in place to have councils supported in performing the inspections and regulation expected of them.

As I said earlier, the coalition is not opposed to this legislation. However, I have to say that if the government were serious about stopping young people smoking and stopping people smoking in cars and exposing people to second-hand smoke, then it would have supported the private members bill brought forward on behalf of the coalition in the upper house last year.

It is appalling that this government is bringing out the same arguments that a member for Northern Victoria Region in the other house, Damian Drum, brought out in an effort to try to encourage this government to ensure that young people stopped smoking at an early age and that people did not smoke in cars, because young people are very vulnerable. Some people seem to have no regard for younger people in their care. On

behalf of the coalition I congratulate Damian Drum. He has done a sterling job, I thank the government for taking on board some of his ideas.

While the coalition does not oppose this legislation, coalition members urge the government to work with councils, Aboriginal groups and people in the community to ensure that people stop smoking in the interest of their health.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Tobacco Amendment (Protection of Children) Bill. Before I make my comments I would like to point out to the member for Shepparton that the constitution of the Parliament of Victoria and many decisions made over the years show that it is impossible to introduce money bills in the upper house; those bills must originate in the lower house. That is well known, and I am sure that if The Nationals were to ask the clerks of the Parliament, the clerks would be more than happy to explain the history to them.

The main purposes of this bill are to protect children and young adolescents from the dangers of smoking, to protect children from passive smoke by banning smoking in cars in which passengers include children aged under 18 years, by making cigarettes less attractive by banning sweet cigarettes, by reducing the availability of cigarettes — that is, in temporary booths set up for events where young people are likely to gather — and by reducing the publicity given to cigarettes by imposing further bans on cigarette displays in shops, and by increasing penalties.

I will direct my comments to the ban on smoking in cars. This bill is very significant because it goes further than any of the other legislation that this government has brought in to restrict smoking. In this case it moves the focus of smoking bans from public areas to private areas. The parliamentary library prepared a terrific research brief for this bill, and I congratulate the library staff for doing so.

One of the articles referred to is entitled 'Banning smoking in cars carrying children — an analytic history of a public health advocacy campaign', which appeared in the *Australia and New Zealand Journal of Public Health*. The article points out quite clearly that this is not a new idea. Indeed in 1995 the National Health and Medical Research Council made a recommendation that the:

... legal prohibition of smoking in private motor vehicles during periods when minors are passengers should be considered by state and territory governments.

A number of states have already done that. However, the article also raises a couple of questions on moving health protection into the private area, particularly in relation to cars. A number of bills relating to cars have come through Parliament, and they are mainly about preventing injury. This legislation is different in that it is not about injury but about health aspects. I will quote briefly from the article to which I referred, as I think it puts the matter more clearly than I can. The article states:

Cars represent an intriguing and symbolically important interface between public and private worlds. While the interior of cars might be considered by many to be another form of 'private' space, the law has long colonised cars as effectively being public spaces by subjecting their occupants to legal requirements regarding seatbelts, car standards, driving conduct and mobile phone use designed to protect both public safety (harm to others) and that of occupants (via the benevolent paternalism inherent in seat belt legislation). However, these restrictions are all intended to prevent or reduce harm from injury while restrictions on smoking in cars address health consequences arising from chronic exposure, traditionally invoking less urgent responses from governments.

A ban on smoking in cars, designed explicitly to protect children, thus takes a legislative first step into legally outlawing what has hitherto been assumed to be a private self-regulated behaviour (parents' freedom to expose their children to high concentrations of tobacco smoke in settings assumed to be private). The ability of parents to exercise this 'freedom' in public settings such as on public transport and enclosed shopping precincts has long been denied through reference to the health and amenity of others, creating a paradox: why should parents be prevented from placing their children's and others' health at risk in public vehicles, but given carte blanche to do so in private vehicles? Legislation focused on a setting where those thus harmed are most likely to be family members moves the boundaries of health protection legislation in an important new direction.

This is quite significant legislation in that way. In future it might be interesting to see what other areas of regulation the community might wish to see in that more private sphere. There is no doubt that the health costs of smoking are huge, both for individuals and for the community. Research has shown that smoking is the single most preventable cause of death and disease in Victoria and Australia, being responsible for most lung cancer deaths and 205 of all other cancer deaths. It is also a key risk factor for heart disease, chronic pulmonary disease and reduced lung function.

The main benefits of the proposed legislation are not only in personal health but also in lower health costs. With the cost of the proposed legislation being of about \$12.4 million over 10 years, it is estimated that the smoking rate would only need to decline by 1.2 per cent above the current downward trend to offset the cost of this bill. It is highly likely that a reduction in the

smoking rate of at least this magnitude will occur as a result of this legislation. It can be shown that even a small reduction in the smoking rate would result in substantial benefits to Victoria from lower health-care costs arising from a lower incidence of smoking-related diseases and less second-hand smoke; improved productivity from fewer workdays lost to smoking-related illness; less litter; and fewer fires caused by smoking.

This legislation is yet another step forward in trying to protect the community from the harms of smoking, particularly in relation to young people who are vulnerable and sometimes susceptible to advertising. The changes in the bill are good ones, even though it is exciting in that it moves legislation into a much more private sphere. As I said, there are probably a number of people in the community who would like to see legislation move further in that direction in the future. It will be interesting to see how that progresses.

A lot of the work and the media reports quoted in the article to which I referred come from public campaigns. It is certainly an issue of strong interest to a large proportion of the community — particularly those with children, grandchildren, nieces or nephews, which covers just about all of us.

I am pleased that this legislation is before the house. It is also very good that the opposition is endorsing it. I look forward to seeing it become law in the near future.

Mr THOMPSON (Sandringham) — The hypothecation of resourcing from tobacco sales, which has contributed to the work of the Victorian Health Promotion Foundation over the last couple of decades, has had a significant outcome in many health promotion initiatives in the state of Victoria. Regrettably, some demographic patterns have not changed much in that time, and more work needs to be done.

It is disappointing that the government has failed to fully follow the early lead of The Nationals with the private members bill introduced by Damian Drum in the Legislative Council. It is noteworthy that some of the reforms that he proposed are not included in the bill before the house. I enumerate these interesting proposals: the prohibition of the sale, purchase, possession and use in public places of tobacco products by persons under the age of 18; the requirement that persons under the age of 18 must not represent themselves as being over the age of 18 for the purpose of smoking in public places, purchasing a tobacco product, obtaining a tobacco product from a vending machine or possessing a tobacco product in a public

place; and the requirement that a person under the age of 18 complete an improved anti-tobacco education course as part of an infringement requirement.

I say it is noteworthy because there are some striking figures in the report *Victorian Tobacco Control Strategy 2008–2013*. In epidemiological terms there are the aggregate figures. I quote from page 5 of that report where it states:

Tobacco kills one-third to one-half of all people who use it, on average, 15 years prematurely. Every year smoking causes 4000 unnecessarily early deaths. In comparison, just over 300 deaths are caused by accidents on our roads each year, and approximately 900 deaths are due to alcohol and other drugs.

Smoking also causes the most significant proportion of avoidable chronic illness and hospitalisation from conditions such as cancer, cardiovascular disease and chronic obstructive pulmonary disease ... Tobacco use causes 90 per cent of all lung cancer, three-quarters of chronic bronchitis and emphysema and one-quarter of all ischaemic heart disease ...

That is a range of statistics that points to negative or adverse health impacts of tobacco use.

As a former shadow Minister for Aboriginal Affairs, is important for me to note for the record that:

In 2004–05, 50 per cent of Aboriginal adults in Victoria were daily smokers, and this rate had not significantly declined in at least 10 years ... Smoking accounts for 10 per cent of the total health gap between Aboriginal and non-Aboriginal people, and 20 per cent of all Aboriginal deaths.

The statistics are alarming when allied with the figure for the number of indigenous mothers who smoked in the month prior to giving birth and its adverse impact in terms of sudden infant death syndrome or infant mortality, low birth weight and other presenting conditions in young children. More needs to be done by the government in this area; not enough is being undertaken through the bill before the house. Again I emphasise the figure: 50 per cent of Aboriginal adults in Victoria, as measured a few years ago, were daily smokers.

Just last Thursday night I was at a Murray River town attending a community function at which two-thirds of the people in attendance were of indigenous background. It struck me how at the conclusion of formal proceedings in the hall the crowd moved outside. While it was pleasant in the chill air of Mildura, I took a while to discern the reason why so many people had congregated outside — it was predominantly due to their aspiration to smoke there.

When one considers initiatives to close the gap between indigenous health outcomes and the mortality rates of

indigenous Australians compared with their white counterparts, it is worth noting that one of the major causes of early mortality is the result of the inhalation of smoke directly or indirectly through the practice of smoking. Under the reforms outlined in the control strategy the government has proposed to reduce the incidence of smoking. Across the Australian population a 4 per cent reduction is proposed — from 21 per cent or so to 17 per cent — over the next period of time. The prevalence of indigenous smoking and the impact upon indigenous health through the practice of smoking is something that has not been tackled with the vigour that one would expect if the gap is to be closed within the foreseeable future.

