

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-SIXTH PARLIAMENT  
FIRST SESSION**

**Thursday, 30 July 2009  
(Extract from book 9)**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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## Legislative Assembly committees

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

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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**Deputy Speaker:** Ms A. P. BARKER

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**Leader of the Parliamentary Labor Party and Premier:**

The Hon. J. M. BRUMBY

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. R. J. HULLS

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**

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**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. LOUISE ASHER

**Leader of The Nationals:**

Mr P. J. RYAN

**Deputy Leader of The Nationals:**

Mr P. L. WALSH

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Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
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Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip <sup>1</sup>	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
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Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew <sup>5</sup>	Williamstown	ALP
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Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
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Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
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Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William <sup>6</sup>	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene <sup>4</sup>	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 2 June 2008

<sup>4</sup> Elected 28 June 2008

<sup>5</sup> Elected 15 September 2007

<sup>6</sup> Resigned 6 August 2007



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## Thursday, 30 July 2009

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

### BUSINESS OF THE HOUSE

#### Notices of motion: removal

The **SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 17, 112, 113 and 210 to 218 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

### PETITIONS

#### Following petitions presented to house:

##### 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 **Mr TILLEY (Benambra) (14 signatures)**,  
**Mr HODGETT (Kilsyth) (258 signatures)** and  
**Mr BLACKWOOD (Narracan) (90 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 CLARK (Box Hill) (44 signatures)** and  
**Mr CARLI (Brunswick) (21 signatures)**.

##### Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house government's review of exemptions and exceptions in the Equal Opportunity Act:

Removing or limiting these exemptions will deprive schools and other organisations of the freedom to employ teachers or staff who will uphold the organisation's beliefs and values.

Parents choose to send their children to faith-based and other independent schools because they want their children educated in accordance with that school's values. This will no longer be possible if schools are no longer free to choose staff who will uphold the school's values.

The petitioners therefore request that the Legislative Assembly of Victoria make no changes to the Equal Opportunity Act. We feel there is no justification to overturn the current longstanding and well-accepted freedoms of faith-based schools and other organisations.

We the undersigned are opposed to any expansions of powers for the Equal Opportunity Commission and any change to the religious exemptions and exceptions under the Equal Opportunity Act 1995. We will not be voting in your favour if this goes ahead.

By **Mr WAKELING (Ferntree Gully) (86 signatures)**.

##### Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house government's review of exemptions and exceptions in the Equal Opportunity Act:

Removing or limiting these exemptions will deprive schools and other organisations of the freedom to employ teachers or staff who will uphold the organisation's beliefs and values.

Parents choose to send their children to faith-based and other independent schools because they want their children educated in accordance with that school's values. This will no longer be possible if schools are no longer free to choose staff who will uphold the school's values.

The petitioners therefore request that the Legislative Assembly of Victoria make no changes to the Equal Opportunity Act. We feel there is no justification to overturn the current longstanding and well-accepted freedoms of faith-based schools and other organisations.

We the undersigned are opposed to any expansions of powers for the Equal Opportunity Commission and any change to the religious exemptions and exceptions under the Equal Opportunity Act 1995. We believe that churches must be free to hire people who uphold the beliefs and conform to the practices of that church. We will not be voting in your favour if this goes ahead.

**By Mr WAKELING (Ferntree Gully)  
(17 signatures).**

**Equal opportunity: legislation**

To the Legislative Assembly of Victoria:

We the undersigned believe that religious freedom is a fundamental right. If the Equal Opportunity Act is changed it will seriously undermine our religious freedom. It will threaten the every essence of our schools, and deeply held beliefs. We stand against the removal of part or all of the current protections for faith-based schools.

**By Mr WAKELING (Ferntree Gully)  
(23 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 MARSHALL (Forest Hill) (16 signatures).**

**Advertising: offensive billboards**

To the Legislative Assembly of Victoria:

The petition of the Victorian community draws to the attention of the house that inappropriate, offensive and distracting material is being used in advertisements along Victorian roadsides. The petitioners therefore request that the Legislative Assembly of Victoria adheres to the request of us, the undersigned, to ban advertisements on billboards, on the sides of vehicles and in public spaces, which:

advertise adult nightclubs, prostitution services, sex aids and other sex shop merchandise;

demean women and men by depicting them as mere sex objects;

use implied or explicit sexual images or words which risk distracting motor vehicle drivers' attention; and

expose children to inappropriate adult material.

**By Ms KAIROUZ (Kororoit) (3213 signatures).**

**Rail: Mildura line**

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

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

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

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

**By Mr CRISP (Mildura) (126 signatures).**

**Police: Red Cliffs**

To the Legislative Assembly of Victoria:

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

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

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the

Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

**By Mr CRISP (Mildura) (16 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 discriminate 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 CRISP (Mildura) (114 signatures).**

### **Paterson's curse: control**

To the Legislative Assembly of Victoria:

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

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

**By Mr JASPER (Murray Valley) (175 signatures).**

### **Planning: growth areas infrastructure contribution**

To the Legislative Assembly of Victoria:

The petition of the residents of Narracan draws to the attention of the house the creation of the growth areas infrastructure contribution and the strong negative impact this will have on regional development in expanding regions such as Gippsland.

The petition therefore requests the Minister for Planning revoke the proposed legislation to ensure that landowners affected are not unfairly taxed for the development of regional growth areas.

**By Mr BLACKWOOD (Narracan) (47 signatures).**

### **Barmah State Forest: fuel reduction**

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house the impact of the cold burns carried out by the Department of Sustainability and Environment at Browns Camp, in the Barmah forest in October 2008.

The petitioners therefore request that the Legislative Assembly of Victoria allow an independent and scientifically credible organisation, such as the CSIRO, to conduct an audit into the ecological outcomes from the cold burns conducted at Barmah forest in October 2008.

**By Mr WELLER (Rodney) (154 signatures).**

### **Leonard Street, Ringwood: traffic management**

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

The petitioners draw attention of the house to their concerns regarding the traffic safety issues facing residents on and around Leonard Street, Ringwood.

The petitioners request that the government address these concerns and immediately act to appropriately position speed limit signs along Maroondah Highway, between the Ringwood Bypass and Wingrove Place, and to lengthen the cycle of the right-hand turn signal from Maroondah Highway into Oliver Street, Ringwood, in order to mitigate the risk of traffic accidents in this area.

**By Mr R. SMITH (Warrandyte) (22 signatures).**

### **Planning: Williamstown height limit**

To the Legislative Assembly of Victoria:

The petition of concerned citizens of Victoria draws to the attention of the house that a proposed amendment number C75 to the City of Hobsons Bay planning scheme is currently being considered by the City of Hobsons Bay to allow increased building height limits up to 46.5 metres in the land adjacent to Nelson Place, Kanowna Street, Cecil Street and Ann Street in the suburb of Williamstown.

The petitioners therefore request that the Legislative Assembly of Victoria legislate to stop this amendment taking place, and legislate to maintain existing height controls in this area determined by existing design and development overlays DD04 and DD08.

**By Mr NOONAN (Williamstown) (3078 signatures).**

**Tabled.**

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

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

Ordered that petitions presented by honourable member for Ferntree Gully be considered next day on motion of Mr WAKELING (Ferntree Gully).

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

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

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

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

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

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

## ELECTORAL MATTERS COMMITTEE

### Voter participation and informal voting

Mr O'BRIEN (Malvern) presented report, together with appendices, extracts from proceedings, minority report and transcripts of evidence.

Tabled.

Ordered that report, appendices, extracts from proceedings and minority report be printed.

## STANDING ORDERS COMMITTEE

### Public Accounts and Estimates Committee: strengthening government and parliamentary accountability in Victoria

Ms BARKER (Oakleigh) presented interim report on recommendations, together with appendix.

Tabled.

Ordered to be printed.

## DOCUMENT

### Tabled by Clerk:

Police Integrity, Office of — Review of the Use of Force by and against Victorian police — Ordered to be printed.

## BUSINESS OF THE HOUSE

### Adjournment

Ms NEVILLE (Minister for Mental Health) — I move:

That the house, at its rising, adjourn until Tuesday, 11 August 2009.

### Motion agreed to.

## MEMBERS STATEMENTS

### City of Wyndham: business awards

Mr PALLAS (Minister for Roads and Ports) — I recently had the great pleasure of attending the 15th Wyndham City Council business awards, a magnificent local event that promotes the excellence of local businesses. This year's business of the year was Essence Food Studio, which combines cooking education with gourmet food in a fun and entertaining environment. Alaine and Bart Beek have created an outstanding business and have successfully promoted their business to Wyndham and the broader community.

Special mention needs to be made of CREATE Wyndham, which also won an award for the second year running. This year CREATE was awarded the mayoral award for providing support services and training for people with a disability and young people.

The other winners were Tollman Pty Ltd, Toyota Boshoku Australia, Scherbra Automotive Group, PatAsh and Civil Pty Ltd, Hoppers Crossing Physiotherapy Centre, Port Phillip Prison, Paul's Traditional Bakery and Cafe, Miss Stevie Hair Studio, Arban, WynCity Entertainment, Polar Fresh Cold Chain Services, bb's Cafe and Plum Heating and Cooling. The city of Wyndham is home to over 7000 businesses and it is wonderful that we support and encourage pioneering and innovative local businesses and give them an opportunity to come together and celebrate their achievement.

There are a few people I would like to recognise with a special mention for organising this event: Greg Aplin,

Lesley Rogan, Daryl Wilson, Cris Dimovski and the team at the economic development unit at Wyndham City Council.

### Hospitals: government performance

**Mrs SHARDEY** (Caulfield) — The latest delayed release of the *Your Hospitals* report confirms the failed management of Victorian hospitals by the Brumby government and the fact that our hospitals are not a priority for this government. Government data reveals the following. In the six-month period to December 2008 about 195 000 Victorians missed out on care in a clinically appropriate time period. In our emergency departments some 10 000 category 2 patients were not seen within 10 minutes — that is, 20 per cent. These are patients who are experiencing very severe pain and who are suffering from such things as strokes and appendicitis or who are experiencing severe difficulty in breathing.

Also, in our emergency departments 30 per cent of category 3 emergency patients were not seen within 30 minutes. That is over 47 000 Victorians who are suffering symptoms such as blood loss, broken wrists, persistent vomiting and dehydration. Some 34 per cent of emergency department patients did not get a hospital bed within 8 hours. That is more than 44 000 Victorians over the six-month period. Some 26 per cent of non-admitted patients were not discharged within 4 hours — that is more than 83 000 Victorians over six months. Almost one-third of Victorians needing semi-urgent elective surgery were not operated on within 90 days — this is an increase of around 1500 patients. Some 37 311 patients were left languishing on the waiting list, and the government failed five out of its nine performance benchmarks, despite the hard work of doctors and nurses.

### Edward ‘Ted’ Kenna

**Ms NEVILLE** (Minister for Mental Health) — Earlier this week the house had an opportunity to pay tribute to a great Australian, Mr Ted Kenna, the last surviving Australian to have won the Victoria Cross during World War II. Mr Kenna was distinguished for his bravery under heavy gunfire in an incident in New Guinea during that war.

Mr Kenna was born in Hamilton and lived most of his life there with his wife of 60 years, Marjorie. As a country boy he went rabbiting, was a keen cyclist and played for the local football and cricket teams. In 2006 he moved to Drysdale on the Bellarine Peninsula to live with his daughter Marlene and her husband Ian Day. He became a well-respected member of the Drysdale

community, being involved as much as his age allowed. He always maintained his interests in football, cricket and gardening. Over the years Mr Kenna led Anzac marches throughout Australia, and he always insisted on attending Drysdale’s Anzac Day march, including this year’s march.

His daughter Marlene speaks very fondly of her dad and says that even though he was very proud of his award, that was not what defined him; it was his character that was his great strength. Mr Kenna was a very humble man. He said that he wore the Victoria Cross for his mates and that his family was his main concern in life.

His grandchildren chose the John Williamson song *True Blue* to be played at his memorial service in Hamilton, as it reflected the man he was. I offer my condolences to his whole family.

### Wild dogs: control

**Mr WALSH** (Swan Hill) — I am appalled that the Minister for Agriculture would hold a meeting on wild dogs in a farmer’s gateway for more than an hour but not actually invite any farmers, particularly when it was the gateway of Allan Evans of Corryong, who recently lost 30 pregnant ewes to a wild dog attack.

The Department of Primary Industries (DPI) apparently shielded Minister Helper from a discussion with affected farmers and an inspection of the attack site because the minister might find it unsavoury. When the department was asked why the minister did not meet with farmers, the response was that it was a decision made from higher up. The question being asked by farmers affected by wild dog attacks is whether DPI is deliberately stopping the minister from meeting with farmers or whether he does not want to know what is going on in his own portfolio. When Allan Evans was asked whether he would like to have met with the minister, his response was, ‘Of course I bloody would have. I would like to meet the minister. Why wouldn’t I?’.

Allan Evans and farmers like him know that there needs to be a range of strategies to help control wild dogs, one of which is aerial baiting. We have had two trials of aerial baiting in Victoria. In the first trial the chemical was mixed at 10 per cent of the proper rate and did not work, and in the second trial the baits were too widely dispersed to work. You have to say there is something wrong in Victoria. I call on the minister to instigate an aerial baiting program to help control wild dogs.

### **Belmont Business Association: awards**

**Mr CRUTCHFIELD** (South Barwon) — It is my pleasure to inform the house of some significant awards that were recently presented as part of the annual Belmont Business Association awards. These awards, sponsored by the Rotary Club of Belmont, are a chance to showcase those businesses in the Belmont area and to tell the wider Geelong community why it makes sense to shop in Belmont.

Two very well-known and respected businesses in Belmont took out the top two awards. Patsy's Place, a High Street establishment, received the customer service award for outstanding customer service. Melting Moments Cafe in Stephen Street, Belmont, took out the Tarz personality award, named in honour of former High Street icon Brian 'Tarz' Taylor. Melting Moments is heavily involved in community activities such as Neighbourhood Watch, raises money for various charities and holds regular book club meetings, providing a social atmosphere. I personally congratulate all the winners.

### **South Barwon electorate: Life Saving Victoria awards**

**Mr CRUTCHFIELD** — I also congratulate a number of locals who took out prestigious awards at the recent Life Saving Victoria Awards of Excellence night. Emily Bews of Torquay Surf Life Saving Club was honoured with the female athlete of the year award. Scott 'King of the Sweeps' Tannahill from Jan Juc Surf Life Saving Club took out the coach of the year award. He coached his team to another podium finish at the Australian championships this year.

Anglesea Surf Life Saving Club was crowned club of the year and has produced the past three lifesavers of the year. Callan Young, a 17-year-old from Torquay Surf Life Saving Club, was named Victoria's under-17 male athlete of the year, and Christina Ruiz of Jan Juc Surf Life Saving Club won the under-17 female athlete of the year award.

It is simply an outstanding result to have so many locals take out these prestigious state awards. On behalf on the entire South Barwon community I congratulate each and every one of them.

### **International students: education strategy**

**Mr KOTSIRAS** (Bulleen) — I call on this Labor government to release the international education strategy that it has been promising since last year. The Brumby government boasted in December last year that

it was 'taking action' on issues of safety, support, housing, jobs and racism when it received recommendations from its own task force on the plight of international students.

The Minister for Skills and Workplace Participation said on 22 December 2008 that the government would consider the findings and recommendations in the report and that it would feed into the development of a new international strategy to be released in 2009. An article that appeared in the *Age*, also on 22 December 2008, said the Brumby government's international education strategy was due in March.

Labor might claim it is 'taking action', but the only thing it has done is promise a strategy and that has not even been achieved. Meanwhile more students become victims to escalating violent crime, bogus courses and gaps in services that the government was warned about almost eight months ago. There is something very wrong when the Brumby government says it is 'taking action' and 'developing strategies', but eight months later nothing has been achieved.

The Labor government has had nearly 10 years and \$300 billion, a significant percentage of which has come from international families who are supporting their children through our education system, but it has failed to improve experiences for overseas students. No more excuses, Mr Brumby. Do something novel — govern!

### **Member for South-West Coast: statements**

**Ms CAMPBELL** (Pascoe Vale) — There are two matters I raise in this 90-second statement. The first is a comment on human nature. Have you ever noticed that no matter what the occasion there are some people who, be it in a schoolyard at playtime or adults at a party, use the occasion to personally grandstand, but when faced with real challenges become a sooky la-la and feign hurt yet again to draw attention to themselves?