The Tobacco Amendment (Protection of Children) Bill 2009 has a number of purposes which are set out in the explanatory memorandum and which are important to note for the record:

to provide that only retailers that are on-airport duty free shops or that have been certified as specialist tobacconists under new part 2A may display tobacco advertising;

to ban the sale of tobacco products from temporary outlets;

to ban smoking in cars in which a person under the age of 18 years is present;

to enable the Minister to ban the sale of youth-oriented tobacco products and certain other products;

to create new offences in relation to smoking and the sale of tobacco products;

to amend the penalty and enforcement provisions and to introduce new offences for bodies corporate;

to make minor miscellaneous amendments ...

Other speakers have focused on different aspects of the bill, such as the health impact of smoking and the cost to the community of \$5 billion annually, which is significant, and if we are to improve workforce and health outcomes, more needs to be done through a range of other strategic measures. I am concerned that the bill perhaps does not do enough to reduce the inequalities in health outcomes for indigenous Victorians as a consequence of the massive and disproportionate statistical variation between indigenous smokers and the rest of the Victorian community. That is a matter of serious concern, and I think not only is a renewed effort required to ensure that there are worthy tobacco control policies but a greater effort is required so that in the next generation there will be much better outcomes for indigenous Victorians so that they will have the chance to enjoy a normal life span.

A number of speakers have commented upon their own personal experiences. I saw my father-in-law die ahead of time of lung cancer, and he died a slow and terrible death. A number of years ago a former member for Frankston, Graeme Weideman, who was also a pharmacist, was a very strong antismoking proponent. Seeing his mother die of lung cancer forced him to take a very strong position opposing smoking and its impact. When you see people's lives cut short through smoking you realise they may have made other decisions if they had been given the chance to relive their lives.

With those comments I conclude by reiterating that it is the adverse impacts of smoking that result in avoidable illnesses and death. I express the view that much more needs to be done to improve indigenous health in this state.

Debate adjourned on motion of Mr EREN (Lara).

Debate adjourned until later this day.

HUMAN TISSUE AMENDMENT BILL

Second reading

Debate resumed from 25 June; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — On behalf of the opposition I rise to support the Human Tissue Amendment Bill. This is a very short piece of legislation, and I will not take an inordinate amount of time given that the opposition is in full support of it. The overall intention of this bill is to amend the Human Tissue Act 1982 to allow mature minors aged 16 years and over to consent to the donation of their blood without parental consent. Currently anyone over the age of 18 can make a blood donation but those between the ages of 16 and 18 need parental consent to make such a donation — and that consent is required every time they wish to make donation.

By way of background, the need for this legislation was agreed to at an Australian health ministers conference some time ago, and I think that most other states, apart from Western Australia, already have this legislation in place. I will be able to clarify that later.

In relation to sections 21, 22 and 23 of the Human Tissue Act, a child will now be defined as any person who has not attained the age of 16 years. If you are over the age of 16, you will not be a child for the purposes of those sections, which specifically relate to blood donation. The general definition of a child in section 3 of the act remains as it was — that is, a person who is

under the age of 18. Under this amendment only young people who have given informed consent and been judged by those with relevant expertise to be capable of forming such consent will be permitted to donate blood. This amendment brings the provisions relating to blood donation into line with the current law on the ability of mature minors to consent to medical treatment, as most people would be aware.

Turning to the main provisions, clause 1 of the bill establishes the main aim, which is to amend the Human Tissue Act 1982 to allow 16 and 17-year-olds to donate blood without requiring parental consent. Clause 2 provides for the commencement of the act. Clause 3 inserts the new section 20A in the Human Tissue Act to define a child as a person who has not attained the age of 16 years for the purposes of sections 21, 22 and 23. The definition in new section 20A facilitates blood transfusions and blood donations by reducing the age at which persons can consent on their own behalf to the removal of their blood from 18 years of age down to 16 years of age. Clause 4 provides for the repeal of this amending act on the first anniversary of its commencement.

By and large there has not been any opposition to this legislation. In fact the one letter of support I did receive was from a Ms Ann Storr of St James Ethics Centre, who said the centre would support the bill and made the following observations: that people aged 16 or 17 years can already consent to medical procedures and in some cases more serious procedures, and she cited a termination or an abortion. She also noted that Victorian law allows 16 and 17-year-olds to consent to sexual activity and that an expert assessment of the quality of consent will be made prior to accepting a donation of blood from a person aged 16 or 17.

We also had a response from Ms Laura Helm, policy adviser, international law, administrative law and human rights law at the Law Institute of Victoria. The institute did not make a submission in relation to this legislation at all, so it obviously did not have a problem with it.

By way of clarification I would like to quote from the statement of compatibility. On page 2 it says that:

... only those young people who have given their informed consent, and been judged by those with relevant expertise to be capable of forming such consent, would be permitted to donate blood. The process to be put in place ... which will allow mature minor donations, will ensure that blood will only be taken where an informed and expert assessment has been made that the minor is competent to, and does in fact, consent to the removal of their blood and understands all relevant implications of their decision.

Should the expert assessor at the ARCBS determine that a young person is not capable of fully understanding what they are proposing to do, and so is not yet able to form the necessary consent, or if they determine that the young person does not really want to give blood but feels subject to peer pressure to do so (which may happen if a group from school attends a donation centre) then their donation would be deferred.

It also says that:

Eligibility to donate blood is ascertained in a confidential setting by an ARCBS trained nurse and includes an assessment as to whether the mature minor is in good health, is of adequate weight, and meets other suitability criteria based on a health questionnaire and medical assessment, in order to ensure that no harm will come to the minor. In educating young people about donating blood, the ARCBS encourages them to discuss their proposed donation with their families and obtain any necessary medical advice regarding their eligibility.

I think that gives some certainty to the process and in this sense means that it is a very responsible action.

The house should be reminded that this year is the Year of the Blood Donor in recognition of the fact that donated blood allows for life-saving treatment for many thousands of patients, whether they be cancer patients, burns patients, trauma patients or patients undergoing life-saving operations such as cardiac surgery. The challenge for some time has been in recruiting new donors and increasing the pool of blood donors. There have been some times when there has been a dramatic shortage of blood and this has affected the capacity of the system to cope. This legislation will give young people a unique opportunity to make a contribution if they so wish.

As I have already mentioned, the change in Victoria's legislation will also bring it into line with most other states apart from Western Australia. It will overcome the difficulty currently experienced of trying to get both parents and the young person to give their consent before each donation. Finally, it should be made clear that the amendments contained in this bill relate to blood donation only and to no other aspects of the Human Tissue Act, including organ and tissue donation. The last letter of support I received was from the Australian Medical Association. With those few comments I offer my support for this piece of legislation and wish it a speedy passage.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise tonight in support of the Human Tissue Amendment Bill 2009. To coincide with the 80th anniversary of blood collection services in Australia, the federal government designated the year 2009 the Year of the Blood Donor. I think it is an important event and I am glad to confirm that both the

government and the opposition are in full agreement in relation to the significance of this legislation and that the opposition supports it.

Nationally about 1.2 million donations are made per year, with donors averaging 1.94 donations each per year — a total of 550 000 donors, with 3 per cent of Australians being regular donors. According to the Australian Red Cross Blood Service, one in every three people will need blood at some stage in their lifetime. One can only encourage everyone, including members of Parliament, to become actively engaged in donating blood. The significance of the legislation and why we are happy that it is being supported by everybody so that it will pass concerns the provisions allowing mature minors to provide their own consent to donate blood, which has proven to raise donation rates amongst this group. One clear example of this experience is found in South Australia, a jurisdiction which allows mature minors to provide consent, and that has been shown to increase the overall rate of donations compared to the other states and territories.

The Human Tissue Amendment Bill 2009 is important legislation and for the purposes of sections 21, 22 and 23 will amend the Human Tissue Act to insert the definition of child, being a person who has not attained the age of 16 years rather than a person who has not attained the age of 18 years. The amendment will apply to the provisions of the act which concern blood donation only. It is important that we underline this provision: that it will not have any effect on the other aspects of the act, which include organ and tissue donation.

Currently in Victoria one may donate blood at 16 or 17 years of age. However, this can only occur with parental consent if the child agrees and if a medical practitioner advises that the removal of the blood is not likely to be prejudicial to the health of the child. It is important that we reiterate that we are referring to a mature child, that that judgement will be made by the authority and that it is only with consent that it could happen. Parental consent is currently required for each act of donation. The Human Tissue Act does not permit the granting of such consent by a legal guardian. As a result, mature minors under the care of a legal guardian are currently unable to donate blood.