The second matter I would like to raise is a matter that relates to the racing industry and those who deliberately get things wrong for the sake of a cheap headline.

I refer in this particular case to the shadow Minister for Racing who has repeatedly claimed that the government has responsibility for the racing calendar when he knows that it is responsibility of Racing Victoria Ltd, which is the independent body controlling racing, a body which he voted for. He has repeatedly claimed that the racetracks will close in country Victoria as a result of Racing Victoria and Country Racing Victoria's infrastructure plan, but those claims

are nothing more than cheap scaremongering. His determined endeavour to talk down the racing industry and spread lies and mistruths among rural and regional Victorians, including through statements in this house, has even prompted the chief executive of Racing Victoria — —

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member's time has expired.

### **Box Hill Hospital: funding**

**Ms WOOLDRIDGE (Doncaster)** — I rise to express serious concern over the waiting lists at Box Hill Hospital and to call on the government to take immediate action to remedy this situation and invest in the redevelopment of the hospital.

From July to December 2008, according to the latest *Your Hospitals* report, Box Hill Hospital failed seven out of the nine key performance benchmarks covering ambulance bypass and waiting times for emergency department patients and for those needing elective surgery. As a result, patients, apart from the most urgent patients, find themselves languishing in the hospital's emergency department or on its waiting lists. As if this is not enough, the hospital's waiting list records have now been found to have been manipulated as well.

Fortunately, category 1 patients in emergency departments and those waiting for elective surgery are all treated within the required time lines, but categories 2 and 3 patients in emergency departments are being seen at rates much slower than they should be. This includes people with very severe pain, severe breathing difficulties or major fractures.

The number of times Box Hill Hospital was on ambulance bypass was 70 per cent more than the statewide average.

Similarly, categories 2 and 3 patients for elective surgery are also seen at very slow rates and well below benchmark. There is something very wrong with a government which continues to ignore the health needs of eastern suburbs residents by its refusal to allocate funding to upgrade Box Hill Hospital. The staff work hard in trying conditions and deserve to be supported with modern surroundings. The government must deliver on its commitment.

### **Financial services: high-risk products**

**Mr STENSHOLT (Burwood)** — Over the weekend my attention was drawn to articles reported in the *Age* by David Potts about high-risk leveraged products —

namely, contracts for difference (CFDs). In fact the 'Money' section gave every appearance of promoting these products. The articles are also on the *Age* website. 'How to tame a high-risk investment with enormous earning potential' is the lead line in one article.

To be fair to David Potts, he quotes the Australian Securities and Investments Commission (ASIC) as saying contracts for difference are:

much riskier than a flutter on the horses or a night at a casino.

He also notes that:

Other risky ASX products such as futures contracts are dominated by professional players who are in a better position to manipulate the market.

My concern here is that a range of very risky products such as CFDs that have little or no relationship to real property are being promoted. They are quite frankly betting or gambling and should be better regulated. It is not sufficient for the Australian Stock Exchange to say on its website that it is transparently traded — so are bookies' prices at the dogs! I note that these risky products akin to betting are not taxed in the same way as we have taxed betting on the horses.

The Council of Australian Governments and the GST agreement ruled out tax on marketed security. I note also that CFDs offer no securities. We all know what happened with risky products such as collateralised debt obligations and the resulting global financial crisis. It is time to better regulate risky products such as CFDs. I know an argument has been put that CFDs can help self-managed super funds limit losses. Spare me! That is like betting your shirt on the nag in the last race to pay the cab fare after losing at Flemington.

### **Surf Life Saving Lakes Entrance**

**Mr INGRAM (Gippsland East)** — I recently attended a presentation evening for Surf Life Saving Lakes Entrance, and I congratulate the club, the office-bearers and the members for their efforts over the years. The Lakes Entrance Surf Life Saving Club has recently received the award of the Surf Life Saving Australian Club of the Year. For a small rural Victorian surf lifesaving club this is a very important honour. At the evening I presented commendations to the club, particularly to two young people who were involved in a very difficult search and rescue and resuscitation effort on a couple of people who were taken out in a rip off Lake Tyers. One of those gentlemen died and the two young men had to resuscitate the other with the assistance of local ambulance officers.

The club is currently considering upgrades for stage 2 of the construction of its surf lifesaving club and has applied for a government grant. This is a very important project for our region. The club is also looking for funding for state title events that will be held there in the future. Surf lifesaving is a very important facility and organisation for our community in Lakes Entrance and the broader community of East Gippsland.

### **Narre Warren South electorate: Indian community**

**Ms GRALEY** (Narre Warren South) — I wish to pay tribute to the vibrant Indian community of my electorate of Narre Warren South. The Indian community contributes positively to the broader community in my electorate through its community groups and success in small business. It is a community that strives for success in various forms, including academic excellence. During my visits to schools I often meet students of Indian backgrounds who work and study hard, attain excellent results and are valued members of their school community. People in the Indian community are also very welcoming by nature. Whenever I visit an Indian-Australian family in my electorate their generosity and hospitality is significant. I have often been treated to dal, chapattis, lovely Indian tea and sweets.

As a member of this house I am proud of the contribution that our Indian community and other communities have made to our great state, which is why I participated in the Walk for Harmony. It was a pleasure to join with thousands of fellow Victorians to not only celebrate the cultural diversity of Victoria but also to send a clear message to the minority of people who have directed violent attacks on Indian students. These attacks will not be tolerated. I welcome the Attorney-General's announcement that the Sentencing Act will be amended to take into account racial or religious motives for violence. I also welcome the Premier's announcement that the government will trial a new international students care service for one year, so that international students can obtain support and assistance 24 hours a day, including counselling, crisis accommodation and legal assistance. I am proud to be part of a government that is committed to assisting international students and celebrating Victoria's cultural diversity, including the Indian community of Narre Warren South.

### **Euroa: Shop Locally campaign**

**Dr SYKES** (Benalla) — Last Saturday I assisted long-time Euroa resident Joy Elston in opening Euroa's Shop Locally campaign. Euroa is a small township

about 150 kilometres from Melbourne. It has suffered setbacks in recent years — being bypassed by the Hume Freeway; ups and downs in the sheep and wool industry; 13 dry years and the closure of Teson Trim with the loss of over 100 jobs.

But the people of Euroa and the surrounding district are renowned for their resilience, and the growth of the thoroughbred horse breeding industry has provided significant economic benefit. Euroa cattle sales attract quality cattle from north-eastern Victoria, and buyers throughout eastern Australia regularly attend Euroa sales. There are also an increasing number of lifestyleers choosing to call Euroa and the nearby Strathbogie Ranges home. All of this having been said, it is absolutely critical that local businesses be supported, because local businesses provide excellent service, support local community groups and provide local jobs.

The day went off very well, with the traditional sausage sizzle manned by Rotary club members and the wood raffle conducted by the Lions club. On top of this there were three fantastic events — the Angels, a Congolese singing group from Shepparton, whose colourful clothes, bright eyes, big smiles, amazing vibrancy and beautiful voices were the highlight of my day; Najaf Mazari, an Afghani refugee, who displayed his rug-making talents and told the heart-rending story of the troubles he left behind in Afghanistan; and some Afghani ladies who displayed their bread-making talents. It was a great day and a great start to Euroa's shop locally campaign.

### **Football: junior clubs**

**Mrs MADDIGAN** (Essendon) — I would like to pay tribute this morning to those people who are actively engaged in assisting young people to play sport, particularly football. Especially given the release recently of so many figures concerning child obesity, support for children's sport is particularly important.

I would also like to congratulate Josh Toy, one of my constituents, for his achievements in football this year. Josh represented Vic Metro in the recent NAB Australian Football League under-18 championships and was named in the under-18 All-Australian team. Interestingly enough, all 16 players from that team have made it into AFL football. That shows what a strong stream of progress there is for young players. It starts with Auskick, goes through the under-16 and under-18 championships and the Australian Institute of Sport-AFL Academy — which Josh attends — and ultimately ends with a player getting into a league team. I congratulate Josh, who plays for the Calder Cannons.

I think we can look forward to seeing a lot more of him in the future.

I would also like to congratulate the Essendon District Football League on its great support of junior football. Under its charter you cannot have a senior team unless you fulfil the quota of junior teams to make up that level. I think if you go to some of the local clubs — I am involved with Maribyrnong Park — and see the strong family commitment there, particularly for some of the under-age teams, you see that it really does strengthen those clubs. I pay tribute particularly to all the women who work in those clubs.

### **Water: Bayswater North retarding basin**

**Mr HODGETT** (Kilsyth) — I raise a matter on behalf of residents of Bayswater North in relation to the condition of the retarding basin in that area. Melbourne Water's Bayswater North retarding basin is positioned next to the Safeway shopping complex, which offers open access to it off Canterbury Road, including access pathways between the surrounding homes. As a local resident put it, 'At first glance you could be forgiven for believing it was a unique slice of open space for local residents and families to embrace and enjoy — for exercising, walking dogs, cycling, picnics, et cetera'. It is, or could be, very picturesque, with views across open, treed green land, with a framed view of the Dandenong Ranges reflected in the retained water, a mini-lake with ducks and other water life. Members might think it sounds delightful, but that is not so.

The retarding basin area is a disgusting backwater. It is a neglected swamp that is full of mosquitoes, rubbish and dumped shopping trolleys and is overgrown with reeds and water weed. It is a blight on the landscape. The retained water in the basin is barely accessible due to intense and out-of-control vegetation growth, which in turn slows and stops the movement of water, providing an even more conducive environment to excessive growth and the entrapment of refuse. I call on the Minister for Water to take immediate action to address this situation.

There are hundreds of residents, including young families, living and working around the area who have the right to clean, green, maintained open space in their residential environment. The area has the potential to be a showpiece in the city of Maroondah and to provide endless hours of pleasure and entertainment to the many residents of Bayswater North. Its large water catchment area attracts water birds and native birds and provides the immediate foundation for the development of a beautiful park area with playground equipment, picnic areas, pathways, bridges and lighting. The

Brumby government should stand up and take action to address these issues instead of having to be pushed, prodded and dragged into action.

### **Harry Lohmer**

**Mr BROOKS** (Bundoora) — I would like to place on record the wonderful work and achievements of Mr Harry Lohmer of Montmorency. Harry, who is 94 years of age, has volunteered for the past 19 years at the Royal District Nursing Service (RDNS) Diamond Valley centre and conducts talks at local schools, service clubs and RSL sub-branches to boost the profile of the service and to raise funds. He visits local businesses and sporting clubs and follows up to make sure that pledged donations are received. He is currently trying to raise money to help provide RDNS clients with the best available wound-care products.

Harry has also been visiting many local nursing homes for the past 24 years seeking out people who do not normally get visitors and identifying their interests so that he can chat to them about these topics. He visits Greensborough Nursing Home, Melbourne City Mission, Banfield Lodge, Macleod Private Nursing Home, Leith Park, Bundoora Extended Care Centre and Iris Grange, amongst others. Harry also visits people with disabilities who are living in the community, often helping them with their forms and paperwork, whether it be for Centrelink, local councils or government departments. He has developed strong relationships with many of these people and often arranges Christmas hampers for those in need.

Harry has been in the Salvation Army for a staggering 52 years. He was a volunteer housing and welfare agent in the western region of Melbourne in the 1970s and nowadays doorknocks businesses seeking donations to help the less fortunate. Harry is a very humble man who shies away from awards or recognition of his work. However, I would like to thank him on behalf of the local community for his contribution to it over many decades.

### **Pastoral leases: 150th anniversary**

**Mr CRISP** (Mildura) — On Sunday, 26 July, a ceremony was held at the Kow Plains Homestead, Cowangie, to mark the 150th anniversary of the signing of the first pastoral lease in 1859. The ceremony was attended by descendants of the leaseholders as well as locals and friends. A plaque was unveiled and a Murray pine was planted. The occasion was catered for by the Pinnaroo baker, who prepared fine fare in a Cowangie wood-fired bakers oven.

Congratulations to Jocelyn and to all who made it a wonderful day. Country spirit and hospitality is still alive and well in the Mallee, despite difficult seasons.

### **V/Line: Mildura service**

**Mr CRISP** — On another matter, under the 'Choosing the right ticket' heading of the V/Line fares section at [www.metlinkmelbourne.com.au](http://www.metlinkmelbourne.com.au) there is a list of regional services that passengers may travel on for free using a V/Line ticket. In order to get the free travel you must have the ticket endorsed when you purchase it. The Latrobe Valley, Ballarat and Bendigo networks are approved, but Mildura is not. I cannot see the rationale for excluding Mildura and other places, including Warrnambool.

The people of Mildura would like to know why they are being excluded. Mildura has a local bus service with a good district coverage; however, not only do people have to carry their own luggage from one service to another, but when they arrive back at the station they are obliged to pay for their travel home on the bus.

All we ask is for equal treatment or an explanation as to why that free service is not provided and we are being discriminated against.

### **Schools: Albert Park electorate**

**Mr FOLEY** (Albert Park) — On the second anniversary of the Brumby government I want to highlight how the Labor government's investment in education is delivering infrastructure and services for the future whilst providing jobs for today. Nowhere is this more evident than in the state and federal Labor governments' joint delivery on education infrastructure, where we are seeing the continued rollout of record investment under both the Victorian schools plan and the federal Building the Education Revolution program. The district of Albert Park has been a particularly successful recipient of support from both of these programs.

Consider the \$8.2 million invested in the Elwood education and learning precinct with the new Poets Grove Family and Children's Centre, the rebuilding of Elwood Primary School and the recently announced science and language centre at Elwood College. St Kilda Primary School has just launched its new \$2 million flexible learning space and has received further support under the Building the Education Revolution program. There is the new \$20 million college in Albert Park which is scheduled to open in 2011, and just this month the new Victorian College of

the Arts Secondary School moved into its world-class facilities at Southbank. The rebuilding of Port Melbourne Primary School is well under way and likely to receive further support from the federal government. Port Phillip Special School, the leading deliverer of special education to children with complex needs, is also lining up for investment support. Middle Park, Albert Park and St Kilda Park primary schools are the same.

What a shame it is that the real pressure on the education system in my community is a result of the closure and selling of three schools by the former Liberal government.

### **Private Benjamin Ranaudo**

**Mr WAKELING** (Ferntree Gully) — I inform the house of the passing of Private Benjamin Ranaudo, who paid the ultimate sacrifice whilst serving his nation in Afghanistan. Private Ranaudo graduated from St Joseph's College, Ferntree Gully, in 2004. He was based with the 1st Battalion, Royal Australian Regiment in Townsville before being deployed to Afghanistan. He was an outstanding young man who will be truly missed. The thoughts and prayers of the Ferntree Gully community are with Private Ranaudo's family and friends.

### **Channel 31: digital network access**

**Mr WAKELING** — I draw the attention of the house to the broken promises and unfair treatment of Channel 31 by our Labor colleagues in federal Parliament. Channel 31 is being refused access to the new digital network. The station is a non-profit, community-based organisation employing 27 staff and an additional 80 staff via show production, as well as involving over 1300 volunteers.

### **Schools: funding**

**Mr WAKELING** — I highlight to the house the appalling actions of the Brumby Labor government, which has refused to pass on federal government funding to Victoria's primary schools. The funding of approximately \$100 per student has instead been absorbed into the coffers of the Brumby government, propping up the budget and removing choice and responsibility from our schools.

I urge the government to reconsider this ill-advised decision and to pass the funding directly to schools to allow them to make their own decisions on how this funding is best spent.

### **Geelong Hospital: positron emission tomography facility**

**Mr EREN** (Lara) — Last week I was pleased to be at the Geelong Hospital with both the state and federal ministers for health, Daniel Andrews and Nicola Roxon respectively, to officially announce the establishment of the \$1.5 million positron emission tomography (PET) facility in Geelong, the first regional facility of its kind. The facility is part of the Brumby government's \$150 million cancer action plan launched last December. It will allow clinicians to accurately identify a cancer and assist in quickly determining the best treatment.

The establishment of a PET service in Geelong will provide a significant boost to Barwon Health's Andrew Love Cancer Centre's capacity to diagnose and treat cancer patients from the wider Barwon south-west region closer to their homes. The state-of-the-art PET scanner with computed tomography accurately locates hard-to-detect tumours that previously may have been missed by older technologies. It will better enable diagnosis and treatment of cancer.