As everyone would appreciate, there are many difficulties associated with obtaining the written agreement of both a parent and the donor in relation to each act of donation, and this may be reducing the number of occasions when mature minors donate blood. This provision is one aimed at facilitating that donation, and therefore it is definitely a good and

welcome one. Blood for use in life-saving transfusions for hospital patients is in short supply. It is a scarce and precious resource.

One way to maximise the number of these donations from mature minors is to make the process as straightforward as possible, which is the aim of this legislation. This amendment will increase the pool of donors and give mature minors, who were previously excluded from donating because they had no parent to sign the consent form, the opportunity to donate. It will enable mature minors in Victoria aged 16 and 17 years to make their own decision about donating blood without the need for their parents' consent.

The amendment is consistent with existing arrangements whereby mature minors are able to consent to medical treatment. It will enable competent, mature minors to exercise control over their bodies, rather than be restricted from donating simply because they have not attained their majority, and this is an important contribution. I am aware as a parent of four kids that there are many mature kids who can make that decision by and for themselves, and, as has happened in South Australia, increase the pool of donors. They can make a significant contribution in Victoria when blood donations are most required in difficult circumstances.

This amending legislation will bring Victoria into line with South Australia, New South Wales, the Australian Capital Territory (ACT), the Northern Territory and Tasmania where mature minors aged 16 years or older can donate blood if they are capable of making that decision. In these states parental consent is not required. Blood donations by minors without parental consent has occurred in South Australia, New South Wales, the ACT and the Northern Territory for a number of years.

This is good legislation which will significantly assist the state and the authorities. Australia is approaching self-sufficiency in the supply of blood products. Australia does import some products that are not manufactured domestically; therefore it is important that we continue down this path. The increasing demand for blood products and the new medical treatments which rely upon those products will result in the need to encourage a greater number of Australians to donate blood.

I reiterate that it is a pleasure for the government to introduce the Human Tissue Amendment Bill, which has the main purpose of amending the Human Tissue Act 1982 to enable persons who have attained the age of 16 or 17 years to consent to donate blood without the consent of their parents. With those few remarks, I wish this legislation a speedy passage.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Human Tissue Amendment Bill. The Nationals in coalition support this legislation. The purpose of the bill is to amend the Human Tissue Act 1982 to enable persons who have attained the age of 16 or 17 years to consent to donate blood without the consent of their parents.

The bill inserts new section 20A into the Human Tissue Act 1982 to provide that 'child' means a person who has not attained the age of 16 years. This brings Victoria into line with the current practice in other jurisdictions. The amendment does not apply to organ and tissue donation. Screening of potential blood donors is consistent with the donor and recipient safety policy. This process assesses whether donors are medically fit to donate blood and whether they are capable of answering a questionnaire truthfully. An exploration is made of the answers to varied and quite personal questions contained in the questionnaire. Only young people who have given informed consent and have been judged by those with the relevant expertise to be capable of forming such consent will be permitted to donate blood.

As we know, 2009 is the Year of the Blood Donor, and I intend to talk about the value of blood donations. The Australian Red Cross Blood Service performs the collection, and around 1 million blood donations are collected each year. Contrary to popular belief, a large percentage of the blood collected is used to treat people with conditions that require blood or blood products on a regular basis — for example, 30 per cent of blood collected is used in the treatment of general medical conditions such as leukaemia. There are four different blood groups — A, B, AB and O — and each type is either Rh positive or Rh negative. Donor blood must match that of the recipient to prevent dangerous reactions. Healthy adults of all ages are able to donate blood, and the procedure is safe and relatively painless. Around 470 millilitres of whole blood is taken during a donation, which accounts for 8 per cent of the average blood volume. The body replaces the blood volume in 24 to 48 hours and replenishes red blood cells in 10 to 12 weeks. Blood donations are separated into a whole lot of various products.

The Red Cross requires that blood donors be healthy and not suffering from a cold, flu or other illness at the time of donation; that they are aged between 16 and 70 years, as stipulated in this legislation; that they weigh at least 45 kilograms; that they have a normal temperature and blood pressure and meet the guidelines designed to protect both the donor and the person receiving blood. Blood can be donated at a variety of

places, including blood donation centres and mobile units, and the process takes about 10 minutes.

No-one really underestimates the value of blood donation. Blood bank locations in country areas require country people to travel quite some distances. In my electorate the blood donation centre is in Mildura. If you are a donor, you are looking at a round trip of several hours if you happen to come from the other principal centres in my electorate, being either Ouyen or Robinvale. It is a good hour's trip to Mildura and back. The mobile blood units do not come to the country areas very often. Using the blood service website I endeavoured to find out when the next mobile blood unit would be in my electorate. The border regions in the eastern part of South Australia, in particular the Riverland and Lameroo, is as near as it gets. That suits some people at the far corners of my electorate. Country people want to do their bit, but again I point out the distances they need to travel to do that.

I will now look at some concerns about the disclosure of information to parents. One of the issues I have with this legislation is a valid concern that I hope the minister may deal with in summing up. If a medical issue arises during the screening process or the processing of blood from someone who has attained the age of 16 and under this legislation has the right to donate blood, what are the rights of the parents to know that? Since we have legislated that people of this age are now adults, will that medical condition or issue that has arisen not be disclosed to parents? Many parents would be comforted by the right to know in that situation. That is something that will trouble some people, but I hope not many, because one hopes that diseases will not be detected in someone who is giving blood.

There is also a concern about the ability of professionals to determine whether a 16-year-old is being fully truthful in the screening process. The questions and the analysis of the questions will require some modification to make sure they are appropriate to the thinking of 16 and 17-year-olds. They should not need much modification, but this needs to be considered. One of the overall donor requirements is to have reached a weight of 45 kilograms, but as some 16 and 17-year-olds, particularly females, will not have achieved that weight, there will be some issues as far as weight is concerned.

There is also a difficulty for country people who have to travel for treatment of diseases that require blood donation. Once again I would like to put in a plug for the inadequacy of the Victorian patient travel assistance

scheme for country people who need to travel to the city, particularly for complex operations, procedures and disease treatment that involve receiving blood. At 17 cents a kilometre and \$35 a night for treatment in the city this is something The Nationals feel very strongly about, and it needs to be addressed.

I am also concerned about how SARC (Scrutiny of Acts and Regulations Committee) has dealt with this issue. It has concerns that under the charter the age of 16 may be challengeable. While the issue of information to parents is unanswered, I would be very concerned if for some reason we find that we have to lower the age below 16. I note that SARC has written to the minister and awaits a response, but I find it concerning that our charter of human rights may be used to move back the age at which blood may be donated without parental consent, which could then move back the age of consent and the age at which parents would be informed.

The member for Caulfield highlighted some of the issues raised by the St James Ethics Centre, which has been in touch with the shadow minister. It makes a number of observations which have been raised in the house, including that people aged 16 and 17 may consent to minor medical procedures and in some cases procedures such as abortion. I worry very much about the charter in that we could then be looking at a risk that the age for consenting to abortion might be moved back if the age of consent for minor medical procedures such as blood donations were moved back. We could be heading into an area of difficulty. I hope not, and I hope that can be clarified by the minister. The ethics centre also raised issues to do with the expert assessment of the consent process and what really justifies consent in someone of that age.

With those concerns, particularly the concerns about SARC, information for parents and the age 16 threshold, The Nationals in coalition are supporting this bill because of the need for blood and the willingness of people to donate blood, but there are some issues I hope the minister will clarify in summing up.

Mr ROBINSON (Minister for Gaming) — I am very pleased to contribute briefly to the debate on the Human Tissue Amendment Bill this evening. It is a bill I strongly support. As a blood donor since I turned 18 I am a strong believer that blood donation is a very practical and valuable community service and one that we should encourage at all opportunities. The main purpose of this bill is to amend the Human Tissue Act 1982 to enable 16 and 17-year-olds to give blood without the consent of their parents, and I think that is a very reasonable proposition.

I have seen many changes in the way in which the blood donation service run by the Red Cross has operated over the past almost 30 years. When I first left school and worked for the SEC (State Electricity Commission) it was almost an institution within that entity, certainly insofar as its Melbourne office at the old Monash House in William Street was concerned, for employees to give blood. At that time the management practice within the SEC, and I think it is fair to say at that time within a lot of other state-owned organisations, positively encouraged employees to give blood. At that time you could only give blood in the city at an old facility in Flinders Street. It entailed a walk up Flinders Street to a fairly dated facility. There was no collection service available at Southbank or in suburban Melbourne, such as at Ringwood, and the only product you could donate was whole blood. It was a fairly cumbersome procedure, and many members would be familiar with that.