In addition to the Brumby Labor government's contribution, the commonwealth and Barwon Health have each contributed \$500 000 to the facility, bringing the total funding to \$1.5 million. This will be of great benefit not only to local residents of Geelong but also to residents of the wider south-western Victoria region, who will no longer need to travel to Melbourne to access this technology. Around 1500 patients from the Barwon south-west region will benefit from the Geelong PET service when it opens in April 2010 — —

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member's time has expired.

### **Cathy Cruse**

**Mr PERERA** (Cranbourne) — I congratulate Cathy Cruse, a Wantirna mother of four, on successfully completing an expedition to Mount Kilimanjaro to raise funds for HeartKids Victoria and the Foundation of Goodness in Sri Lanka. She conquered the 6000-metre trek that offers the joys of altitude sickness, exhaustion and freezing temperatures. Cathy and her husband, David, are proud of the charities they have helped over the years, and this exercise is just another way for them to continue that support. Cathy hopes to raise \$100 000 to be shared by the two charities, both of which are close to her heart.

Their friend, retired jockey Gary Willetts, who is their partner in the Knox Tavern, has a granddaughter, Kiana, who suffers from childhood heart disease. When she was born they were astounded to learn that heart disease is the leading cause of child death in Australia. Like many Australians they simply had no idea it was that prevalent or serious. HeartKids Victoria is dedicated to offering support, encouragement and hope to families of children with congenital or acquired heart defects while raising awareness, generating funds for support programs, comfort items for parents and patients, medical equipment and helping to fund research into the causes — —

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member's time has expired, and the time for making members statements has concluded.

## **CHILDREN LEGISLATION AMENDMENT BILL**

### *Second reading*

**Debate resumed from 29 July; motion of Ms NEVILLE (Minister for Community Services).**

**Mrs FYFFE** (Evelyn) — Last night I mentioned that the incidence of abuse being reported had increased by 42 per cent in four years. Rising interest rates, work stresses and increased police focus on home violence have contributed to the increase but are not the only causes. Escalating family violence and the economy have been blamed, and I refer to an article in the *Australian* of 12 May 2008. Given that long-term and sustained abuse is more likely to result in the death of a child we must not look at child deaths in isolation. They must be considered as part of a broader tapestry of abuse and violence.

Abused preschoolers are being referred to support services in increasing numbers, and health experts say that child services are struggling to cope with growing numbers of calls for help. Organisations such as the Australian Childhood Foundation have a waiting list for services with about 35 children in need of family violence counselling — that is, 35 children who are frightened about going home tonight; 35 children who do not know if mummy or daddy will be in a good or bad mood; 35 children who may be at risk of not making it through the night.

More than 2300 children were the primary victims in family violence cases reported to Victoria Police in 2006–07, up from 1623 in 2002–03, but with 80 per cent of abuse going unreported, it makes you realise

just how bad things really are. Police say that child victims may total up to 12 000. This statistic does not even include those children who have been mentally traumatised by witnessing the physical or emotional abuse of others in the family home.

Some cases have been highlighted recently. There was the case of a couple who were accused of starving a six-year-old boy and tying him to a cot and who may have abused him for up to two years. That was reported in the *Herald Sun* on 22 July 2009. Two Victorians were charged after their baby daughter allegedly swallowed ecstasy, and that was reported in the *Age* on 6 January 2009. A two-year-old girl was bashed and has been in a coma for the past week following an attack days earlier that was investigated by authorities, and that was reported by AAP on 13 July 2009. The Premier admitted recently that the child protection system had failed in the most recent case. The toddler I just mentioned had to fight for life in hospital after being bashed by her father, who subsequently took his own life.

These are horrible cases and many members of the public are aware of them. However, there is a perception in the community that if people slap a child in public, they will be reported, taken to court and could lose that child. I think the book *The Slap*, which is a fictional story, has contributed to that belief.

What is really happening in this state is that children are being abused, it is being reported and no action is being taken. The social workers are overwhelmed; they are having great difficulty coping with the demand and handling the positions they hold. We are losing social workers at an ever-escalating rate, and this has to be treated seriously. It should not be treated as a matter of dollars and cents, however much it costs. We are talking about children and children's lives. A child who is abused systematically when they are young feels the effects of that throughout their whole life.

My first two years in employment involved working with children under the age of five in need of care and protection. I saw many instances of children who had been abused. One that springs to mind concerns a gorgeous set of twins who were repeatedly tortured by their parents, who stubbed cigarette butts out on their bodies. The children always wanted to go home to their mum and dad and used to be so excited when they came to see them, but the authorities could not let them go home because the parents were torturing them. There is now a focus on reuniting children with parents over and above the effect it has on the child. Naturally children want to go back to the consistent adult because that is all they know, and they think that is how it is in

this world. We are letting them down. There were lots of comments that the large facilities of the past were very wrong, but it is far worse to send children back to parents who do not look after them and who may systematically torture and abuse them, sometimes up to the point of death, as we are finding has happened.

I support the call for the culpable parenting laws. I think we have to look at that. Finding that there are two adults who blame each other, meaning no prosecution can happen, is bad enough, but what is even more appalling is that sometimes it is just one adult who is torturing the child and the other adult is not doing anything about it. It is our duty, and we are abrogating that duty if we in this Parliament do not take seriously what is happening. There is no point in just pouring in millions of dollars. We have to protect children, because it is children who need care and attention.

**Mr PERERA** (Cranbourne) — I am very pleased to speak in favour of the Children Legislation Amendment Bill 2009. This bill will amend the two pieces of legislation which underpin child protection and child safety in Victoria. It will provide greater transparency and accountability in child protection practice, which will in turn promote a culture of continuous improvement in child protection.

I am also pleased to support the house amendments to the bill. The Child Wellbeing and Safety Act 2005 currently provides the child safety commissioner with the power to review only the deaths of children who were child protection clients at the time or within three months of their death. The proposed amendments will amend the Child Wellbeing and Safety Act 2005 to extend that three-month time line to 12 months. This amendment represents a change in policy that will bring Victoria more closely into line with practice in other jurisdictions.

The proposed amendments acknowledge community expectation that the death of a child known to authorities within a reasonable time frame requires a genuine, significant and independent inquiry. The learning gained from additional reviews indicates that extending beyond 12 months is unlikely to provide any inside knowledge into practice issues. It is also arguable that an increase in the time line longer than 12 months — for example, two years — would detract from the quality of the overall learning, given the potential for an increased period of time between the involvement of child protection officers and a child's death. Therefore the extension of the time line to 12 months strikes the right balance.

Child protection has been and will be of paramount importance to all Labor governments. The Victorian Labor government has increased investment in child protection by 136 per cent since coming to office, including the boost of \$160 million in the recent budget. The Brumby government has also invested in the community sector, which has led to more services and new staff in family support agencies. The introduction of the integrated child protection and family services intake system, or Child FIRST, provides more intensive support to families before problems become entrenched. This is in stark contrast to what the coalition did when it last had responsibility for the Victorian child protection system. Under the Liberal-Nationals coalition, hundreds of millions of dollars were cut out of the community sector and the agencies that worked with families on a daily basis. This led to the closure and amalgamation of agencies. Under the coalition, child protection notifications skyrocketed and not enough resources were allocated to the workforce to address these notifications properly. It was a damp squib.

The bill will enable the minister to recommend that the child safety commissioner review individual ongoing and closed child protection cases where the minister forms a belief that review of the case will assist in the improvement of child protection practices for the enhancement of child safety. In the development of the Child Wellbeing and Safety Act the government wanted to make sure it created a commissioner role that focused on the most vulnerable children in the community, a role that would provide a voice for children and an advocate on their behalf to the community and to the government. This is exactly what the child safety commissioner does. The Victorian child safety commissioner is an independent voice for the state's most vulnerable and at-risk children.

The Office of the Child Safety Commissioner provides a range of administrative support services to the Victorian Child Death Review Committee (VCDRC). The Office of the Child Safety Commissioner is responsible for conducting individual inquiries into the deaths of children known to Victorian child protection services. The reports of these inquiries are the primary source material used by the VCDRC. This package of amendments to the legislation will give the commissioner more power. It must be chasing rainbows for the opposition to suggest that the child safety commissioner should be replaced. The review will constitute an inquiry into the services that are provided or not provided to the child for the purpose of improving existing practices and procedures in relation to child safety issues. This bill will provide an option for an external investigation of child protection issues

by the child safety commissioner. At present these are subject only to internal investigations by child protection services. This new approach has the strength of being an independent investigation.

This bill also proposes an expansion of the membership of the suitability panel to overcome a practical issue that has arisen since the commencement of the Children, Youth and Families Act 2005. The suitability panel was established under the Children, Youth and Families Act 2005 to disqualify carers who posed an unacceptable risk of harm to children. The panel will have a chairperson and five others from different disciplines. The quorum will be the chairperson and two others.

It has been found that a fixed number of appointments — five — constrains the flexibility of the panel; therefore, the provisions regarding member numbers are being changed to not less than five to provide an expanded pool to allow for the best suitability panel and its improved operation.

This bill will also amend the Children, Youth and Families Act to enable appointment of an administrator to only part of a community services organisation providing child and family services. The current provisions only allow an administrator to be appointed over the entire community services organisation. Under the new provisions the minister can appoint an administrator if the minister is satisfied that a child and family service is inefficiently or incompetently managed. This is another measure by the Brumby government to stay focused on child and family services. These measures display the Brumby government's commitment to provide the best protection in the best possible manner in the best interests of the children. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution to the debate on the Children Legislation Amendment Bill 2009. The Nationals in coalition are supporting this bill. We also believe, as the member for Doncaster pointed out in her lead speech, that this is very overdue legislation.

The purpose of the bill is to amend the Children, Youth and Families Act 2005 and the Child Wellbeing and Safety Act 2005. These two pieces of legislation govern child protection and child safety in Victoria. I will outline the main provisions of the bill. It will extend the range of child deaths which are reviewable by the child safety commissioner and the Victorian Child Death Review Committee to all children who were the subject of a report within 12 months of their death. Currently

the legislation allows for the review of the death of a child deemed by child protection to have been the subject of a protective intervention report within three months of their death.

The bill will also grant the child safety commissioner power to examine individual cases involving child protection upon request by the Minister for Community Services; allow the appointment of an administrator to part of a community service organisation providing child and family services rather than to the entire organisation; enable administrative staff to access a client's child protection file for the purpose of carrying out significant duties relating to the operation of the child protection program; and enable the expansion of the number of members of the suitability panel, which is responsible for assessing allegations of unacceptable risk of harm to children in out-of-home care.

The Nationals welcome the proposed house amendment which will extend the time frame for review of deaths. This is an important amendment, and I congratulate the member for Doncaster for her work in persuading the government to agree to bring that amendment forward and to allow a reasonable time for a death to be reviewed. Where the death of a child is concerned three months passes very quickly.

The issue I would like to focus on is based on my observation of the case of Joedan Andrews, whose death is in the hands of the New South Wales legal system. As a border dweller Joedan lived on both sides of the border and had been known to the child protection system in Victoria. Joedan's case is beyond the legislation, as his death occurred some years ago. My question to the minister is whether a death interstate, while known to protective services on the other side of the border, can or will be investigated. The case remains a major source of grief within the Aboriginal community, the family of the deceased child and the broader community, in which frequent media coverage still occurs. It appears that the cross-border issue is not or cannot be dealt with in this legislation.

Children need to be protected, and border hopping to avoid all sorts of entanglements for all sorts of reasons is quite frequent in border regions. It occurs to avoid educational requirements — and all the things most of us in the community value highly. I am sure border hopping could also be used to avoid child protection. I know this would be difficult, but we should not fail children who live in those border regions and who need protection. Child abuse is abhorrent to all of us, and it is sobering to realise that the greatest risk is within families or extended families.

The bill allows for the review of circumstances or events other than death, which is also welcome, because this is a difficult area.

I support what the member for Doncaster said in her contribution about some of the factors contributing to child abuse — mental illness, substance abuse and general domestic violence. These are all areas of great concern within our communities and need to be remedied wherever possible. It is those people who have complex needs who are of greatest concern to all of us. Abuse appears to occur in the most difficult of circumstances in the more difficult families, making it difficult to deal with.

Child abuse is, unfortunately, society near its worst. The Nationals are happy to support this bill. It is a step in the right direction in one of the most difficult parts of life. We welcome the cooperation involved in achieving an amendment.

**Ms MUNT (Mordialloc)** — I am pleased to be given the opportunity to rise today and speak on the Children Legislation Amendment Bill 2009. I try to make a practice of speaking on all bills that increase legislative protection for children, women and young people. During the last Parliament and in the term of this Parliament there have been a great number of such bills, which is a testament to the seriousness with which the government views the need to protect the most vulnerable people in the Victorian community.

This bill increases protection for vulnerable children in Victoria. It makes a number of amendments relating to child protection by amending the Child Wellbeing and Safety Act 2005 and the Children, Youth and Families 2005. Those acts underpin child protection in Victoria.

In 2003–04 the Department of Human Services undertook a comprehensive review of Victoria's child protection and family support system resulting in those two acts being put in place, and this legislation further builds on those acts. Since 2007 it had been apparent that further legislation was necessary and this year it was found that amendments to the acts were required. Some amendments are technical in nature and some will provide further protections.

The technical amendments to the Children, Youth and Families Act 2005 will more clearly define the roles and responsibilities of an administrator appointed to a registered community service and enable access to child protection client files by administrative staff to perform necessary administrative functions. That sounds quite technical in nature, but it is an important amendment to the act. As we know, child protection officers have a

very difficult and onerous job and they have a large workload. To support them in that work, detailed records and files have to be kept. Until this time, under the acts that are in place, access to that file information had been restricted on the grounds of privacy of the children and their families. It is often the case that the administrative workers need access to that information to provide the child protection officers with all the information that is pertinent to their determinations in particular cases. This omnibus amendment bill will loosen up those provisions so that access can be provided to support the child protection officers on the ground.

The bill will also expand the number of people who may be appointed as members of the suitability panel. That panel is responsible for determining disqualification of carers who may pose an unacceptable risk of harm to children. Under current legislation the panel has five members and this amendment will provide for further members to be appointed to that panel. The panel members have a considerable workload and, as the panel is responsible for determining whether a child is safe with a particular set of carers, they need to put a lot of consideration into that work.

The amendments to the Child Wellbeing and Safety Act will increase the level of transparency and accountability surrounding the child protection practice by expanding the criteria by which children known to child protection will be subject to child death inquiries and will also enable the child safety commissioner to undertake reviews of individual child protection cases upon referral by the minister.

In the time left to me I would like to say a few words about the child safety commissioner, Bernie Geary. His role is to protect those vulnerable children in our community, which he does in a frank, fearless and independent manner. He has had 30 years experience in this field and does a wonderful job. He reports to Parliament every year, so he is directly accountable to Parliament and Parliament accesses all the information that he puts together for us every year. This bill we are debating today expands his powers further so that he can provide this useful role for the people of Victoria.

Currently the death of a child who is known to the department can only be investigated up to three months after the death. These amendments will expand the commissioner's powers so that a death can be investigated up to 12 months afterwards, which will further widen the net. The legislation does not cover deaths of children who are not known to child protection services because any suspicious death of a

child would be investigated by the coroner. This amendment is limited to deaths of children who were child protection clients at the time of their passing.

In effect the bill does two things: it increases the effectiveness of the administrative powers of the department to protect children; and in the tragic event of the death of a child while under protection, it increases the powers of the child safety commissioner to investigate those deaths and report to Parliament every 12 months. That is important because we want to prevent any harm coming to a child. It is always our intention to have every possible facility in place to prevent harm occurring to any child. In the tragic event that harm comes to a child, we need to know why that harm came to that child and if there were any deficiencies in the system that led to that tragic outcome so that we can prevent those tragedies ever happening again.

I know there has been recent publicity on the tragic death of a child, and I know the government will seriously consider any reports that come from that to implement further legislation or adopt other procedures that may be necessary to prevent that ever happening again.