Going forward 30 years we do not see in an institutionalised way as much support in workplaces as there once was for employees to take time off and give blood. In some respects that is a regrettable development. I understand why the environment has changed. Employers are quite rightly more concerned about the competitive and open environment and about the productivity of employees. To have large numbers wandering off as we did then would not necessarily be in tune with best business practice today. Nevertheless, as impediments to people giving blood emerge in their various forms, we need to be mindful of them.

We now have the ability to give blood in a greater variety of locations, and that is a good thing for the sake of convenience. We also have the opportunity for Victorians to donate in different ways: through the donation of whole blood, the Red Cross maintaining a requirement that that can only be done every three months; the donation of blood products such as plasma, of which I am a regular donor, and I think that can be done every two weeks; or the donation of other products, on which I will not attempt to advise the house because my knowledge of that is a little rusty. Those are good things. They are options that have opened up because of developments in technology and medical knowledge.

The other thing that has changed is the way in which patients are treated in hospitals, and undoubtedly treatment options have expanded. With the expansion of treatment options, demands for blood products change. It is not uncommon now for donors who are on various panels which represent different donation options available to donors to be contacted by the Red Cross and asked to come down for a particular donation

on a particular day because there is a particular demand by a patient who might be undergoing cancer treatment or the like. That is a good thing, because we can tailor donors' patterns of donation to immediately match up with patients who are undergoing treatment. As I said, that is a good thing, and we will probably see more of that in years to come.

I note the observations of the member for Mildura — I suspect his comments might be reflected by other country members — about the ease and convenience of donation in city and suburban areas not necessarily being matched by the ease of donation in country areas. That reflects in part the geographical layout of the state. It also reflects in part — and he may have been alluding to this — the determination of the Red Cross to reconfigure its services over recent years. It is fair to say that Red Cross policies should be challenged where members and the public feel that they fall short of best practice. However, much as we should engage in a debate over what constitutes best practice by the blood collection service in this state, we should not let any considerations as to whether the Red Cross has done the right or wrong thing in the past detract in any way from the value of blood donation. As I said, it is one of the most constructive and valuable community services that Victorians can render.

I strongly encourage Victorians, whether they are 16, 17, 18 or older, to consider donating. At the moment only about 3 per cent of the population donates. Clearly there are some people in the community whose physical or health condition is such that donation should not be encouraged for them; they would not be suitable donors at this point in time. Nevertheless, there are many others who could donate, and we ought to encourage them at every opportunity.

The year 2009 has been designated the Year of the Blood Donor, as the minister mentioned in his second-reading speech, and the passage of this bill, which will undoubtedly lead to many 16 and 17-year-old Victorians becoming blood donors, is a fitting tribute to that. It is appropriate that we are debating it at this point in time. I look forward to this bill receiving the support of all parties in this house and the other house, and I look forward to it playing a role in encouraging more Victorians to become blood donors in the future.

Mr MULDER (Polwarth) — I also rise to join members in supporting this important bill before the house. It is important in that it relates to the donation of blood to assist those in our community who would be in dire straits without this service due to a number of complex medical conditions.

I have listened to the debate with a great deal of interest, and I note a number of members in this house are blood donors. I commend them for their role in being prepared to support the Australian Red Cross and to donate blood. There will no doubt be others who are not in such a position. I am one of those who unfortunately cannot donate blood, courtesy of my mother's very low blood pressure. The couple of times I have attempted to donate, I have tried to lift my head afterwards and found myself flat on my back again, and I took quite a deal of time to recover. That is not to say that people like me cannot play some role in supporting vital medical services around the state. Given the fact that I was not able to continue as a blood donor, I decided that the best course of action was to become an organ donor, and I have gone down that path.

Mr Dixon interjected.

Mr MULDER — Yes, as a number could. There is no doubt that over the last few years in particular, young people from Generation Y have come under enormous pressure over what some people in the broader community deem to be selfish attitudes, including not being prepared to be involved. I see blood donation as a tremendous opportunity for the younger generations, through the support and cooperation of parents and the broader community, to start to take an active role, to exercise a strong sense of responsibility to people around them and to make a genuine commitment through giving blood. There have been some articles written on this and surveys of younger people on their attitude to becoming blood donors; some have indicated that the thought of needles and that very process had frightened them off and perhaps they were not prepared to be involved.

Particularly in rural Victoria — and I notice a number of members have spoken on this issue — there is a community of interest in an issue like blood donation. Having a local active Red Cross operating in your area and working in the field of blood donation makes it far easier for parents and peers to approach and bring along younger people and introduce them to the blood donation service. A number of members have pointed out that a lot of smaller country locations where you could go to donate blood — and donation times in those locations were well known to people throughout the community — were shut down as a result of Red Cross policy. I felt that was a very poor move in terms of the future of blood donors in rural areas. What we have to understand is that there is an extremely strong network among rural communities, particularly when you have an organisation involved in blood donation, and the times, locations and people involved are important. I know that at the operation we had in Colac a number of

community leaders were involved in the blood donation program, including retired nurses, and they spread the word widely about the benefits of giving blood throughout the community.

Not only that, it was a great social occasion for a number of the people who were involved with the Australian Red Cross Blood Service. I know when the announcement was made that a number of these locations were to be shut down there was an outcry. I do not believe it has worked in the best interests of the organisation. We hear from time to time media reports of the shortage of different types of blood, and you have to ask: how much harm has been done by withdrawing the service? The minute you remove ownership of a particular service or a particular organisation from the local community, you lose contact. As I said, a lot of people in my community were involved in the Red Cross in the blood donor field and I do not believe it worked in the best interests of the organisation. Currently a mobile van visits Colac every three months and sets up in the Central Reserve bowls club car park. It takes about half a day to set up its generators and another half a day to dismantle them. It is currently on site for about a week and a half, and I understand that will be increasing to two weeks in the near future. About five or six weeks before the visit letters are sent out to registered donors in the area asking them to phone to make an appointment. I understand there has been a slight improvement in numbers since the announcement was made not to have a permanent presence in the town, but you have to ask the question: could that number have been increased dramatically had the permanent presence been maintained?

I am unsure what action the Red Cross is going to take as we move forward, but it is not easy to make contact with or engage youth in a lot of areas, and it will be a challenge, given there is not a permanent presence in locations such as Colac, to make contact with those 16 or 17-year old people to encourage them to become part of the blood donor program. It will take a considerable amount of effort and a lot of work to engage people in the community, whether it is done through sporting bodies, schools or employer organisations within the community. I still believe the former system that had local people engaged in local activities promoting local donor activities would have and could have produced a far better outcome than what we have at present.

I am not in any way, shape or form attempting to discredit the Red Cross for the work it does, but quite often decisions are made without full community consultation, and down the path people understand it

was not in the best interests of the Red Cross or the blood donation program to withdraw the local involvement. I have seen this happen on a number of occasions with other business activities and business models when policy or business decisions have been made to remove the local presence in the belief that the same level of support would continue to flow. It does not always happen that way. Country people are generous in their own right. They are great givers and great people to have involved in worthwhile programs in the community, and one could argue there is no more worthwhile project than being involved in collecting blood or being a blood donor. I ask the Red Cross to give consideration to its future direction and to conduct an intense audit of the younger people in these communities, engage the local communities and try to build a stronger presence in these rural communities so we can have vital supplies of blood as we go forward.

I listened to a number of contributions by members in this place where it was acknowledged that in business there is not the strong promotion of giving blood as there used to be. I know when I was working in government departments many years ago and in my own business we were never contacted about staff in our organisation being prepared to become blood donors. Unless you can get the message out in the community it is too late to make urgent calls for blood after a natural disaster when you require large blood supplies. We must make sure we have all of those resources available.

Mr SCOTT (Preston) — It gives me great pleasure to speak on the Human Tissue Amendment Bill 2009. I place on record my great appreciation of all persons who give blood or donate organs and tissue, which plays a vital role in our health system. I draw a contrast between our system of blood donation and those of other societies, where blood donors are paid significant amounts of money to entice them to donate blood. It is a good reflection on our society that we do not require financial inducement to have large-scale blood donation.

As discussed by other members, the bill amends the Human Tissue Act by changing the definition of 'child' for the purposes of sections 21, 22 and 23 of the act to being a person who has not obtained the age of 16 years. Previously it was a person who has not obtained the age of 18 years. This amendment applies only to those sections of the act that relate to blood donation and does not affect other aspects of the act, including organ and tissue donation. As has been stated, 16 and 17-year olds may donate blood, but they require parental consent, the agreement of the child and advice from a medical practitioner that the removal of the

child's blood is not likely to be prejudicial to the health of the child. Currently parental consent is required for each act of donation, and the act does not permit the granting of such consent by a legal guardian. This creates a class of mature minors who are under the care of legal guardians who are unable, up to the passing of this bill, to donate blood.

I note with some pleasure that this bill is supported by both sides of the house. It is a sensible bill that will provide for the expansion of the number of persons who are able to give blood and the expansion of the number of persons who are likely to give blood. This is due to the logistical difficulties that exist with obtaining written agreement from both parents and donor in relation to each act of donation. This has the effect that it may reduce the number of occasions when mature minors donate blood.

As has been discussed by other members, blood is used in life-saving transfusions of hospital patients, it is in scarce supply and is a very precious resource which is important in our community. Blood products derived from donated blood treat a range of patients in our health system. Trauma patients account for only 2 per cent of blood product use, while cancer patients use 35 per cent and patients with anaemia use 19 per cent. I, like many other members of the house, I am sure, have friends and family who have been recipients of blood products and owe their lives to the generosity of other Victorians for their willingness to donate blood.

Australia is currently nearly self-sufficient in the supply of blood products. A number of blood products are imported, but largely we are self-sufficient. This amendment brings Victoria into line with other states and territories such as South Australia, New South Wales, the Australian Capital Territory, the Northern Territory and Tasmania, where mature minors 16 years or older can donate blood if they are capable of making this decision without there being parental consent. Blood donation by such persons without parental consent has occurred in South Australia, New South Wales, the ACT and the Northern Territory for several years with no reported serious adverse consequences. Tasmania has only recently introduced such legislation.

There are safeguards in place regarding the donation of blood to prevent persons being coerced or subjected by outside pressure to donating blood, and as was noted by the minister in the second-reading speech, the Australian Red Cross Blood Service specifically trains qualified nurses to interview and thoroughly screen each potential donor. This training ensures that the nurses are able to recognise and deal with individuals who may be coerced into donating blood or may be

subject to some degree of peer pressure, and as has been discussed this can occur when there are groups of individuals such as schools or sporting clubs who are collectively giving blood.

It is appropriate that all medical donations are done by a person's free will, free of all coercion, including being free of financial inducement, as I touched upon earlier. That is a very important part of our system and will ensure that they are truly voluntary acts of generosity.

Blood donation has been used as a measure of social capital in that the trust and generosity of the individuals within a society with high levels of blood donation are reflective of a healthy society where individuals have regard for the rest of their fellow citizens. In addition to the test regarding coercion, donors are assessed on whether they are medically fit to donate blood. They must have the capacity to make the decision to donate blood, to answer truthfully the questions they are asked and to give informed consent to the procedure. So there are important procedural safeguards that ensure that persons giving blood are doing so of their own free will, that they are not being coerced, that they are able to make that decision and that the decision does not adversely affect their health.

This is a sensible piece of legislation that will enable additional persons to donate blood, which hopefully will increase the levels of blood donation within our community and the security of the supply of blood products to the Victorian community. It is an excellent bill which I am glad to see is supported by both sides of the house, and I commend the bill to the house.

Mrs VICTORIA (Bayswater) — I rise in support of the Human Tissue Amendment Bill, and as a blood donor I can fully appreciate why people would be in support of this measure. It certainly is a way to enable members of society who might be busy and cannot give up their time to go on committees and that sort of thing to help other people. Donating blood does not take a long time and there is always the reward of the party pies and milkshakes and things like that at the end, so you get a reward for doing it, unlike the situation in some places in the world, which I will come back to, where they pay cash for the donation.

The intention of the bill is to amend the Human Tissue Act 1982 to allow what are going to be known as mature minors, aged 16 years and over, to consent to the donation of their blood without parental consent. Of course before that age, if minors want to donate blood for various reasons — whether to donate to a sibling or to store their own blood, for example — they must have

parental consent, so this bill removes that provision once they have reached 16 years of age.

In sections 21, 22 and 23 of the Human Tissue Act this will become particularly relevant because it will define a child as anyone who has not yet had their 16th birthday. The amendment brings blood donation into line with current law on the ability of mature minors to consent to medical treatment if they want to put aside their own blood or give to others.

There is also something of note in the definition, and that is a new section 20A, which facilitates blood transfusions and donations by reducing the age at which persons can consent on their own behalf to the removal of their blood from 18 years to 16 years of age. I believe for the purpose of this provision that the age of 16 is fairly uniform across Australia. I am led to believe that Western Australia is the only state that has not as yet come into line, and common sense would say that perhaps the WA government will do that and then we might have one uniform approach across Australia.

While doing research for this debate I found a conference paper put out through the University of Queensland entitled *Blood Donation in Australia — The Role of Attitudes, Norms, Perceived Behavioural Control and Self-identity*, and one of the really interesting lines in the overview of that conference paper is:

As Australia continues to experience periodic shortages of blood supplies, there is immense pressure to maintain a safe and sufficient supply of blood products. However, only a very small proportion of eligible Australians currently donate blood.

There was a big scare around the time when AIDS first hit our lives through television screens and newspapers, with many people being afraid to give blood because they feared contracting AIDS. Of course that has all settled down and people realise that you cannot contract AIDS from donating blood because each needle used is fresh or sterilised, but there was a lot of fear around at that time.

Other people do not particularly like having a needle stuck in their arm. That was why I began donating blood — because of a very big fear I had of needles. I thought, 'If I can get over this, I can get over almost anything in my life' so I started donating blood to overcome that fear. Thank goodness I did because when you become pregnant, as every woman in this place knows, you become a pincushion; so that was very helpful.

I was interested to look at some of the American websites where they talk about donation of blood and

how you can make money from it. One website entitled www.SixWise.com contains a piece entitled 'How to sell yourself for cash'. It says:

Perhaps you've thought about selling your car, your home or your garage-full of accumulated 'things', but have you ever considered selling yourself, or, rather, by-products of yourself, for money?

About 8 million Americans donate their blood in any given year, and the no. 1 reason most donors choose to do so, according to the American Red Cross, is because they want to help others.

One would assume that that is also the same in Australia.

But blood is not the only human by-product that can be donated, and it's certainly not the only one that's in demand. Whether you're just curious — —

It goes on to talk about selling the other by-products for money.

You have to be over 18 years old in the United States to do this, and you have to weigh at least 110 pounds and be in good general health. Very similar to the situation here, you also have to pass a medical history interview and a brief physical examination. I do not remember going through a physical exam here but I certainly remember lots of questions about how I was feeling, whether I had a cold and that type of thing.

Payment is very interesting. It comes from what they call 'for-profit' collection centres, which pay anything between \$9 and \$35 for a donation. Obviously there are guidelines as to how often one can donate, but it is important to note that in other societies some people rely on this type of donation to get by, especially those in the lower socioeconomic demographics. Thank goodness we have not got to that stage! Every now and again the blood supplies become low — and critically low in some cases — so it is a great idea that we lower the age minimum to 16 years so that we have a greater pool of people from which donations can be sought.

The quantity of blood needed for many operations is important, because it underlines the reason why our blood stocks become so low. One donation typically supplies one red blood cell unit, one unit of platelets and one unit of plasma, and to put it in perspective — to explain why so many donations are needed — a car accident can require up to 50 units of blood. Fifty units can be transfused into a car accident victim, an organ transplant can take up to 40 units, and those having a bone marrow transplant are looking at up to 20 units for the operation.

Cancer patients can use up to 8 units of platelets every single week for the duration of their treatment. If you think about the prevalence of cancer in society now — all the different types of cancer and the number of people going through various forms of cancer treatment — and if you multiply that by 8 units of platelets each, considering that one donation constitutes 1 unit of platelets, you are looking at an awful lot of donations that need to be undertaken to make sure we have enough to help those who need more than just red blood cells.

As I said at the outset, this is an incredibly important bill. Blood donation is a great way for people to be able to help other members of society, and no matter how tight your time is — —

The DEPUTY SPEAKER — Order! Under standing orders it is time for me to interrupt the business of the house. The member for Bayswater will have the call on this legislation when it is next before the chamber.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Apollo Bay P-12 College: funding

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Education and concerns the rejection last week of the application by Apollo Bay P-12 College under round 3 of the federal government's Building the Education Revolution program. This federally funded program is being administered by the state, and I therefore call on the minister to liaise with her federal colleagues without further delay to provide Apollo Bay P-12 College with the \$2 million funding allocation that it had every expectation it would receive.

Apollo Bay school currently has several second-hand buildings that were shifted onto the site nearly 50 years ago. Everyone who has visited the school, including a member for Western Victoria Region in the Council, Gayle Tierney, and the federal member for Corangamite, Darren Cheeseman, has acknowledged the desperate need for building works to be undertaken.

After being unsuccessful under rounds 1 and 2 of this program, the school decided to canvas support prior to making an application for round 3. Despite only having

148 enrolments the school was given personal assurances by Mr Cheeseman that, based on its obvious need, one or two enrolments should not impact adversely on its application. Mr Cheeseman also attended a meeting of school principals in Colac at which time he gave a personal assurance that the school's application would be successful. This assurance was reported to the school council and minuted. The school submitted its application on 24 June with no opposition from any key people involved both federally and at a regional level, despite all being well aware of the enrolment numbers.