I also congratulate the minister for her work on this legislation, and for her care and concern, which is ongoing. Sometimes being the Minister for Community Services is a very difficult job, particularly when tragedy has to be dealt with. Many years ago I recall speaking to a former Minister for Community Services, Peter Spyker. He said community services was the most difficult portfolio he ever held as a minister in the Victorian government, because every night he would go to bed and hope that all of the children in his care were safe and well cared for. He took it as a personal responsibility, and I know the current minister does her best to make sure every child for whom she is responsible is cared for and safe.

I commend this bill to the house. It is another piece of Brumby government legislation that is intended to further protect those in our community who are most vulnerable — our children. I know that every member in this house would support further protection for the children of Victoria.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Children Legislation Amendment Bill. No other group in this community deserves protection more than children. I cannot believe that in a modern economy in the 21st century in a First World country — in the state of Victoria — we are still seeing played out on a daily

basis the tragedy that besets so many children. It is heart wrenching to hear the stories, and as a Victorian I am appalled, as are many other people, to see that these events appear to be occurring on a regular basis.

Finally, after 10 years, the Premier of this state has acknowledged and admitted that the system his government has controlled for a decade has failed. We have a junior minister who clearly has been asleep at the wheel. The minister has been forced to recognise that the system has failed the community. More importantly she has been forced to recognise that it has failed vulnerable children, who should not have been put in the position in which they have been put. It is a tragedy to think that in my own electorate children have been abused and will be abused, and that there are people within the bureaucracy who are aware of it. These matters are being reported, but despite that children will continue to be abused.

Legislators cannot stop the actions of adults, but we can put a system in place to ensure that once community bodies are made aware of problems that beset our vulnerable young people it is the responsibility of the bureaucracy to ensure that action is taken, firstly, to remove those children from that environment and to put them into a safer environment, and secondly, to deal with the actions of the perpetrators by ensuring that the legal system can mete out punishment that meets the needs and requirements of the community.

Members of the coalition are pleased to see that this government has been dragged kicking and screaming to making the changes we see in the legislation we have before us. I congratulate the shadow minister, the member for Doncaster, for her work on and commitment to this issue. I also congratulate the work of those in the community sector, particularly those in organisations which have been working collaboratively with various bodies to ensure that legislation is amended so that it is effective and efficient and goes towards meeting the needs of our young people.

Does this bill solve all our problems? It certainly does not, and no-one is saying it does. Is it a step in the right direction? Clearly it is. The first proposed amendment expands the criteria for the type of case that will be subject to child death inquiries by the child safety commissioner. The proposed amendment will enable the child safety commissioner to conduct inquiries into the deaths of all children who were the subject of a report to the Secretary to the Department of Human Services within 12 months of their deaths. Coalition members welcome the extension from 3 months to 12 months. I am advised that in Queensland 70 per cent are captured within 3 months and that the extension to

12 months will ensure the figure will increase to more than 95 per cent. That is a positive step.

However, I am very concerned that we have become reliant on journalists such as Neil Mitchell and others to play these issues out in the mainstream media before the government is prepared to listen and to act. How many more stories do we need to hear on 3AW, how many more stories do we need to see played out on our 6 o'clock news services and how many more stories do we need to see played out on *A Current Affair* or *Today Tonight* before the government is forced to act, to listen and through legislation put a system in place that will protect our vulnerable young, who are the future of our state?

Not only are these children affected by the acts that are perpetrated on them at the time of an incident occurring but they live with the effects of those acts for the rest of their lives. We can see that played out in the area of mental health and a whole range of ways, such as aggressive behaviour. Some children grow up believing violence is an acceptable practice, so when they become parents that cycle is perpetuated. It is so disheartening to think that these incidents and actions are happening in a modern society — in a modern economy in 21st century Australia — and not in the 19th century. These stories are current and present; they are with us today.

As a legislator I stand here gravely concerned about our young people. We are all concerned about the road toll, so we have put systems in place to educate young people — and I see some young people present in the gallery — on how they should live their lives, but no-one can put in place a system for how a two, three or four-year-old child is meant to act when they are subject to these types of activities. It is up to parents to care for their children responsibly, but clearly that does not always happen. Nevertheless when the system is made aware of incidents occurring against children, be it in child care, kindergarten, sporting organisations or through the schooling system, and people make the effort to advise the authorities, then the authorities have to live with the fact that not only do they know that something is occurring but that the system is failing to stop it continuing.

On a radio program I heard psychologists saying that when they are training people in psychology they advise students that there is a moral expectation that they will advise the authorities that incidents are occurring against children they are dealing with on a professional basis but that they should not expect that anything will happen because of that reporting. That is a horrendous situation for us to be in. Our professionals

in this area do a fantastic job, but it is horrendous that they are told they cannot expect the bureaucracy to act to protect the children they are employed to protect. This is not an attack on those people in the system, because they do a fantastic job in very difficult circumstances. They are underfunded, underresourced and many of them leave the system.

I have a friend who works in child protection, and I hear the stories. In my own community I have seen the work of such organisations as Anchor, which is led by its chief executive officer, John Devine, and its board. It does a fantastic job of protecting children in Knox. I listen to the stories, and my heart breaks to think that these things are occurring. Yes, my heart goes out to the children who have been saved; but equally all of us have an obligation to think about all the children who are not being protected.

Does this bill improve the situation? It represents a positive step. Is there more that we can do as legislators? There is a lot more that we can do. It is about acknowledging our failings, where we could be doing better. It is about working with the sector. It is about collaboratively working with all parties, identifying problems and solutions and putting those systems in place.

I do not want to be back in this place in 10 years time talking about the same issues.

**An honourable member** — You won't be — don't worry!

**Mr WAKELING** — Whilst some may think this is a laughing matter, it is not.

**An honourable member** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order! This is a serious issue, and I would like members to treat it that way.

**Mr WAKELING** — This is no laughing matter. I know of the stories affecting young people because I have spoken to carers. I have spoken to those who work in the sector, and I have heard their stories.

Yes, I commend the government on making improvements. No-one in this house is not commending the government on the bill before us, because it does make improvements. All I am saying is that the system has failed, as the Premier has acknowledged. That is a tragedy not only in political terms but also for children.

**Ms GRALEY (Narre Warren South)** — It is a pleasure to speak on the Children Legislation Amendment Bill 2009. I will only make a brief contribution on this very important and serious bill.

Our children are precious. As law-makers, community leaders or parents, everyone in this chamber shares the belief that every child has the right to live a full and good life and to have as many opportunities to fulfil their potential as we can possibly provide. It is sad, indeed it is tragic, to hear of defenceless children being bullied, assaulted, damaged and, unfortunately, killed.

When I think of children and recall the overwhelming love I felt for my children when they were born I cannot imagine anybody not wanting to support and nourish our children. It is difficult to comprehend why anyone would want to hurt a child. Unfortunately this happens, but we are fortunate to have a comprehensive child protection and family services system in Victoria. It is a disappointing fact about our society that we need to have it, but we are lucky to live in a state where the government is willing to support and resource this system.

Labor governments have always funded and supported agencies with the difficult task of supporting children who have experienced violence. I have to say when I listened to the contribution of the member opposite and heard him talk about the needs of the system, it defied belief, given that we know the previous government cut child protection services to the bone and made the working lives of child protection workers intolerable.

The bill proposes to amend two pieces of legislation — the Children, Youth and Families Act 2005 and the Child Wellbeing and Safety Act 2005. One aspect of the amendments I will speak about is the role of the child safety commissioner, Bernie Geary. I heard the commissioner speak on the radio recently after some unfortunate cases occurred. I cannot imagine a person who is better fitted to undertake this important role. He is astute; above all, he is very compassionate; and he has vast experience in this field. As the member for Mordialloc described him, he is frank and fearless. We are very lucky to have such a good person undertaking this role.

The Child Wellbeing and Safety Act currently provides for the child safety commissioner to review the deaths of children who were child protection clients. It currently limits the scope of review to children who were child protection clients at the time or within three months of their deaths. The proposed amendments will extend this three-month time limit to 12 months — that is, it will enable the child safety commissioner to

review the deaths of children who were child protection clients at the time or within 12 months of their deaths. I believe this will increase the level of transparency and accountability surrounding child protection practices, and that is what the public wants. The proposed amendments also acknowledge the community expectation that the death of a child known to authorities requires a significant, totally genuine and, most of all, independent inquiry.

Of particular significance are the amendments that enable the minister to refer cases for review by the child safety commissioner. This may occur in situations where there is an indication that a review of that particular case might lead to new insights, information and learning that would improve child protection practice. That is what we on both sides of the house are all about: improving child protection practice. This provision has no restrictions in the form of time limits, and that is a good thing. It applies to any child who has been a child protection client at any stage in their life, whether that child is alive or deceased.

It is also worth noting that Victoria's child death inquiry process is one of the most rigorous in the country. We have heard people criticise it, but it is a very rigorous system. Whilst other jurisdictions simply perform desktop reviews of case files, Victoria's child safety commissioner conducts face-to-face interviews with workers and professionals who were involved with the child as well as providing opportunities for their parents and other family members to meet with inquiry teams.

Since the Child Wellbeing and Safety Act commenced in April 2007 the deaths of nine children have not been reviewed due to the problem regarding the definition provided in the legislation. While the amendments do not specifically include a retrospectivity clause, there is no time limit on when a review may be conducted. Accordingly, it is open to the child safety commissioner to conduct a review into those nine deaths. I commend that part of the legislation.

I will conclude by putting on the record some of the government's achievements so the public can hear just what the government is up to in this area. People need to know that progress is being made. The government has a long record of reform and innovation in child protection and family services. In the most recent budget brought down in May there was a further \$160 million over four years to further protect vulnerable children. This new investment includes \$135 million to reform the out-of-home care sector, expanding its capacity and the quality of care provided; \$14.65 million to improve the capacity of the

after-hours child protection emergency crisis response service, and we all know how important that is; and \$10.45 million to boost sexual assault counselling services for children.

This investment means this government's funding for services for child protection and family services has increased by 136 per cent since coming to office, and we know there has been legislative, policy and practice reform too. It is often said when we are talking about young children that it takes a village to raise a child. All of us have a responsibility to make sure that our most vulnerable are loved, supported and protected.

The reforms before us today in the house are part of our quest to ensure that the best interests of the child are always paramount in any of our decision making, and I think as legislators we need to keep that in mind whenever we are making laws that deal with families.

I congratulate the Minister for Community Services on the job she is doing in this very difficult field. I would also like to commend her in bringing this legislation to the house as quickly as it has been. It is a powerful piece of legislation, it is an important piece of legislation, and I commend her work in getting this before the house. I commend the bill to the house, and I wish it a speedy passage.

**Mr THOMPSON** (Sandringham) — The Children Legislation Amendment Bill is directed towards achieving a number of outcomes. Firstly, it extends the range of child deaths which are reviewable by the child safety commission and the Victorian Child Death Review Committee to all children who are the subject of a report. Initially the time frame proposed was only three months within which the review was to be undertaken. Owing to the good work of the member for Doncaster and the opposition, this time frame has been extended, and I believe it is a very important amendment that has been introduced into the chamber.

There is another concern in relation to the bill that has not, however, been addressed by the government. One of the provisions of the bill before the house grants to the child safety commissioner the power to examine individual cases involving child protection upon a request by the Minister for Community Services. What does that mean? There are examples in the wider world where some bodies have the power to self-initiate inquiries, and it is the position of the opposition, in its role in government, that the power to be extended to the child commissioner would strengthen the child protection system if it enabled the commissioner to self-initiate inquiries or reviews. That is a very important point. There would then be an

ombudsperson-style role with a power of investigation that was self-initiated and not dependent upon the bureaucratic process or a ministerial determination, and I again commend the member for Doncaster for raising that as a key issue. It is an area which the government might respond to.

Everyone in the chamber has their own perspective on this issue, and I think there would be very strong accord in terms of making sure that in every circumstance the best interests of the children are the dominant consideration in legislative reform in this field.

In my own case I have undertaken at university a study in the field of children and parental rights. I have appeared in a number of cases at the Children's Court, where there is often a difficult balance to be achieved between advancing the interests of parents, some of whom labour under some difficulties — it may be a psychosis or alcohol or drug dependency — and balancing their rights and interests with the rights of children to be immune from harm and to receive the optimum level of protection. In every case the best interests of the children must be the dominant consideration.

Regrettably that has not always been the outcome, as the administration of cases requires the achievement of a delicate balance. Children have the right to be raised in a safe environment, and sometimes the principal carers are also the harm causers. It is imperative that where that attempt at achieving balance reaches a stage which is untenable, immediate action is taken to remove the child from an area in which they will be placed at risk or harm.

The bill also allows the appointment of an administrator who is part of a community service organisation providing child and family services to take responsibility rather than the entire organisation — that is, the appointment of an individual administrator rather than the entire organisation. It also enables administrative staff to access a client's child protection file for the purpose of carrying out significant duties relating to the operation of the child protection system.

The bill provides for the expansion of the number of members of the suitability panel responsible for the assessment of allegations of an unacceptable risk of harm to children in and out of home care. In relation to the suitability panel, it is germane to point out to the house that since being established in 2007 the panel has considered only three cases. The work output of this panel proportionate to the number of matters raised in the wider community may be questioned. One would need to examine and understand why, since its

establishment in 2007, only three cases have been considered by it when there are many at-risk factors in the wider community.

It is important that those at-risk factors also be addressed by us as a Parliament — the issues of psychosis, drug dependency and alcohol dependency, which may impair the functioning of a household and the ability of a family to address serious issues.

Another issue to be addressed is the impact of gambling on households and the wellbeing of families under duress and stress when, owing to the addictive nature of gambling, they can be placed under further stress through the misappropriation of household funds, which constricts the ability to buy food and to provide a safe environment for children. It is important that we as a society understand those risk factors as well and appropriately respond to them, so that the best interests of every child in this state are paramount and that every child has the opportunity to grown up to adulthood without the risk and fear of harm.

In recent times my office has had a very sad case of a young person who was taken out of home care and was subjected to institutional abuse. This young person has had to confront a multitude of behavioural issues. In spite of the aberrant behaviour of this young person and the concerns raised by people close to the family, saying that this person needed care, there was a long hiatus between the identification of the problem, the acknowledgement that something needed to be done and action be taken to enable that young person who had been badly abused, who was not functioning well at school and who was not functioning well in his environment — the immediate care environment — and the delivery of services that would enable him to be well looked after. No doubt there are other such cases across the electorates of other members.

Much more needs to be done. I commend the work of the member for Doncaster in introducing an important reform to this bill as well as her focus on the future initiative of the Liberal Party in this area to expand the powers of self-initiated investigation rather than it just being at the fiat of the minister.

**Ms DUNCAN** (Macedon) — I rise to speak in support of this bill before the house. I agree with and support many of the comments made by members on both sides of this chamber during this debate. I feel I need to respond to some of the comments made by the member for Ferntree Gully.

To suggest that the minister or the government has failed in this area highlights the base politics often

played out in this debate. I take the point that the opposition has worked with the minister and that there can be cooperation on both sides on these important matters. The difficulties experienced by government departments, child-care workers and child protection workers are highlighted when members like the member for Ferntree Gully stand up, express deep emotion and make broad generalisations about cases, some of which are being played out on radio stations like 3AW and on the front pages of newspapers.

For a whole range of reasons the details of most of these cases do not see the light of day and are not played out in the mainstream media. Instead what we get is a little bit of a case but loads of people making all sorts of assertions and claims about the ins and outs of the case. If anyone has ever been involved in such a case and then seen what is reported in the media, they would have seen the huge gap between the details of the case and the sorts of generalisations reported in the media. A range of people ring a radio station and make comments based on what they have been told. We know that in almost every case what they are told is just the tip of the iceberg. We are all very quick to judge, but these are incredibly difficult cases. Many cases never make it to the media. They are dealt with satisfactorily, families are supported and harm is averted. We do not ever see those sorts of cases mentioned.

I commend the minister and this government on the reforms made in this area. The amendments before the house today are another example of the progressive changes we are making. We continuously learn from such cases, as we will learn from the recent bushfires. The way we have done things in the past will not be the way we do things in the future. It is important that we are open to change and that, both as legislators and as workers on the ground, we continuously strive to improve the system.