In the interim approximately \$20 000 has been spent by the government on initial plans for the building works. The application sat at regional level for over a month, and last Wednesday the school was informed that it was not eligible. The reason? The school had an enrolment of only 148. It was then told it had 24 hours to apply for the lesser amount of \$850 000 which can be applied for by schools with less than 150 students.

I have reports of principals and school councils scratching their heads over what to do with funding they have received over and above their needs. I have had reports of works already over budget by up to \$700 000 and reports of 'padding' of quotes due to the unavailability of builders to carry out all the projects funded.

This is a disgraceful situation. In all good faith and with considerable support and encouragement the Apollo Bay P-12 College applied for the \$2 million allocation. Given its location, the school will always have minor fluctuations in its enrolments. In fact I believe the enrolment currently stands at 149 — the lack of one student has ultimately cost this school \$2 million despite the acknowledged and urgent need for substantial building works.

One of the main aims of this program was to inject stimulus into the economy. It has failed to inject much into the Apollo Bay community, except a high degree of anger and disappointment.

Port Phillip EcoCentre: funding

Mr FOLEY (Albert Park) — The matter I raise is for the Minister for Environment and Climate Change. The specific action I seek from him is that he continue to support the practical delivery of practice change in the area of climate change by continuing to support the Port Phillip EcoCentre in St Kilda. I do so because in the very near future the ecocentre celebrates its 10th anniversary as a community-based hub of activism and practice change on the issues of sustainability more

generally and in the area of climate change in particular.

The DEPUTY SPEAKER — Order! The member for Albert Park cannot ask for action in terms of continued support. He can ask for action to be delivered but not for a continuation.

Mr FOLEY — I will ask for support for the practice of delivery change by the ecocentre in St Kilda — thank you, Deputy Speaker. Unlike the climate change sceptics who sit on the opposition benches and find every opportunity to point to evidence contrary to the overwhelming consensus of respectable worldwide scientific opinion, this side of the Parliament knows that south-east Australia is one of the epicentres of the impact of climate change. Local organisations such as the Port Phillip EcoCentre play an important role in that effort of changing practice in the community. Over its 10 years the centre has grown from a centre of local activism and good ideas into an emerging group engaging with and delivering to groups across the local community. It went through a consolidation phase and has now taken a role of leadership in the community. It is clear in its governance and direction and certain as to its tasks but always firmly based in its community.

That is why the ecocentre was particularly successful in being able to pursue state government funding for projects such as its road map to sustainability project, through which it assists communities to establish eco-living centres that can become tools for behaviour change and result in practical changes in the areas of climate change and sustainability.

That is why a range of communities across Australia and Victoria now look to this model of a community-engaged living centre to continue its efforts.

With regard to other programs the ecocentre has delivered, it is particularly important to point to the fact that its Carbon Cut program to deliver retrofitting arrangements to some of our most needy and at-risk communities, particularly newly arrived communities in my local community, has been particularly successful in delivering not only energy and cost savings but new skills to otherwise unemployed youth. The centre is now almost 10 years old, and it reviews its operations regularly. There are some in our community who mistakenly misjudge the centre's inclusiveness for a lack of desire for action. They see the centre's operations as a real estate opportunity rather than as a community service. Bringing communities along in decision making and practice change is mistaken for a lack of decisiveness. In this regard I urge — —

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

Bushfires: rainwater tank and solar energy rebates

Mr NORTHE (Morwell) — I raise a matter for the attention of the Premier. The action I seek is for the Premier to provide those persons who are rebuilding their homes in the aftermath of the Gippsland fires of late January and the statewide fires of Black Saturday the opportunity to access both the regional solar hot water rebate program and the Water Smart Gardens and Homes rebate scheme.

The trail of destruction following these fires has been nothing short of devastating. As people attempt to rebuild their homes and their lives I believe this small incentive will make a significant difference to the lives of families right across Victoria. Currently these schemes prohibit a person from accessing the rebates because the criterion stipulates that the rebates are not applicable to new homes amongst other factors. However, given the circumstances I believe that those who are rebuilding post the fires should be granted access to the program.

The support that has been provided to those who have been impacted by this awful has been astounding, to say the least. I have witnessed firsthand the extraordinary contribution of the local community and businesses, emergency service personnel, volunteers and the three tiers of government amongst others. At a local level the generosity of donations to the Gippsland Emergency Relief Fund has exceeded all expectations and provided enormous assistance to those in need — and it continues to do so to this day.

As many residents face the challenge of rebuilding their homes it has become increasingly apparent that families are struggling to cope with the escalating costs of rebuilding. Whether that is a tribute to the new building regulations that now apply to bushfire-prone areas, the cost of building materials or the cost of clearing property, the reality is that despite significant support many families are struggling. I pause to add that it is not only the fiscal component of the rebuilding phase that has caused much consternation, but simply the time required to deal with builders, planners and councils, amongst others, to prepare for the challenge of rebuilding. I know of many small business people who have been working incredible hours to ensure they are able to make a living in the first instance whilst attempting to rebuild their homes.

Many people are engaged in building activities simply because of the disaster of the fires, including the residents of smaller communities such as Jeeralang North, Koornalla, Boolarra and Callignee. For example, there is a fear that a significant portion of the population will not return, thereby decimating these communities. Maybe what I am proposing tonight might provide the impetus in some circumstances for people to return to the communities they so dearly love. I believe this is a great opportunity for the Brumby government to demonstrate its support for those who are rebuilding after this disaster. I call on the Premier to provide those persons with the opportunity to access the regional solar hot water rebate program and the Water Smart Gardens and Homes rebate scheme.

Country Fire Authority: Whittlesea brigade

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is that he approve funding under the community safety and emergency support program (CSESP) for a heavy tanker for the Whittlesea fire brigade. This morning I had the privilege of announcing a new site — it is in Laurel Street, Whittlesea — for a new fire station for this great brigade. I made the announcement with Captain Ken Williamson.

People in the Whittlesea community know that they owe a great debt of gratitude to their magnificent brigade, which is led by Captain Williamson and Lieutenant Tim Dawkins. Those officers are not ones to sing their own praises, but it has to be said that, along with the members of their brigade, they engaged in acts of heroism on that terrible day, on Black Saturday, in protecting their community and saving many lives. I know that the community supports the building of a new fire station, which will have better facilities for volunteers, better engine bays and improved meeting and training facilities. The rebuilding of the fire station will enable the brigade to set up a decent divisional command there.

I am pleased that the Brumby government went to the last election with this commitment. However, the brigade also made a submission under CSESP, and I am pleased to say that the program has provided many new appliances and equipment for brigades across the state. This government has almost tripled funding to emergency services since 1999. In particular the Whittlesea brigade requires a 3.4C heavy tanker to replace the brigade-owned tanker at its second fire shed in Eden Park. It is very important that it have a very good appliance at Eden Park. There is a shortage of water in that area, which is outside Whittlesea

township. Many of the farmers and land-holders have been carting water for a long period of time, and it is pivotal to this community that Eden Park have a new heavy tanker to protect that community.

This is the third year in a row that the Whittlesea fire brigade has submitted an application under CSESP, so it is very timely that this brigade be rewarded for its work and be provided with an additional new tanker along with a new fire station. I commend this great 80-member brigade for the work it has done throughout the year and particularly on Black Saturday.

Trams: East Malvern extension

Mr O'BRIEN (Malvern) — I raise a matter for the attention of the Minister for Public Transport. The action I seek is that the minister examine the feasibility and cost of the extension of the no. 3 tram route from its current terminus at Darling Road in East Malvern through to East Malvern railway station and preferably on to Chadstone shopping centre and/or Warrigal Road.

At present no trams connect with the East Malvern railway station, despite the station being one of the largest in my electorate. Clearly this is an oversight and is a matter of great inconvenience for a lot of people in my electorate who wish to access trains. The railway station is less than 1 kilometre from the current terminus of the no. 3 tram if you travel east along Waverley Road until the road meets Malvern Road and the East Malvern station. However, for many elderly residents and members of young families with children and who use prams, that 1-kilometre distance between the end of the tramline and the closest railway station is a major inconvenience. For example, Weeroona Senior Citizens facility is located in that part of Waverley Road that is caught between the train station and the tram stop and is therefore serviced by neither. Because of their advanced age many residents of Weeroona do not have the capacity to walk to either the tram or the train.

It seems ridiculous that the end of the tramline and East Malvern station have never been drawn together given the length of road between them. From my research I know that the current terminus of the tramline at Darling Road was constructed in the early 1900s. It appears that as long ago as 1923 there were plans to extend the tramline down Waverley Road and through to Warrigal Road. While an extension to Warrigal Road would be welcome, as would an extension to Chadstone shopping centre for that matter, I think many local residents would be delighted if they could at least see an extension of the tramline of that 1 kilometre from Darling Road down to East Malvern station. It is one of

the missing links of public transport in the Malvern Area.

There are some other missing links. If the minister is so minded while she is getting out her cheque book to fund feasibility studies, she could also look at the extension of the no. 5 tram route to Malvern Road and Darling railway station. When you consider how much money has been frittered away by this government on cost overruns in the transport portfolio — noting the construction of the M1, the myki ticketing project and the so-called regional fast rail project — it is hardly an outrageous request that a feasibility study be conducted into what is a much-needed and relatively modest tram extension that would be of great benefit to the citizens of Malvern.

Information and communications technology: national broadband headquarters

Mr PERERA (Cranbourne) — I raise a matter for the Treasurer. I call upon him to negotiate with the federal Rudd government to ensure that Victoria secures the national broadband headquarters.

The Rudd government's \$43 billion national broadband network is by far this nation's largest ever infrastructure project. Victoria has a long history in the communications industry, with the Telstra headquarters located in Melbourne. The headquarters of the national broadband network will be a huge asset to this state. It will bring with it jobs and strong investment, both of which are important in the current economic climate.

Victoria has a great reputation in the finance and telecommunications industries. I believe it is the natural home for the new headquarters. However, nothing should be taken for granted. If we do not present the strongest possible case, it could easily go to another state.

Victoria has a disproportionately large number of workers in the information and communications technology sector — 4.5 per cent compared with 3.5 per cent nationally. The headquarters of many cable manufacturers and network technology suppliers including Ericsson, Siemens and Telstra are in Victoria, as are the bases of construction companies such as John Holland, Visionstream and Nextgen Networks. Also based in Victoria are broadband retailers such as Telstra and iPrimus.

The proficiency of Victorian Telstra staff at building and maintaining next generation networks is not something that should be ignored when looking at the best place to set up a broadband headquarters. We have

the luxury to be able to emphasise that regulators such as the Australian Communications and Media Authority, the telecommunications industry ombudsman and the Australian Competition and Consumer Commission are based in Melbourne.

Victoria has a strong superannuation funds management industry, with 6 of the top 10 superannuation funds and 11 of the top 20 based in Melbourne. At the end of 2006 the total assets of the Victorian industry superannuation funds represented 63.5 per cent of total national sector assets.

These statistics prove that Victoria is ahead of all other competitors. It is in the best interests of Victoria and Australia to establish the national broadband network headquarters right here in Melbourne. Victoria is the only place that is ready to accommodate the headquarters to deliver the national broadband network for Australia.

Trafalgar High School: autism integration model

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the Minister for Children and Early Childhood Development. The action I seek is for the minister to support and fund the introduction of the autism and Asperger's integration model at Trafalgar High School.

Robyn Cusden and Judy Farmer have been representing a large parent body in researching models for supporting students with autism spectrum disorder (ASD) since March 2007 with the view to implementing a pilot program in West Gippsland. Robyn and Judy have visited numerous schools in Victoria, and they also spent three days in Canberra in June 2007 investigating the learning support units at secondary schools in the Australian Capital Territory. The shadow ministers for education and children and early childhood development have also visited Belconnen High School in Canberra and were very impressed with the home room model being used.

Robyn and Judy presented their final report and recommendations to Alan Wilson, acting manager of the Program for Students with a Disability policy and programs with the Department of Education and Early Childhood Development in Melbourne on 25 November 2008. They have based their autism and Asperger's integration model on the home room model currently used at Belconnen High School and the resource model used by the King Ecgbert School in Sheffield, England. At their meeting with Alan Wilson and Nicola Stuart, a project director with the

department, they were told that if they could find a principal who was supportive of the model and prepared to establish a home room within their school, then introduction of the program would very likely be supported.

The principal of Trafalgar High School has indicated her support for the model and expressed a very keen desire to have a home room within her school. There are many reasons why Trafalgar High School would be an excellent place for a pilot model.

Robyn and Judy have recently been informed by Nicola Stuart that a satellite classroom program for ASD students is being considered at a local secondary and primary school in West Gippsland. They were surprised to learn that discussions have already taken place regarding satellite classrooms with no reference or comment about the autism and Asperger's integration model. Many attempts by Robyn and Judy to get a meeting with the project manager and the project consultant have so far failed, and sadly phone calls have not been returned. Given the enormous amount of time and effort invested in the high-quality research undertaken by Robyn and Judy on behalf of a very large number of parents and students battling with autism spectrum disorder, the minister must step in and ensure that this group is engaged and consulted in the process.

I call on the minister to facilitate the engagement of Robyn Cusden and Judy Farmer in discussions regarding programs for students with ASD, to take up the offer of Trafalgar High School and to fund the implementation of the autism and Asperger's integration model as a pilot program in West Gippsland.

Rail: Hurstbridge line

Mr HERBERT (Eltham) — I raise a matter for the attention of the Minister for Public Transport. I ask the minister to take action to ensure that the proposed stabling at Eltham railway station goes ahead and that in the future there will be additional peak-hour services on the Hurstbridge line.

Like so many of Melbourne's public transport system users, Eltham residents have paid the price for the neglect of our system incurred prior to this government coming to office — a neglect that resulted in bottlenecks, unreliability and a lack of capacity to dramatically increase services to meet demand on the Hurstbridge line.

Luckily in recent years the government has worked assiduously to improve the Hurstbridge line. The \$52 million duplication of the track between Westgarth and Clifton Hill railway stations has helped alleviate one major peak-hour bottleneck. The ongoing \$6 million upgrade of signalling equipment between Greensborough and Hurstbridge stations will connect this track to the metropolitan system. The reversal of the loop has alleviated a bad crossover problem that often caused delays right along the line. In addition a substantial increase in the number of car parking spaces at Eltham station has enabled more people to commute to the city.

Yet we still have problems. We know more needs to be done to improve the reliability of services, to ease overcrowding on trains and to ensure that future passenger growth is catered for by extra services. We know that fixing up the track is only part of the solution; we need more trains and the capacity to stable them at Eltham to increase services on the line at peak hour.

To this point the government has recently funded a \$50 million stabling project and master plan at Eltham station. The project will see additional trains stored overnight at Eltham station and the installation and integration of new signalling equipment, new shunting yards and a small museum to display how the system used to work. This is a vital project for public transport growth in the Eltham area. I urge the minister to fast-track the project and get additional peak hour services on the line.

Unfortunately, not everyone agrees with this boost to public transport. Some of the Nillumbik councillors mistakenly seek to increase their rate base with high-density housing on the land rather than by developing the council's own land assets. They suggest that houses, not trains, should be put on railway land. In their complaints they fail to realise that this is VicTrack land we are talking about and that the stabling project is precisely what the land is designated to be used for.

It is important that we get more peak-hour services and increase reliability on the Hurstbridge line. This stabling project is incredibly important for increasing capacity in the future. I believe it is a project the minister has a personal interest in, so I ask her to make sure that the project progresses smoothly and that she explains the benefits of the project to the many rail commuters in the Eltham electorate.

University of Melbourne: performing arts courses

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Skills and Workforce Participation to immediately make representations to the University of Melbourne and her ministerial colleagues on behalf of the performing arts community and all Victorians.

In June I asked the same question of the Minister for the Arts, who eventually replied to my request by stating:

While I am monitoring the situation as Minister for the Arts, the issue falls within the portfolio of my ministerial colleague ...

If the Minister for the Arts cannot see that this is a joint responsibility, perhaps even adding in the Minister for Tourism and Major Events, I would question her understanding of and dedication to this portfolio. Do we or do we not want a thriving performing arts sector in this city?

The Premier, standing on the steps of Parliament just a week or so ago in yet another cheesy photo opportunity, said that Melbourne is the artistic capital of Australia. According to the *Age* on 14 July, Mr Brumby said:

The *Mary Poppins* musical builds on our track record of highly successful events which attract tourism, generate economic benefits and create jobs for Victorians.

Is the Premier aware of what damage will be done to this lucrative industry if the University of Melbourne refuses to give students who wish to work in the theatre a practical education?

Here is the heads-up: no more *Mary Poppins*, no more *Wicked*, no more *Jersey Boys*, *Lion King* or *Spamalot* — no more investment in shows where artists and crew cannot be sourced locally. Bringing these people from interstate or overseas is just not financially viable.

I ask the minister to go in to bat to ensure that the university complies with the intent of the 2006 Melbourne University (Victorian College of the Arts) Bill.

The second-reading speech was clear in stating:

... the integration will guarantee that the college's role as Australia's pre-eminent provider of visual and performing arts training and education can continue.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Albert Park and the member for Malvern!