The sentiments expressed by the member for Ferntree Gully highlight how ugly politics can be at times and how difficult it is for these cases to be openly discussed to help inform the community. A range of very good reasons, including privacy and identification issues, prevent full discussion of these cases. It makes it difficult for the community to understand exactly what is happening and to appreciate the sort of work done and the difficult decisions and choices that child protection workers make on a daily basis. It is all very well to stand up in this place and bag the government and to completely ignore all the reforms introduced by this government, particularly in 2003 and 2004. The member for Ferntree Gully was not here at that time, so he would not know. However, it does not stop him

from making broad generalisations and claiming the moral high ground on these issues.

These are incredibly difficult matters. All governments and all ministers strive to do their best, but we need to make continuous improvements in this area. This legislation is part of that process. I congratulate the government and the minister. I pay tribute to all workers who every single day face very difficult choices and make very hard decisions. I commend the bill to the house.

**Mr K. SMITH** (Bass) — It gives me no joy to get up to speak on the Children Legislation Amendment Bill 2009. I say that on the basis that I have been a member of this Parliament for something like 22 years. Over that period of time we have discussed in the Parliament the deaths of children and the inability of some parents to control actions that result in the death of or injuries to children. It does not change. I remember standing up as a member of the Legislative Council and noting that it was 4.20 a.m. on a Thursday morning and we were debating a child protection bill. I spoke about a young child by the name of Daniel Valerio. Daniel had been beaten to death by his parents. I read into *Hansard* the injuries that that young boy suffered. It was horrifying that caring parents would do what they did to Daniel.

In recent times we have heard of more children who have been killed or seriously injured by their parents. I note the member for Ferntree Gully spoke about the media having to raise and highlight some of these issues in order to bring about change. This legislation before the house today is bringing about some small changes. It is fixing up legislation that the government brought in in 2005, and it will make it a little easier for the child safety commissioner to investigate some of these crimes against children.

It is disappointing to note that the government did not see fit to give Bernie Geary the right to initiate some of his own inquiries instead of having to wait for the minister to make a decision. This is fine for the minister, who may not wish to have a number of these types of cases made public, or even to have them referred to the commissioner. Every time a child is killed somebody is responsible for that death. It worries me that the commissioner will not be in a position where he can make his own decision to look at the problem, to see what was the cause of it and then report those deaths in his annual report to the Parliament.

The tragic deaths of children should not happen. I do not know if it is a problem with the society we are living in today and the pressure of it. It is not just

parents who are responsible for abuse but also stepfathers and sometimes foster parents and other members of the public who see a weakness in a child who is under some sort of government protection. We are very much aware that those children are vulnerable. They are usually children who have been taken away from their families for their own protection.

Earlier this morning mention was made of children who have been tortured by their parents with lit cigarettes being pushed into their skin. We heard about them being taken away to be put with other carers and about how sometimes they are given back to parents who initiated some of the torture. That worries me. It worries me that it appears that sometimes the department gets it wrong. I think part of the problem is the huge workload of some of the child-care workers.

In the early 1990s I chaired a parliamentary committee which looked at sexual offences against children. It was two and a half years of probably the most agonising experience that I and the other members of the committee could possibly have — talking to victims of sexual abuse and their parents, talking to paedophiles, to police, to parents who had been accused of sexually abusing their children and to people who were involved in all aspects of the cases. We did get a little bit of an understanding of the problems that are faced by child protection workers. We spoke to a number of the workers, we spoke to the minister, we spoke to the head of the department at the time, and the size of the caseloads these workers have to carry came as quite a shock to us. It is probably worse now. I imagine there are more cases because of the way that our society is changing, with the increased use of drugs and alcohol, increased gambling and the stresses that are put on parents, some of whom take out those stresses on their children.

I look at what is going on and I worry about these children. We should not be subjecting children to this sort of action by parents. We should not be in a position where we are coming back into Parliament to alter legislation to bring it into closer alignment with some of the other states. I am not going to turn this into an exercise in government bashing; this is not that sort of debate. However, I note that for some years now, since 2005, the government has been under some pressure to change the three-month time limit on reviews of children's deaths. We would have liked to see the time limit for the review of a child's death extended to two or three years. The government has finally relented and is now bringing forward a 12-month time limit.

We have also been looking at the situation in other states. In Western Australia the time limit for a review

is two years; in New South Wales, South Australia, Queensland, the Australian Capital Territory and Tasmania a three-year time frame for reviews is proposed. Every child's death should be reviewed regardless of the time frame. The Victorian Child Death Review Committee should not be in a position where it can only review cases within a three-month time limit — where it cannot review cases which have exceeded that time limit.

It may appear to the public, when it looks at the numbers, that there are not that many deaths occurring that should be reported on. The truth of the matter is there is a significant number of such deaths, but the child safety commissioner has not been in a position where he has been able to carry out those investigations. At least now there will be 12 months for him to look at them. It may be that at some stage in the future the government, whether it be a Labor or a Liberal government, will see fit to further extend that time. It is something we will have to look at.

I will say again that I think the media is important — Neil Mitchell has been mentioned, as have some of the television stations — in highlighting these issues, to prick the conscience of the community and to increase awareness of the fact that although there are a lot of loving and caring parents who look after their kids, there are also others who will not do that. It is important that the media is prepared to stand up and be counted and to raise these issues in the public sphere.

The member for Narre Warren South spoke about the amount of money that has been thrown at child protection by this government. It is not a matter of money, it is a matter of the allocation of the funds. In conclusion, let us get this legislation amended, let us bring in the changes we have got. The sooner it happens, the better.

**Mr DELAHUNTY** (Lowan) — I will just make a couple of quick comments on the Children Legislation Amendment Bill 2009. As the shadow minister for youth affairs, I often say that our youth are our investment in the future. Today I have heard many contributions from members of Parliament on this bill and about children. There have been some tragic events and they hit us hard, right in the heart. These are issues of concern not only to members of this Parliament but to people right across Victoria.

The house amendments will extend the time frame for the review of children's deaths, and I know the shadow minister responsible for children advocated for that change, and we welcome it. I also know that bodies such as YACVic (Youth Affairs Council of Victoria)

and VCOSS (Victorian Council of Social Service) are concerned about our vulnerable youth, and this bill goes some way towards addressing some of their concerns.

As I said earlier, I welcome the changes in this bill, particularly the government's house amendments; we think they are very appropriate. Our young people are our future, and we must do everything we can to protect them. We must particularly protect the youngest — that is, our children. With those brief comments, as other members have done, I support this legislation.

**Debate adjourned on motion of Mr LANGDON (Ivanhoe).**

**Debate adjourned until later this day.**

**GAMBLING REGULATION AMENDMENT BILL**

*Council's amendments*

**Message relating to following amendments considered:**

1. Clause 1, page 2, line 3 omit "games." and insert "games; and".
2. Clause 1, page 2, after line 3 insert —  
 "(d) to make further provision in relation to the holder of the monitoring licence; and  
 (e) to make further provision in relation to applications for club venue operators licences."
3. Insert the following New Clauses to follow clause 8 —

**'AA Ownership and related person restrictions**

In section 3.2A.1 of the Principal Act **insert** the following definitions —

*"monitoring licensee* means the holder of the monitoring licence;

*monitoring licence* means the monitoring licence that is in effect (other than for the purpose of preparatory action taken in accordance with an authorisation under section 3.4.54(2));".

**BB Application for venue operator's licence**

For section 3.4.8(2A) of the Principal Act **substitute** —

"(2A) In addition to the requirements of subsection (2), in the case of an application for a club venue operator's licence where the applicant holds a club liquor licence or a racing club licence, the application must also be accompanied by —

(a) a copy of the club liquor licence, or the racing club licence (as the case may be) for the club; and

(b) any further information that the Commission requires to be satisfied that the applicant is a club established for a community purpose.

(2AB) In addition to the requirements of subsection (2), in the case of an application for a club venue operator's licence where the applicant does not hold a club liquor licence or a racing club licence, the application must also be accompanied by —

(a) a copy of the constituting document of the club that is certified as true and correct by the authorising officer of the club with the provisions referred to in subsection (1A)(b) clearly marked; and

(b) a statement of community purpose which sets out the purposes for which the club is established (if these purposes are not set out in the constituting document of the club); and

(c) any further information that the Commission requires to be satisfied that the applicant is a club established for a community purpose.".

**Mr ROBINSON (Minister for Gaming) — I move:**

That the amendments be agreed to.

This bill has been returned from the Legislative Council with amendments. The amendments were proposed by the government for the purpose of clarifying two interpretational transitional issues. To begin with, the gambling industry in Victoria is very complex. As I have said on a number of occasions, it is one of the most heavily regulated industries in the country, and with good reason. The transition from the current structure, which is a gaming operator model, to a venue operator model, if you like, is very complex.

A mass of material has been prepared and a mass of policy has been formulated and is being announced, and not surprisingly, at times clarification is sought on how different entities will participate in that transition. The government offered two amendments, which I will briefly describe in a moment. We acknowledge the support of the opposition parties in this matter, although in the other place the Greens and Mr Kavanagh, a member for Western Metropolitan Region, did not support the amendments.

The amendments that have been agreed to by Council deal firstly with the monitoring licence. As a matter of good policy a number of cross-ownership restrictions

have been put in place which will extend beyond 2012. Those restrictions are for the good governance of the industry and to avoid a situation where participants in the industry could be trying to serve different masters, if you like.

One of the interpretational issues that has arisen relates to the monitoring licence, and that is: when would the cross-ownership restrictions, as they apply to the monitoring licence, actually kick in? It is the government's intention that the monitoring licence be awarded and finalised well before the transition in 2012. What the government has done by virtue of this first amendment agreed to in the Council is to make it clear that the ownership restrictions in respect of the monitoring licence apply only once that licence is in effect — that is, in 2012 — and not at an earlier point when that licence is awarded. That is an important clarification.

The second amendment that has been agreed to in the Council relates to venue operators. There is a complex interrelationship in approvals that venue operators work under. That is to say that someone wanting to run a gaming venue in Victoria would need both a gaming premises approval and a liquor licensing approval. They would also need council planning approval, and these requirements intersect. What the amendment in respect of venue operators does is to clarify the situation so that entities that are seeking to come into the industry, in order to participate, particularly in respect of the allocation of entitlements over the course of the next year, will not have to possess a liquor licence at the point at which they are securing their venue operator's licence.

This is important because a liquor licence in Victoria can be issued only where premises have been established, and clearly it is not the government's intention that someone seeking to come into the industry over the course of the next few years through the securing of entitlements would have at that point in time to show that they had completed premises. If that were the case it would pose a very substantial impediment to new entries. One of the things the government has been very keen to do over the course of the past 18 months since it made the major industry restructuring announcement is to ensure that new entrants can come into the marketplace if they choose to do so. The clarification offered by this amendment in respect of venue operators will provide some comfort for those entities across the state that are thinking of coming into the market and into the industry, and that is a good thing.

In concluding I note the comments of the Greens in respect of the bill's original provision for the extension of one of the two operator licences, the Tattersall's licence. The sentiment expressed by the Greens in the upper house debate was that this was a provision of the bill geared only to serve the interests of Tattersall's. I have to correct the Greens on that point. The purpose of that provision in the bill is not to benefit Tattersall's, although if it were to choose to take up that option and the government were to agree to it, there is no doubt it would receive a benefit. The principal motivation for the government is to assist clubs and pubs that would be seeking to acquire entitlements. That is simply on the basis that we have had and currently have embedded in the operator licences a four-month gap where one of the two gaming operators, Tattersall's, sees its licence expire in April 2012 and the other operator, Tabcorp, sees its licence expire in August 2012.

I am not sure that anyone can give a definitive explanation as to why in the mid-1990s those licences were established in that way, because at all times, regardless of what model the government of the day had chosen for the gaming industry beyond 2012, the staggered finish created problems and complexities. Certainly for pubs and clubs that are seeking to take up entitlements that will be offered by the government over the course of the next year an added degree of complexity exists if half of those entitlements commence in April 2012 and the other half commence in August 2012. This is a complicated enough transition going forward as it is; having a staggered start date for the new entitlements adds further complexity.

When the government initially proposed the opportunity for the extension of licences to get alignment it said that there were other ways of doing it; that we could try to deal with it in a staggered way but this was certainly the simplest way forward for pubs and clubs which would seek to take up entitlements. That provision was withdrawn in 2008 as a consequence of the inevitable horse-trading that goes on over these bills, and gaming is probably the chief horse-trading subject matter that we would come across in this Parliament. Nevertheless, the government at that time was quite clear. We said to the Greens that notwithstanding the fact that we would look at other ways of handling the transition, we reserved the right to bring that provision back if we felt that on balance it was the simplest way forward. That is exactly what has happened. We have considered alternative means, but the government's position is that the simplest way forward, particularly for the benefit of pubs and clubs, through this complicated transition period is to provide the opportunity for licence alignment, and that is why it

has been repropoed. The member for Malvern will no doubt put the opposition's case on this view, but I believe that is why the opposition has also agreed to it.

This is good legislation. It is an important component of the transition program going forward. The government acknowledges the opposition's support in relation to the two amendments that were offered and agreed to by the upper house, and I look forward to the bill being supported in this chamber.

**Mr O'BRIEN** (Malvern) — In rising I indicate that the opposition does not oppose the amendments that have been made by the Legislative Council and proposed by the minister in the Assembly. The first substantive amendment essentially indicates that an existing gaming operator should not be precluded from seeking to become the holder of a monitoring licence once it ceases to be a gaming operator. That is a proposition that this side of the house supports. Obviously there are certain areas where the holder of a monitoring licence must be essentially off limits from other activities in the gaming industry to ensure that the integrity and independence of the function of monitoring licensee are preserved. But we do not see that an entity that may be involved in gaming operations now but will cease to be so in the future should therefore be precluded from applying for or holding a monitoring licence. Certainly the first substantive amendment is one which this side of the house believes is a sensible one, and it has our support.

The second substantive amendment clarifies that new entrants in the club and hotel industry may participate in the allocation process for gaming machine entitlements. The government has set up this program so that not only will incumbent hotels and clubs with gaming machines be entitled to seek access to gaming machine entitlements post-2012, but new hotels and clubs will also have that opportunity. I should say this bill puts in place measures which were fought for very strongly by the opposition to ensure that incumbent clubs can get guaranteed access to gaming machines at a guaranteed price. We thought that was essential to ensure that the important jobs that those clubs perform and the community assets they offer would have some ability to continue into the future, and we are very pleased that we were able to find some common ground with the government on those measures and so secure the future of many incumbent clubs with gaming machines.

We also acknowledge that there needs to be a high level of contestability for the balance of gaming machine entitlements. Gaming machine entitlements are a very valuable public asset, and the government has a

responsibility to ensure that that public asset is able to be competed for so that taxpayers can get maximum returns on the use of that asset. The second substantive amendment essentially clarifies that if a club does not have an existing liquor licence but is nonetheless a genuine, bona fide club — and it is important to say that clubs must be genuine clubs in order to participate in the allocation process for gaming machine entitlements — then the fact that they are not established at this stage should not preclude them from participating in the gaming machine entitlement allocation process.

I reiterate that the members on this side of the house are very pleased that this bill has been agreed to by both houses as the result of some very constructive discussions that have taken place between the coalition and the government. We think this is a far better bill as a consequence of those discussions, and we wish it a speedy passage.

**Mr DELAHUNTY** (Lowan) — I want to make a few comments on the amendments that were made in the upper house to this important bill, the Gaming Regulation Amendment Bill. Many in The Nationals welcome this decision. Like all members of this Parliament, I have seen common sense take effect.

Many local community clubs welcome these amendments that will protect the small clubs when the licences go to auction next year. The ability of clubs to purchase up to 100 per cent of their current machines to a maximum of 40 is very welcome. This is a great outcome. It was done after extensive lobbying by Clubs Victoria, MPs from The Nationals and the Liberal Party. In visiting clubs in my electorate and in my travels around Gippsland with the shadow Minister for Gaming a lot of concerns about the current legislation were raised. They all said that clubs need certainty to operate in the future, and these upper house amendments will give them the chance not only to operate and continue to provide services and employment but also to support their local communities.

It is a further win that with these amendments we see a reduction in the first two payments, the very welcome 80-20 split between the city and country, the 50-50 split between clubs and hotels and a maximum number of 105 machines at one venue. We have seen the upper house do its job in relation to this legislation. This has come about through some hard-headed negotiations. I congratulate the shadow Minister for Gaming; my parliamentary colleagues in the Council, Damian Drum, a member for Northern Victoria Region, and Peter Hall, the Leader of The Nationals; and the

government for allowing common sense to prevail in relation to this. It is a good outcome for all concerned. As I said, The Nationals in coalition are not opposed to these amendments.

**Motion agreed to.**

## TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL

*Second reading*

**Debate resumed from 28 July; motion of Mr ANDREWS (Minister for Health).**

**Mr EREN (Lara)** — I am pleased to be speaking in support of the Tobacco Amendment (Protection of Children) Bill 2009. This government has shown amazing leadership in tobacco reforms over the last 10 years. Fewer Victorians are taking up smoking and even more people are quitting smoking. Despite all this progress, smoking remains the leading cause of cancer, respiratory disease and many other avoidable illnesses, and smoking rates still remain very high.

I speak from experience when I speak on this bill. I admit that I am a former smoker, so I know what an insidious addiction smoking can be. I know that about 17.5 per cent of the population still smoke, but most people do not smoke nowadays. In my experience part of that is due to educational programs and advertising that continually bombard our television screens to educate the population about the effects of smoking.

One of the other factors in many instances is that more and more often smoking is not allowed on properties where people work, whether in office buildings or elsewhere. I think even the old terminology of a 'smoko' break is probably becoming politically incorrect; we are more often calling them meal breaks or tea breaks now.

I think the decline in the incidence of smoking comes about through a combination of the cost of cigarettes and educational advertisements about the effects of cigarette smoking and the impact it can have on young children. None of my family members smoke. My wife and I have five children, three of them now adults, and at one point in my life they were educating me on issues such as smoking. This sort of legislation will probably have its effect over the course of the next generation, and some areas of the bill, which I will address soon, relate directly to passive smoking, particularly in cars where there are children. That is why this legislation is so important.

The public consultation that was undertaken in August last year showed us that the community supported further legislative reforms such as the banning of tobacco products in retail outlets, the banning of smoking in cars containing children under 18, the banning of the sale of cigarettes from temporary outlets, providing the minister with the power to ban youth-oriented tobacco products, amendments to the penalty and enforcement provisions, and consequential and housekeeping amendments.

I think a few members have already mentioned the youth-oriented tobacco products. Both my parents smoke. I remember when I was very young there used to be Fag lollies. It was a case of buying those lollies and pretending that you were smoking; there was a certain aura about pretending that you were somehow older or more mature or tougher back in those days. We have shifted away from those notions now, but we should remain vigilant about making sure that those sorts of products do not cloud young people's minds and judgements.

This bill will introduce these reforms on 1 January 2010. The point-of-sale tobacco display ban will be introduced on 1 January 2011 to allow adequate time for industry to adopt the ban. Cigarettes are currently far too visible and accessible, and point-of-sale displays only raise their profile even further. By eliminating advertising in retail outlets we will decrease the likelihood of young people starting to smoke and current smokers buying more products.

I believe it will also discourage reformed smokers from going back to smoking cigarettes. It is a case of that old adage, 'Out of sight, out of mind'. If you were a reformed smoker and you had ashtrays all over the place with packets of cigarettes and lighters, I think it would be much more difficult to give up smoking. I believe if it is out of sight, it is out of mind, and this bill will go a long way towards making sure that people do not smoke. It is a bit like the beer ads that are on at the moment that feature a father saying to his son, 'Go and get your dad a beer, mate'. I do not like saying this, but it reminds me of the other old adage of 'Monkey see, monkey do' — not that we are monkeys. However, it is the case that when something is out of sight, people do not think about it, and we need to be more vigilant and careful about those sorts of things.

We all know the dangers that passive smoking poses to the whole community. By eliminating smoking in cars containing children under 18 years of age we are encouraging young people not to smoke and also reducing their exposure to second-hand smoke. Public consultation has proved that there is overwhelming

support for the ban on smoking in cars where children are present. This makes perfectly good sense, because exposing children to smoke in a confined area is not a good idea, to say the least.

Eighty per cent of smokers become addicted at a young age, and therefore it is vital that we do something to prevent young people taking up such a horrible habit while they are at such a vulnerable stage of their lives. Marketing ploys such as fruit and confectionery-flavoured cigarettes have previously been used to attract youth, as I said before. By providing for ministerial power to ban the sale of these products we are decreasing exposure and limiting the number of young people who will take up smoking.

Temporary sales are used to market products to young people and include using temporary stands offering tobacco products at major events such as music festivals and fashion parades. This bill will prohibit the sale of tobacco products from these outlets to ensure that tobacco products are not appealing to young people at these events.

Recently the government undertook a review of tobacco penalties and enforcement. This review identified three major issues which the government felt needed updating. They were insufficient penalties, particularly for body corporates, across a range of offences, a lack of clarity around the enforcement against occupiers who are liable for offences under the act and an inability to obtain useful information from tobacco wholesalers regarding the location of tobacco retailing outlets in Victoria. The proposed amendments that will address these issues will ensure that both maximum and infringement penalties are at an appropriate level, ensure that penalties are consistent with other legislation in Victoria and other jurisdictions, provide for increased body corporate penalties and enable appropriate enforcement action to be taken against occupiers who contravene workplace offences.

There are also non-legislative initiatives such as providing targeted cessation programs and support for pregnant women which will enable us to further accomplish our target of reducing the number of Victorians who smoke.

For all the reasons I have stated, I wholeheartedly support the bill before the house.

**Mr JASPER** (Murray Valley) — In joining the debate on the Tobacco Amendment (Protection of Children) Bill I acknowledge the information that has been provided by the minister in his second-reading speech, especially where he says:

Though much progress has been made, smoking remains the leading avoidable cause of many cancers, respiratory, cardiovascular and other diseases. In Victoria, smoking costs approximately 4000 lives and \$5 billion each and every year.

These statistics are quite compelling.

I have noted what the bill does, and I want to mention some of the provisions that are contained within the legislation. These include 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; a new offence prohibiting a person from smoking in a motor vehicle where a person who is under the age of 18 is present; a new offence prohibiting the sale of tobacco from temporary outlets; a new power for the Minister for Health to ban the sale in certain circumstances of tobacco products and packaging that appeal to young people; and further amendments implementing a new review of penalties and enforcement provisions.

In acknowledging the issues contained in the legislation I want to refer to some of the aspects which have been dealt with. In relation to the offence of smoking in motor vehicles when people under the age of 18 are present I acknowledge the contribution made by a member of another place, a member for Northern Victoria Region, Damian Drum. Two or three years ago he brought this matter forward to The Nationals as an issue of concern and undertook a lot of work and investigation in seeking to get amendments to the provisions within the act to make it an offence for people under the age of 18 to be present in a motor vehicle in which smoking is taking place. That proposed legislation was brought before the Parliament in the upper house, and subsequently the government has picked up part of his legislation, which I think is important, and in fact it has extended what is being done, which is an acknowledgement of the work The Nationals and Damian Drum have done.

I want to take issue with some of the provisions contained in the proposed legislation in relation to the banning of the display of tobacco advertising. I believe there is not enough information as to how this is to be implemented. The concerns I have are for the small business owners, whether they be in a service station, a cafe or a small business operation, who are currently selling tobacco products and have some items — not a huge number — on display. As far as the advertising of tobacco products is concerned, they are seen but not heavily displayed. I indicate to the house my concern about the cost involved for businesses in being able to implement the changes which will be brought into being when the bill becomes law within this state. I

think we need further explanation from the minister as to how the changes will be implemented and what assistance will be provided to small businesses when they need to rearrange their displays to be able to meet the regulations. I will be very interested to see the regulations that come before the Parliament as a result of this legislation, particularly in my position as a representative on the Scrutiny of Acts and Regulations Committee. I certainly have some concerns in relation to that issue — how it will be implemented and the impact this will have on many smaller businesses.

I have one particular issue I want to raise in relation to specialist tobacconists. In my electorate of Murray Valley there is a business in Wangaratta which is a specialist tobacconist but also a Tattersall's outlet, and it sells cards and a number of other items such as those that would be displayed by a newsagent. The owner will have particular concerns in meeting the requirement for 80 per cent sales of tobacco products within his business. I express my concerns in relation to this particular operator in Wangaratta and this issue, which will be applicable to many other operators within the state of Victoria who may find it difficult to meet the 80 per cent target for the sale of tobacco products within that business to be able to continue with the sale of those products. These are the issues that need to be addressed and that are causing concern about the implementation of the changes across the state of Victoria and indeed the effect they will have on businesses — and many small businesses are having difficulty in operating in the current economic climate, I might add.

I also refer to the further power of the minister to ban the sale in certain circumstances of tobacco products and packaging that appeal to young people. This change gives a lot of power to the minister to be able to implement these bans, and I believe there would need to be appropriate regulations produced before the minister would be able to do this. I will certainly be scrutinising those regulations as they come before the Scrutiny of Acts and Regulations Committee.

I also comment on the response of the Scrutiny of Acts and Regulations Committee to this particular bill. Our committee's latest report details our concerns over — interestingly — many pages, particularly concerns regarding the bill's relation to the Charter of Human Rights and Responsibilities. I want to refer to some of the issues that have been raised.

I mentioned the administrative powers that will be provided to the minister. The concern we have is whether there will be appeal rights for people affected by bans that may be introduced by the minister. As a

committee we have sought information from the minister in relation to appeal rights.

There is also an issue about freedom of association, and we certainly have concerns in relation to this, in particular about situations where young people may be working together. We have concerns in relation to clause 19 of the bill, which inserts new section 5S. There is a need for greater compatibility with the charter there and a need to be able to protect other teenagers who may be in the company of those who may be affected by this bill's provisions. There are further concerns in relation to the amendments contained in clause 19. There is the presumption of innocence, an issue that has also been raised by the committee. We believe that where prosecutions are undertaken the presumption of innocence should exist as far as young people are concerned. The committee will be writing to the minister seeking information as to the presumption of innocence and the two tests that would have to be met in regard to it under section 7(2) of the charter of human rights. This is an area I believe the minister needs to look at.

Another area of concern, which we raised in our report and which is the subject of correspondence with the minister, is the doubling of penalties. We are seeing a huge increase in the penalties being imposed in this legislation, and we have great concerns at that. This bill also incorporates a reverse onus of proof, and we believe this is another area where the minister needs to act responsibly and address. We believe he should come back to us as a committee and explain why there is such a huge increase in the penalties and a reverse onus of proof. We believe those provisions will have an adverse effect in the operations of the proposed act in terms of people living in the state of Victoria according to the Charter of Human Rights and Responsibilities.

As I said, these areas of concern have been raised in the Scrutiny of Acts and Regulations Committee's latest report, and I believe these issues of genuine concern which we have raised by writing to the minister need to be addressed and looked at. The minister needs to respond as to why these changes are being implemented. I return to what I said at the start: there is no doubt that smoking is a huge issue, and the statistics are compelling. But since legislation has been brought before the Parliament we should make sure it meets all the relevant criteria, is appropriately debated and scrutinised in both houses of Parliament, and is able to be implemented responsibly throughout the community. There should also be responses to the issues of concern I have raised in terms of the implementation of the legislation as it relates to the operations of Victorian businesses who have as part of

their business the supply and delivery of cigarettes and smoking products.

These are areas we need to be aware of, especially considering our responsibilities under the Charter of Human Rights and Responsibilities. That charter is an act of this Parliament and a massive issue for the Scrutiny of Acts and Regulations Committee, and the Parliament itself and the Minister for Health addressing these matters is a big issue. The minister should respond to the range of concerns we have raised in relation to the implementation of these provisions, and he should be accountable to the Parliament and the people of Victoria.

**Mr BROOKS** (Bundoora) — It is a pleasure to be able to speak on the Tobacco Amendment (Protection of Children) Bill 2009. Smoking is the largest factor in preventable deaths in Australia. It kills more than 19 000 Australians each year, including 4000 Victorians, which is more than alcohol and illicit drugs combined. More than 80 per cent of lung cancer cases are caused by smoking. All this costs Victoria an estimated \$5 billion per year. Lung cancer is now causing the deaths of more women than breast cancer. The figures bear out that half of all smokers will die prematurely, and it has now been established that smoking in the home is a proven risk factor for sudden infant death syndrome.

So it is very pleasing to be part of a government that has taken action to reduce the rates of smoking in the community. In fact since the introduction of the Tobacco Act in 1987 we have seen tobacco use almost halved in Victoria, dropping from 34 per cent at that stage to just over 21 per cent in 1999 and to the current rate of 16.5 per cent. I suppose that is part of the lead-in to this government's introduction of the Victorian Tobacco Control Strategy, which was released last year, a five-year action plan which aims to:

reduce smoking among adults by 20 per cent, from 17.3 per cent to 13.8 per cent of Victorian adults;

reduce smoking among pregnant women by 50 per cent, from 9.3 per cent to 4.7 per cent; and

reduce smoking among Aboriginal and other high prevalence groups by at least 20 per cent, from 50 per cent to 40 per cent among Aboriginal people and from 20 per cent to 16 per cent in socioeconomically disadvantaged areas.

This is a multifaceted strategy; only part of the action is legislative. This bill encapsulates the legislative aspects of the strategy to help prevent younger people from taking up smoking in the first place, to support smokers who want to commit and stay off the smokes and to protect children from exposure to second-hand smoke.

The bill does this in a number of ways. Firstly, as other speakers have mentioned, the bill makes it an offence to smoke in a vehicle in which there is someone under the age of 18. Every member has spoken in favour of that amendment. The member for Murray Valley, the deputy chair of the Scrutiny of Acts and Regulations Committee, pointed out that the committee has raised some issues about the operation of that amendment, particularly with the situation where you may have two 17-year-olds in a car so that one young person may be committing an offence by smoking in the presence of the other 17-year-old. They are important issues for the minister to address, and I am sure he will address them. It is clear that the effect and the intention of this legislation far outweigh the concerns that have been raised about this matter by the Scrutiny of Acts and Regulations Committee. I am happy to support that aspect of the bill.

The bill also bans sales at temporary outlets. Existing legislation prevents the sale of tobacco at under-age events such as music and dance concerts, and the bill will prohibit the marketing of tobacco products at those sorts of youth-oriented events. The bill also gives the minister the power to ban products that might be specifically targeted at young people and children. With 80 per cent of smokers becoming addicted to nicotine in their teen years, it is very important that the minister have the power to do this. Products come onto the market very quickly and they are taken up by the community much more quickly than Parliament can legislate to deal with those issues. I note that health ministers across the country have agreed to the aspect of the bill that gives the minister that power.

The legislation also includes point-of-sale bans, which are important, particularly in limiting the exposure to advertising and signage of people who are already addicted to nicotine and to younger people who may be impressed by that sort of advertising. It is pleasing to note, and I am reassured to know it, that the minister and the government will work closely with small business to make sure this is implemented smoothly.

In closing I wish to make a genuine point, not in an attempt to score cheap political points but to make a genuine point directed to members opposite: every person I have heard speak on this bill has spoken about the damaging effects of tobacco, but I am aware that the Liberal Party continues to receive donations from tobacco companies. Until political parties refuse to accept donations from tobacco companies, they limit their credibility when they speak on these issues. I genuinely call on the Liberal Party to refuse to take donations from the tobacco industry. With that closing comment, I commend the bill to the house.

**Dr SYKES** (Benalla) — I rise to contribute to the debate on the Tobacco Amendment (Protection of Children) Bill 2009. I note the concerns raised by the member for Murray Valley and congratulate him on raising those concerns and seeking to ensure they are addressed by the government as it progresses with this legislation.

I do not wish to contribute specifically on the content of the bill but rather on the process by which it came about and some of the surrounding issues. Firstly we must acknowledge, as other speakers have, the fantastic effort by the Honourable Damian Drum, a member for Northern Victoria Province in the other place, who introduced in the Legislative Council a private member's bill that underpins the content of this legislation. Damian Drum did that with his inevitable passion and preparedness to do the hard yards, and because it was a soundly based piece of legislation Damian Drum managed to win the support of both sides of the upper house for his bill. Unfortunately the government chose to use procedural arguments to stymie the progress of that bill, only to then come up with its own version. It reeks of the 'not invented here, so not a good idea syndrome'. That said, Damian Drum surveyed 5000 young people —

*Honourable members interjecting.*

**Dr SYKES** — Acting Speaker, could I have some support to quieten the rabble on the other side?

**The ACTING SPEAKER** (Mrs Fyffe) — Order! I ask members to reduce the level of their conversation or leave the chamber.