Mrs VICTORIA — Nowhere did the minister mention that a music theatre degree course would be established then axed within months of its inception. Nowhere did he mention that students would be forced to study interstate or overseas if they wanted practical training that made them workplace ready in three years. Nowhere did he mention that all performing arts degrees at Melbourne University will have up to 50 per cent of the curriculum outside the chosen discipline. But now we have senior university academics saying, 'We are no longer a training institution but a research institution'. This is a disgrace and is directly contrary to the intention of the bill.

Many great opera singers, actors, TV stars and visual artists learnt their craft at the former Victorian College of the Arts (VCA). Their training was vocational. The idea that we must blindly follow the theory of just one overseas academic who says that an apprenticeship style of learning is no longer valid is a load of tripe. We do not want kids just writing about the arts; we want practitioners. Multidisciplined, specialist practical training must stay at the VCA. I ask the minister to help.

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

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I think this is getting a little too much. Stop the clock for the member for South Barwon.

Ms Green — On a point of order, the member for Bayswater has just used words which started with 'f' in referring to me, and I ask her to withdraw because it is very unparliamentary and I take personal offence that any member in this chamber would be so undisciplined as to use words like that.

The DEPUTY SPEAKER — Order! The member for Bayswater has been asked to withdraw.

Mrs Victoria — Considering the — —

The DEPUTY SPEAKER — Order! The member for Bayswater has been asked to withdraw. If I ask a member to withdraw, I ask a member to withdraw.

Mrs Victoria — I withdraw.

The DEPUTY SPEAKER — Order! The member for South Barwon.

Mrs Victoria interjected.

The DEPUTY SPEAKER — Order! The member for South Barwon has the call, and I ask members to respect that.

Energy: door-to-door marketing

Mr CRUTCHFIELD (South Barwon) — I wish to raise a matter for the Minister for Energy and Resources. The action I seek is for the minister to improve the approach of doorknockers seeking to make Victorian homes more energy efficient.

Unfortunately I have received a number of complaints in recent months from constituents in South Barwon, including about three or four from Torquay, who have been doorknocked by people representing energy companies and energy retailers offering to improve the energy efficiency of their homes.

The member for Geelong told me an anecdote about last night, Monday night, a non-parliamentary night. He was at home, as most parliamentarians can be the night before a parliamentary sitting week, and there was a knock at the door.

Mr Mulder interjected.

Mr CRUTCHFIELD — And he said to his wife, 'I hope that's not the member for Polwarth, but we will check who it is'. It was a doorknocker representing an energy company or an energy retailer at 8 o'clock on a winter's night.

We can have some jest here, and I concede that it has been light-hearted. However, in all seriousness, as the member for Geelong said, there are a couple of pensioners living two doors up from his home; one has just come out of hospital after a hip replacement. I think 8 o'clock at night is a little uncivilised to be knocking on people's doors, even though the issue is quite meritorious. It is not the sort of conduct that the elderly, particularly, favour.

The vast majority of these reports have been particularly positive: most constituents realise they will receive free products like energy-efficient globes that will result in a reduction to their energy bill. However, there have been instances that my office has been made aware of that have made constituents concerned. These people have been saying they have been representing the government, which is a little erroneous, and certainly I ask the minister to clarify with the energy retailers how they go about their practices. It is a meritorious effort that the government is embarking upon, but it is the energy retailers that need to lift their game in terms of how they represent themselves and, as

the member for Geelong has just articulated, what time they represent — —

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

Responses

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for South Barwon for raising this important matter. The member for South Barwon takes an ongoing and keen interest in energy efficiency matters and is a strong advocate for initiatives that will help the people in his electorate of South Barwon.

As he mentioned, households all over Victoria are being made more energy efficient and usually at no cost to the families concerned. This is happening because of our energy saver incentive. This is a Victorian government initiative that aims to meet energy efficiency targets by saving at least 2.7 million tonnes of greenhouse gas a year, and in doing so it implements the Victorian energy efficiency target. The scheme works by creating tradeable energy efficiency certificates. These certificates are created for energy savings that are made in the home by undertaking prescribed activities. These prescribed activities include installing more energy-efficient water heating, low-energy lighting, space heating, high-efficiency shower heads, double glazing of windows and many types of weatherproofing. The scheme makes homes more energy efficient, which means lower energy bills for customers who choose to participate, and it also makes a cleaner environment for all Victorians to enjoy.

Activities undertaken in regional areas such as the South Barwon region generate a slightly higher number of certificates compared with the metropolitan area, and this reflects the greater amount of greenhouse savings that are made in these regional areas.

Consumers may be contacted in a number of ways: through advertising media; by letter; by phone; and directly at their front door. This can be done by a range of energy-efficiency businesses that have been accredited by the administrator of the scheme, the Essential Services Commission. A list of businesses accredited to participate in the energy saver incentive can be viewed at the website www.saveenergy.vic.gov.au or by contacting the Essential Services Commission directly.

I am aware that a number of these doorknockers are not being clear in their approach and, as the member for South Barwon requests, this has to be clarified. Some

consumers have been confused by erroneous claims made by these doorknockers as representing the Victorian government, and this is clearly not the case. Doorknockers undertaking activities in order to generate certificates are regulated by the rules of the energy saver incentive scheme.

These regulations, and the issues that the member for South Barwon mentioned, were raised with the participating businesses both by the Essential Services Commission and by my department at a recent meeting. Both the government and the Essential Services Commission strongly reiterated that these participating businesses cannot claim to be representatives of the Victorian government. As a result of these issues, an industry body, the energy efficiency certificate creators group, is being established. It intends to establish in turn a voluntary code of conduct with regard to marketing which will also address these important matters.

I am confident that these measures will address the issues, but I can assure the member for South Barwon that if things do not improve and there is not a better response from those who are doorknocking as part of the energy saver incentive scheme, I will take further action and consider mandatory measures to ensure improved clarity of the voluntary code.

It is also worth remembering that these doorknockers are bound by the general rules of door-to-door sales requirements as set out in the Fair Trading Act. According to these laws, door-to-door salespeople must, firstly, show identification that includes their full name, the name of the business they are representing and their business or home address; and, secondly, if they are in fact making sales, they must provide a sales agreement that is easy to understand. As my fellow minister at the table, Mr Robinson, would well know, Consumer Affairs Victoria can enforce and ensure compliance with the relevant consumer laws here in Victoria.

The energy saver incentive scheme is saving an increasing number of Victorian families significant sums of money off their energy bills, and it is also making a better environment here in Victoria. I will take these matters up with the department to ensure that the people who are doorknocking and trying to generate certificates under this energy saver incentive scheme do so in terms of the voluntary code of conduct and the laws set out in the Fair Trading Act.

Mr ROBINSON (Minister for Gaming) — The member for Polwarth raised for the attention of the

Minister for Education a funding request for Apollo Bay P-12 College. That will be passed on.

The member for Albert Park raised for the attention of the Minister for Environment and Climate Change a request for further support for the EcoCentre at St Kilda as it celebrates its 10th anniversary, and I will pass that matter on.

The member for Morwell raised for the attention of the Premier a request that bushfire victims have access to existing rebate schemes as part of their home rebuilding, and I will pass that matter on.

The member for Yan Yean raised for the attention of the Minister for Police and Emergence Services a request for funding for a 3.4C heavy tanker for the Whittlesea fire brigade, and I will pass that matter on.

The member for Malvern raised for the attention of the Minister for Public Transport a request for a feasibility study of an extension to tram route no. 3, and I will pass that matter on.

The member for Cranbourne raised for the attention of the Treasurer a request for further negotiations with the federal government as to the location of the national broadband headquarters in Victoria. I will pass that matter on.

The member for Narracan raised for the attention of the Minister for Children and Early Childhood Development a request that an autism program be funded at Trafalgar High School. I will pass that matter on.

The member for Eltham raised for the Minister for Public Transport a request for the funding of stabling yards at Eltham railway station as well as additional services on that line. I will pass that matter on.

Finally, the member for Bayswater raised for the Minister for Skills and Workforce Participation a request for representations to be made to Melbourne University regarding the future of the performing arts centre.

The DEPUTY SPEAKER — Order! Prior to adjourning the house I would like to make a couple of comments. I was prepared to allow the matter raised by the member for Cranbourne, although I would remind all members that if they wish to raise matters that are to be taken up with the federal government, they should do so clearly. I am aware of submissions that have been made, so I was prepared to allow the matter, but members need to make sure that they outline clearly

how a matter relates specifically to Victorian government administration.

I also remind members of Speaker Delzoppo's ruling on the adjournment that said members are not entitled to use the adjournment as a vehicle to attack other members of the house or others. I would ask all members to be aware of that in future and to ensure that the adjournment debate is used as it is meant to be used, and that is the raising of issues of an urgent nature, particularly for their electorates.

The house is now adjourned.

House adjourned 10.39 p.m.