**Dr SYKES** — Before I was so rudely interrupted by the rabble on the other side I was saying that Damian Drum surveyed 5000 young people and asked: 'If you were keen on a person of the other sex, would they be more or less appealing to you if you knew they smoked?'. Eighty per cent of those young people said the person would be less appealing to them if they smoked. I followed that up in discussing the same issue and asking the same question of young people at Benalla Secondary College, and I received the same answer.

Why in the heck do young people take up smoking? I took up smoking as a young scout. We used to buy a packet of fags from the local spot cafe, having got money from picking up bottles and getting money from the container deposit scheme that was in operation at that time. You bought your packet of fags and went off to the jamboree at Gilwell Park and you could be a real cool dude and smoke a fag or two. I gave up smoking

when I gave up scouts. I did grow up at that stage, but some members are still waiting to grow up.

The other factor that may have influenced my decision-making process was that I smoked tea tree bark, which I do not think had the same desirable effect! That aside, why do young people take up smoking?

**Ms Morand** interjected.

**Dr SYKES** — So is that what damaged my brain and why I am here today?

**The ACTING SPEAKER** (Mrs Fyffe) — Order! The member should address his comments through the Chair.

**Dr SYKES** — Acting Speaker, it is very difficult to maintain my concentration on the issue. Why do young people take up smoking? I think it comes down very much to the advertising that is undertaken. Whilst advertising restrictions have been progressively tightened up, it is just like tax law. As soon as you close one loophole, the clever souls on the other side of the argument exploit another loophole. That is what is happening with smoking, and we have seen it happening with alcohol. Whilst tobacco and alcohol companies will argue they are fighting for market share, there is no doubt in my mind that in both cases they are seeking young people to take up those habits.

In my experience there are a couple of subgroups that are heavy smokers. Firstly, there are polocrosse players — polocrosse being a combination of polo, lacrosse and netball, a sport I support strongly. My daughter is a polocrosse player, and they are very good people. Secondly, many people involved in football and netball clubs are smokers. They are also fine people, but there is the issue of increased smoking amongst those subgroups. Therefore it is critical that VicHealth and other campaign activities are directed to work on these clubs and groups.

Earlier this week I spoke with Todd Harper, the chief executive officer of VicHealth. I highlighted the fantastic achievements of a number of clubs in my area in getting a handle on the issue of under-age drinking and smoking — activities which I believe are associated — and the progress that those clubs had made, with VicHealth support, in relation to the responsible service of alcohol and associated drinking. The clubs at Nagambie, Murchison, Violet Town and Swanpool have all worked very hard to become family friendly, but, to use the words of the government, more needs to be done. I encourage VicHealth to continue its

work of focusing on sports and other clubs, because that enables them to access many people.

I should also touch briefly on the impact of the termination of the tobacco industry in my area. That industry used to generate \$30 million a year for the people of the Ovens, King and Kiewa valleys. The tobacco industry was terminated a couple of years ago, and that has brought massive local social and economic impacts. Whilst people are striving to find alternative forms of income generation, there are still many challenges. There has been difficulty finding suitable alternative crops and suitable businesses. A major issue in making those decisions is security of water supply. The member for Murray Valley is not in the chamber, but he would know that one of the solutions could be to make the Big Buffalo dam a reality — that is, expanding Lake Buffalo — and to upgrade the scale of Lake William Hovell. In this process I should also commend Kerry Murphy and the Tobacco and Associated Farmers Co-operative for their fantastic effort in helping people adjust to the transition.

I am getting lots of signals to wind up. I will leave it to other speakers to contribute to the debate, but it is a fantastic recognition of the efforts of Damian Drum to see this bill before the house today. In closing I say: do not forget to plug the pipe!

**Mr NOONAN** (Williamstown) — I am sorry that the member for Benalla did not mention Lake Mokoan in his contribution.

**An honourable member** — I thought he did. Didn't he?

**Mr NOONAN** — I did not hear it if he did. I rise to speak in support of the Tobacco Amendment (Protection of Children) Bill. At the outset I declare that I am a non-smoker.

The objective of this bill is to amend the Tobacco Act in accordance with the reforms announced as part of the Victorian Tobacco Control Strategy 2008–13. This bill seeks to achieve three practical objectives: to help prevent young people from taking up smoking; to protect young people and children from the effects of passive smoking and second-hand smoke in cars; and to support more adults in kicking the habit and quitting smoking.

This bill introduces a range of measures to achieve those three broad objectives. Firstly, the bill bans tobacco advertising, including the display of tobacco products in retail outlets thereby reducing the profile of tobacco products. In preparing to speak on this bill I paid a visit to my local supermarkets. In many respects

they have prepared for this particular change, because the profile of cigarettes is non-existent. There is no advertising in the local supermarkets in my local area.

The bill will also ban smoking in cars which carry persons under the age of 18 years. Other speakers have noted that this measure has widespread support in the community. I note that Cancer Council Victoria conducted a survey, the results of which indicated that 90 per cent of Victorians support this measure. Clearly the aim of this type of measure is to protect children from the effects of passive smoking whilst demonstrating that smoking is unhealthy and to set a good example.

Interestingly some social and media commentators have suggested that this type of measure takes the role of government too far. Some have even suggested that by implementing these types of bans, we are somehow becoming a nanny state. I disagree with that view, which I think is an ignorant one. Perhaps those critics ought to reflect on the introduction of other measures, such as the use of seatbelts in cars or the introduction of alcohol breath testing for drivers. They should ask themselves whether these measures are about preventing premature deaths in this state. I do not see any difference between this type of ban and, as I have stated, the compulsory wearing of seatbelts. The same principles apply. Perhaps those commentators ought consider the cost that smoking-related illnesses and diseases impose on our health system.

The bill also introduces a ban on the sale of cigarettes from temporary outlets. This measure is targeted at such events as the Big Day Out and the Australian Formula One Grand Prix. The bill also provides the Minister for Health with the power to ban youth-oriented tobacco products and related products. I note that the second-reading speech gave some examples, including fruit-flavoured cigarettes and packaging aimed at young people. Finally, the bill will strengthen a range of penalties under the act and ensure a better level of enforceability.

Although I wanted to make mine a brief contribution, it is worth asking why the Parliament does what it does in these particular areas with these types of bills. We have to consider the facts, which are quite strong in this area — that is, tobacco use costs the lives of around 4000 Victorians each year and is the leading avoidable cause of many illnesses in our community, including cancer, respiratory disease, cardiovascular disease and other diseases. As other speakers have rightly pointed out, tobacco use imposes a significant burden upon our public health system and costs taxpayers a staggering

\$5 billion each year. We all know there is no safe level of smoking and no safe level of passive smoking.

I thoroughly endorse the Tobacco Amendment (Protection of Children) Bill. Some 80 per cent of smokers become addicted during their teenage years, so it is entirely appropriate that this bill is targeted in many respects at simply not having young people start smoking in the first place. I commend the bill to the house.

**Mr WELLER** (Rodney) — It gives me great pleasure to rise and speak on the Tobacco Amendment (Protection of Children) Bill. The bill amends the Tobacco Act 1987 to prohibit tobacco product advertising at all outlets, with the exception of on-airport duty-free stores and certified specialist tobacconists. It bans the sale of tobacco from tobacco outlets, bans smoking in cars when a person under 18 years of age is present and enables the minister to ban youth-oriented tobacco products.

It has been interesting to listen to the debate and members of the government speaking about this bill being their bill. I might have to take government members through some history. In December 2007 Damian Drum, a Nationals member for Northern Victoria Region in another place, introduced a private members bill to amend the Tobacco Act 1987 and Road Safety Act 1986. The Tobacco (Control of Tobacco Effects on Minors) Bill sought to ban smoking in cars carrying children and to make it unlawful for people under the age of 18 years to purchase tobacco products. The government's response was to rule the bill out.

Government members have made out that this was their idea, but they have been dragged kicking and screaming by the opposition to this point. Prior to the private members bill being introduced to the upper house by Mr Drum the government had clearly and publicly stated that it was not interested in measures such as banning smoking in cars where children are present. This is a prime example of a good opposition bringing forward policy and the government of the day saying 'Me too'.

The government has commented on timing. Let us look at some other jurisdictions in Australia. In South Australia the sale of fruit-flavoured cigarettes was banned under the Tobacco Products Regulation (Prohibited Tobacco Products) Amendment Act 2006, some three years ago — so we are three years behind South Australia. That state also banned smoking in cars carrying children under the age of 16 in 2007, some two years ago. Tasmania's Public Health Amendment Act 2007 prohibited smoking in cars where children are

present, once again some two years ago. The Brumby government is dragging its feet. The New South Wales Public Health (Tobacco) Act 2008 prohibits the display of tobacco products, non-tobacco smoking products and smoking accessories in retail settings, makes provision regarding the use of tobacco vending machines and also makes it an offence to smoke in cars where a child under 16 is present. We are behind all other states. Also in 2008, some 12 months ago, Queensland introduced a bill to ban smoking in cars where children are present. In Western Australia the Tobacco Products Control Act was introduced in 2006. Here we are behind all these other Australian jurisdictions. It is a disgrace and a blight on the Brumby government that it has dragged its feet on this. It only introduced this legislation when it was dragged kicking and screaming by Damian Drum, a member for Northern Victoria Region in another place.

Smoking costs the community dearly. It is estimated that worldwide it takes some 5.4 million lives per year through heart disease, lung cancer and other related illnesses. There is a backlog on the waiting lists of the Victorian public health system. Why the government has waited so long to bring in controls to limit the uptake of smoking — which causes diseases and creates waiting lists in our hospitals that we cannot afford to have — defies logic. It goes to show the effectiveness of a good opposition. Damian Drum, a coalition member for Northern Victoria Region, triggered this by introducing his private members bill in the upper house, which has dragged the government kicking and screaming to this position. I fully support the bill, although it is probably two years too late.

**Mr WYNNE** (Minister for Housing) — It is with a great deal of pride that I speak on the Tobacco Amendment (Protection of Children) Bill 2009. I state for the record the fact that my father passed away three years ago, on 20 July 2006, because of tobacco-related illnesses. It is fair to say that he smoked for almost his entire life. I can recall being in the car as a child with cigarette smoke going in all directions — and I do not think my father wound down the window all that often! As a supplement to that, I must concede that despite all that passive smoking, I have never really smoked. I am probably indebted to my father for that, because while I was growing up to have a cigarette was certainly the trendy thing to do. I never felt inclined to do so, possibly because, as I said earlier, I was one of those children stuck in cars with smokers. I can always remember the stench of cigarettes. Looking around houses today, you do not see ashtrays everywhere. I remember when I was growing up there was an ashtray next to every chair, and they were usually full of ashes.

You could usually smell smoke and that sort of thing. We have moved a long way from that time.

I am pleased to support this bill. I know many people have spoken on many aspects of the bill, but I will emphasise some particular features. The bill bans the display of tobacco products in retail outlets. The member for Williamstown said that in big supermarkets you rarely see cigarettes advertised. In milk bars and smaller outlets they are certainly more visible, probably because they are a bigger part of the businesses' profit-making processes, so I am glad the bill reduces that exposure. The bill bans smoking in cars carrying a person under the age of 18 — and I have briefly spoken about my personal history with that. The bill also bans the sale of cigarettes through temporary outlets. It provides the minister with a power to ban youth-oriented tobacco and related products. I also remember in my youth buying packets of Fags lollies — I think that is what they were called — and pretending to smoke them to be cool, feel like an adult and those sorts of things. However, as I said earlier, I never had the desire to take up cigarettes, although I always enjoyed a good lolly. I am more than pleased to support the bill.

An issue I wish to raise is car safety. I know it is not covered in the bill — I know we are talking about the prevention of smoking in cars carrying people under the age of 18 — but I hope in due course a government of this state, and governments of other states, will pick up on the point that smoking should not be allowed in cars at all. We should prevent anybody from being subjected to passive smoking. Why should it be restricted to people under the age of 18? Nobody in a car should have cigarette smoke inflicted on them. I would support such a measure. In terms of the driver safety aspect, members of the Road Safety Committee — and I am being followed by one in this debate — will tell you that any distraction in a car takes away from your driving ability. I have never smoked in a car, but I imagine that every smoker must occasionally drop a cigarette. By the nature of the thing, every smoker must drop a lit cigarette somewhere along the line. That would be a massive driver distraction in itself.

I unreservedly support the banning of smoking in cars carrying people under the age of 18, and I encourage this government and all governments around Australia to take that one step further and ban smoking in cars altogether. The policing of such a ban would be a lot easier. Under the bill before the house, if a police officer thought the law was being breached, they would have to pull up the car and see if there were under-age people in it. I think a total ban would be the next step to take.

On the issue of youth-oriented advertising, we all know from our experiences throughout our lives and our knowledge of kids that advertisers have always tried to entice kids in some way to get on to the big stuff. Clearly I support that ban as well. I commend the bill to the house. I know other members have said this government has been perhaps what they define as slow, but if you think about it, why did not any government do this 10 or 15 years ago? We have all collectively been a bit slow on the subject, so this is not about finger pointing. Let us get our act together, pass this bill and get on with it. I support the further extension of the provisions.

**Mrs VICTORIA (Bayswater)** — I rise to support the Tobacco Amendment (Protection of Children) Bill 2009. There are three main purposes of the bill. They are to further restrict the display and sale of tobacco products, to further restrict the consumption of tobacco products under specific circumstances and to ban the sale of non-tobacco products that resemble or imitate tobacco products, such as candy-flavoured cigarettes and that sort of thing. There is also a move to implement the Victorian Tobacco Control Strategy 2008–2013, which comes into force on 1 January 2011. That date is quite significant because of some of the changes being made and what retailers will have to do to comply with them.

New offences are being created in relation to the prohibition of the display of any tobacco advertising material as well as tobacco products in retail outlets. There are two logical exemptions. One is for on-airport duty free shops, where people are moving through quite quickly and generally minors are accompanied by parents in any case, and the other is for specialist tobacconists. The stipulation is that to be considered a specialist tobacconist a retailer must derive at least 80 per cent of their gross annual revenue from tobacco-related products.

One of the other initiatives contained in the bill is that a penalty will apply if a person smokes in a motor vehicle where a person under 18 years of age is present. Offenders will be subject to an infringement penalty of up to 2 penalty units and a maximum of 5 penalty units, or \$550, as it stands at the moment. This is a terrific initiative. The issue was taken up by our colleague in the upper house Damian Drum, a member for Northern Victoria Region, and I commend him for the work he did on this.

If you look at the Heart Foundation website, you will see that it talks about second-hand smoking, which is very relevant to what happens to children in cars. It says:

Second-hand smoking is breathing in other people's tobacco smoke ... There are over 4000 chemicals present in cigarette smoke, and many are known carcinogens ...

As to the risk of second-hand smoking, it says:

There is evidence that second-hand smoking ... can harm adults and children.

It goes on to say:

Even very short-term exposure to second-hand smoke ... can harm your body's cardiovascular system.

Under the heading 'Other health problems caused by second-hand smoking', it says:

Tobacco smoke can irritate the eyes, nose and throat of non-smokers ... and also increase the frequency and severity of asthma symptoms.

Second-hand smoke is especially risky for children and babies.

And this is exactly to the point of this part of the bill. It continues:

It is associated with:

low birth weight babies;

sudden infant death syndrome — where babies suddenly stop breathing during sleep;

bronchitis and pneumonia;

middle ear infections;

the onset of asthma or increased frequency and severity of asthma attacks.

Children who do not start out with asthma and who are subject to second-hand smoke can develop it — and we know that is certainly not anything that we would want inflicted upon anybody.

The Health Foundation says:

Be a good role model for your children: don't smoke.  
Children whose parents don't smoke are much less likely to take up smoking.

I think that is one of the major messages I would like to take away from this. I certainly remember the advertising campaign that came on television after the death of Yul Brynner. Many would remember that Yul was a Russian-born actor. He was terribly charming and dashing and was best known as the King of Siam in *The King and I*, Rogers and Hammerstein's classic musical. He died at age 65 back in 1985. As much as he would have been charming and dashing during his day, he certainly did not die that way. If you remember that campaign, he said very simple words, 'Don't smoke. Whatever you do just don't smoke'.

That is a very powerful message, and it certainly has the Heart Foundation's backing. The Heart Foundation says that children of parents who do not smoke are less likely to take up smoking themselves, and I think that is an important message. I commend the government for continuing the very good initiative of Damian Drum, and I commend the bill to the house.

**Mr TREZISE** (Geelong) — I am also very pleased and proud to be speaking in support of the very important bill before us today, the Tobacco Amendment (Protection of Children) Bill. The bill again highlights this government's commitment to minimising the harm that tobacco causes to our community, particularly people who smoke, people who suffer the unwanted consequences of second-hand smoke and those who are left to pick up the pieces after a loved one has died from a smoking-related illness. As we all appreciate, such illnesses are debilitating and insidious and result in a slow death.

I must say that although this government has introduced a number of important initiatives over the life of its time in office, other governments, including the Kennett government and the Cain and Kirner governments, which introduced the Victorian Tobacco Act in 1987, have also worked to minimise the effects of smoking. I note with great interest that through that hard work over the last 20 to 30 years of governments in Victoria the rate of smoking has dropped from 34 per cent in adults to a bit above 16 per cent in 2008. However, as we have heard from other members, this still equates to something like 4000 lives annually.

The progress that has been made is encouraging, but there is more to be done. One has only to think back a few years when it was very much the norm to go to a restaurant, to a pub, to a club and find the place absolutely thick with smoke. It was because it was the norm that you just took it for granted that people would smoke and that when you went home at night your eyes would be sore and your clothes would stink of smoke. Most importantly, it had long-term effects on hospitality employees from an occupational health and safety perspective. You knew smokers were at risk but you did not really appreciate or understand the effects of second-hand smoke.

Thankfully times have changed. If you walked into a pub a club or a restaurant now and someone was smoking, you would spot them from 100 metres away and that person would be asked to leave. That is thanks to legislation this Parliament passed only in recent years. However, at the time, as we will all recall, there were howls of protest from smokers and operators of many pubs and clubs. There was also protest,

insidiously, from the tobacco companies in the background spruiking doom and gloom for public establishments like pubs and clubs and talking about the so-called rights of smokers.

I say that because incredibly even today as we are seeking to pass this legislation there is a small minority of people — something like 15 per cent — who complain about their rights when it comes to smoking with children in a car. I had a conversation with a fellow who came into my office probably two or three months ago. He was angry and adamant that he knew what was best for his children. He said he knew what was best for his own health and had a right to determine what occurred in his car. He said that somehow, as he put it to me, this was nanny or big brother legislation. I have to say that I believe — at least I hope — this type of attitude comes from a lack of knowledge and not out of lack of respect for children.

This is an important bill. It introduces some new important initiatives, and to some degree we may face resistance from some, as I said, but it is the right thing to do. For example, the banning of smoking in cars containing a child under the age of 18 years is a great initiative. The banning of tobacco advertising in retail outlets is another, together with providing the minister with the power to ban youth-focused tobacco products. These are great initiatives and therefore this is important legislation. I wish the legislation a speedy passage through this house.

**Mr HODGETT** (Kilsyth) — I rise to make a brief contribution to the debate on the Tobacco Amendment (Protection of Children) Bill 2009. Honourable members have spoken about the purposes and overall intention of the bill, and it is not my intention to repeat these matters in the time that I have available to me.

I accept and support the notion that we must take the next step to protect young people from smoking, and as has been stated by previous speakers, the coalition will not be opposing this legislation. However, in the time I have available I shall put on record matters raised with me by some organisations, and I ask the minister to perhaps provide feedback and respond to these concerns, particularly in relation to small business. If the government proceeds with its intent to ban the retail display of tobacco products, it is important that it does so in a way that avoids unnecessary hardship for retailers, particularly in the current economic environment. If in the end a display ban passes, it is important that the law accomplishes this objective in a clear, feasible and practical way.

Retailers need to be given sufficient time to prepare their business and hardware to comply. Feasible implementation times are in my view essential. One year after any implementing regulations are passed is sufficient for business to forward plan and adjust to and is consistent with what has been allowed in other states. The term ‘display’ must be clearly defined, so that incidental visibility of tobacco products is not treated as a violation of the act. I note from my research in other states that the New South Wales legislation does a good job in this area. It specifically recognises that incidental visibility of tobacco products is necessary, appropriate and inevitable in the course of ordinary commercial transactions with adult smokers. In relation to the New South Wales legislation, section 9(2) of that state’s tobacco act allows the display of tobacco products to a customer at his or her request, and in such other circumstances as may be prescribed by the regulations.

The law should also recognise that products will be incidentally visible when retailers or their suppliers are stocking shelves, checking inventories and so on. I hope the intention of the legislation is not to penalise small business in those circumstances. Retailers must be allowed to answer questions from adult consumers about the tobacco products on offer. The price ticket and price board provisions go some way towards addressing that, but without displays retailers need to be able to orally provide information to customers who request it. They must be able to respond to questions about whether or not brands are on offer and the prices at which they are on offer.

On another point, the prohibition on tobacco sales at events in my view serves no rational purpose. Clause 38 of the bill, which inserts proposed sections in the principal act, would prohibit tobacco sales from ‘a temporary display stand, booth or tent or other temporary ... structure’. It would also prohibit sales from ‘a point of sale that is in a retail outlet established in an area ... for the duration of a specific sports, music or arts-related function or event’. Together those provisions would ban sales in established retailers in places such as the Victoria Market, as well as sales at adult-focused events such as the Australian Formula One Grand Prix or the Falls Festival.

I question whether there is a rational basis for doing that. It is already illegal to advertise tobacco products at those events, and it is illegal to sell to minors. People who would now purchase cigarettes at events will simply purchase them elsewhere, which could be a logistical problem for event organisers and an inconvenience for the adult smokers there. I do not know how the organisers are going to implement that or advertise the fact. The first time people rock up to

events at which they were previously able to purchase tobacco products will be a logistical nightmare for event organisers. There is no real reason why sales of cigarettes could not be permitted inside licensed areas at such events. Children are already prohibited from entering those areas.

In conclusion, the coalition will not oppose this legislation. Damian Drum, a member for Northern Victoria Region in the upper house, started the ball rolling by introducing a private member's bill to control the effects of tobacco on minors, and I commend him for his work. I invite the minister to respond to the points I have briefly raised in my contribution and look forward to commentary from the minister on these matters.

**Mr STENSHOLT** (Burwood) — I rise to support — I do not just not oppose — this bill. I am surprised members of the opposition are a little bit mealy mouthed in the way they are going about supporting this bill, because tackling the issue of tobacco has had strong bipartisan support over the years. We know it has far-reaching implications. I am sure other people have mentioned this, but there are almost 4000 tobacco-related deaths each year, and smoking costs the economy \$5 billion dollars a year.

The *Victorian Tobacco Control Strategy 2008–2013* was released not so long ago, and there are some very interesting facts in this document which I wish to draw to the attention of members. Page 5 discusses the disease burden attributed to smoking. If one considers disease burdens across the whole spectrum of contributing factors, one sees that tobacco is by far the most important. It ranks ahead of high blood pressure, obesity, high blood cholesterol, physical inactivity, alcohol and alcohol harm, illicit drugs and unsafe sex, as well as occupational risk factors. It is quite clear: tobacco kills one-third to one-half of all people who use it, and the life span you are deprived of is on average about 15 years.

I say this as a former smoker. I smoked for 10 years. This is confession time, I know, for many members. A lot of them are quite happy to say they never smoked. I gave it up half a lifetime ago. I am very pleased that I did give it up, but it was very hard. The last cigarette I had was at 15 minutes to midnight one New Year's Eve, so sometimes New Year's Eve resolutions actually work! This is a serious issue, though. I commend the Victorian Health Promotion Foundation (VicHealth) and the role it has played over many years. It has tripartisan support, because I know the member for Lowan, the member for Forest Hill and, I think,

Richard Dalla-Riva, a member for Eastern Metropolitan Region in the other house, are on the board.

I know the Public Accounts and Estimates Committee recently reviewed the work of VicHealth and made a range of recommendations, and I am sure the government will take the recommendations of the Public Accounts and Estimates Committee seriously, as it always does. PAEC's last recommendation was to review the mandate of VicHealth, but to review it under a bipartisan arrangement so we could move forward and do more in terms of preventive health.

This bill is about tobacco, and it builds on the achievements of the government in tobacco reform. There have been a range of these over the last nine years. In 2000 reforms were introduced addressing youth smoking. In 2001 smoke-free dining laws were introduced. In November 2001 smoke-free shopping centre laws were passed. In July 2001 further restrictions were placed on tobacco advertising and displays in outlets. In September 2002 further smoking restrictions were introduced in licensed premises and gaming venues. In March 2006 there were smoking bans placed on enclosed workplaces and at under-age music and dance events. In March 2006 bans were placed on 'buzz marketing' and non-branded tobacco advertising. Again in March 2006 there was a strengthening of laws enforcing the ban on cigarette sales to young people. In July 2007 there were smoking bans placed on enclosed licensed premises. In 2008 the Victorian tobacco control strategy was issued. Also in 2008, in spite of what some members opposite have been saying, Victoria won the AMA-Australian Council on Smoking and Health award for the best performing state over the previous 12 months, and of course in December 2008 we saw the launch of the \$150 million cancer plan here in Victoria.

It is good to see further measures contained in this bill. It carries the matter forward in terms of strict laws on cigarette sales, advertising and the prohibition of smoking in vehicles carrying children aged under 18. In terms of strict laws there is a ban on the sale of tobacco from temporary outlets and there are point-of-sale bans. The minister has the power to ban products that appeal to young people, such as fruit-flavoured cigarettes, and I am among those who remember having those little packets in the past. Penalties and enforcements have been reviewed to bring them into line with a far more comprehensive arrangement than there has been in the past. This is excellent legislation. It carries forward Victoria's leadership in this regard, and I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — It is a pleasure to rise to contribute to the debate on the Tobacco Amendment (Protection of Children) Bill 2009. As has been already stated by members, the coalition will not be opposing this bill.

The bill seeks to implement a range of recommendations as part of the government's Victorian Tobacco Control Strategy 2008–2013. These will include a new offence prohibiting the display of tobacco advertising, including tobacco product displays in retail outlets, with exemptions for specialist tobacconists and on-airport duty-free shops. It will also implement a new offence prohibiting the sale of tobacco from temporary outlets. This includes a temporary display stand, booth or tent or any other temporary or mobile structure. The bill will provide 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. These are defined as being distinctive fruity, sweet, confectionary-flavoured tobacco products or products that resemble tobacco products — some members would remember Fags, which are now known as Fads. The bill also amends a review of penalties and enforcement provisions, including a new body corporate provision and extended provisions for the power of the secretary to require disclosure by tobacco companies.

Another important move is that the legislation creates a new offence where a person smokes in a vehicle in which a person under the age of 18 is present. We must commend the efforts and tenacity of Damian Drum, a member for Northern Victoria Region in the other place, on this bill. It has been as a result of his hard work that we now see this component of the bill before us today. This bill goes part of the way to dealing with issues relating to the effect of tobacco on children.

This brings me to a matter which was raised by another member in the other place, Mr Brian Tee, who is a member for Eastern Metropolitan Region. Mr Tee was reported in the *Knox Journal* of yesterday, 29 July, as raising the issue of banning smoking in children's playgrounds. Mr Tee had called upon Knox council to follow the lead of Moreland and Monash councils and to ban smoking in playgrounds as soon as possible. However, Knox council pointed out that its role in terms of smoking was the enforcement of smoking provisions as set out in state legislation. The council pointed out that the state government is yet to introduce a ban on smoking in playgrounds. Knox council has obviously made the point to Mr Tee that the regulation of smoking in playgrounds is in fact a matter for his own government to take the initiative on.

This leads me to ask Mr Tee, on behalf of the Knox community, to outline what actions he has taken as a member of this government to raise the issue in the Labor Party caucus, and what action he has taken to raise this issue with the minister and have a ban introduced in playgrounds. Has he pointed out that it is Labor Party policy to introduce legislation in addition to this bill to ban smoking in playgrounds? My community is confused as to the position of the government on this issue. This bill clearly sets out the government's position with respect to smoking in vehicles, but my community is now confused as to whether it is the position of this government to ban smoking in playgrounds. Has Mr Tee spoken on behalf of the government or has he in fact spoken out of turn? Clearly it is incumbent upon him to outline his position to the community of Knox.

**Mr PERERA** (Cranbourne) — It is a privilege to be in the chamber today to support this important health-related legislation, the Tobacco Amendment (Protection of Children) Bill. This legislation will help protect the next generation of Victorians from growing up with the deadly habit that so many of our generation have lived with. This lifesaving new legislation has the potential to restrict strategies targeting Victorian children. These are the latest steps in a groundbreaking tobacco reform agenda introduced by the Victorian Labor government since coming to office in 1999. The previous speaker, the member for Burwood, listed the previous measures introduced by the Brumby government, and I will not revisit them.

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. It is widely acknowledged that the majority of smokers take up the habit before the age of 18. The prevalence of adult smoking in Victoria reduced from 34 per cent in 1987 to 16.5 per cent in 2008, but unfortunately research indicates that 20 per cent of 17-year-olds are currently smokers, a rate higher than that for adult smoking. There is therefore an urgent need for new interventions to prevent children from taking up the habit.

Many nations are grappling with the increased prevalence of teenage and young adult smoking. According to the WHO, Sri Lanka has taken strong measures on tobacco control in recent years. It has banned smoking in public places, open or enclosed. Offenders have to pay fines of 5000 to 25 000 rupees under the Sri Lankan Tobacco and Alcohol Act. In Sri Lanka the average daily wage of an unskilled person is around 1000 rupees, and the minimum fine would be

equivalent to something like five days wages. Sri Lankan authorities have prohibited tobacco advertising through the national broadcast and local print media, at places where tobacco is sold and on the internet.

Last month President Obama signed into law one of the most sweeping pieces of antismoking legislation the USA has yet seen. The new measures mean that tobacco companies can be ordered to reduce the amount of nicotine they put into cigarettes. The legislation also signals the end of the description of some cigarettes as 'low-tar' or 'light'.

In recent years there have been a number of examples of tobacco products and packaging being used to recruit young people to smoking. These include fruit and confectionery-flavoured cigarettes, split-packet cigarettes and glow-in-the-dark packs. The introduction of the power to ban fruit-flavoured cigarettes is part of a commitment made by the Victorian government at the Australian Health Ministers Conference in April 2008. We are doing that now, and we are not alone.

The US tobacco bill means that by October this year cigarettes sold primarily for their candy, spice or fruit flavours will be banned in the USA. In May 2009 the Canadian government introduced a spate of restrictions on tobacco products. They are intended to protect children, and they include a ban on flavoured cigarettes and cigarillos. The legislation outlaws the addition of fruit flavours and other additives that sweeten cigarettes, cigarillos and blunt wraps — tobacco tubes. The new measures will also bar tobacco advertising through all print and media outlets that may be viewed by youth. The changes also prohibit the sale of small quantities of blunt wraps, cigars and cigarillos in what are commonly known as 'kiddy packs'. These items will now have to be sold in packs of at least 20.

This bill also introduces point-of-sale display bans, which is a great initiative. Point-of-sale displays raise the profile of tobacco and create the impression that cigarettes are far more popular than is actually the case. People who have already decided to quit smoking, or who may have decided not to buy cigarettes on the particular day they are shopping, feel that such displays urge them to continue smoking. This ban will remove the visual cues to smokers at the point of sale, thereby reducing the initiation of a smoking habit and facilitating smoking reduction and cessation.

One of the important provisions in this bill is the ban on smoking in cars carrying children under the age of 18 years. One would have thought this was common sense, but for some the message is not getting across.

This legislation will help those people to get out of the bad habit of subjecting children to passive smoke. I commend the bill to the house.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to contribute briefly to the debate on the Tobacco Amendment (Protection of Children) Bill. I support any measures that increase the lifespan of Victorians and help them to maintain good health. This legislation has been slow in coming, but it is nevertheless welcome.

I have had a number of inquiries about the new offence relating to a person smoking in a car while a person under the age of 18 years is present. These inquiries mainly come from Victorians whose first language is not English. Whilst this government is happy to spend millions of dollars on political advertising, there is little information on changes to legislation. Many culturally and linguistically diverse Victorians are left out in the cold. I therefore encourage the government to advertise these legislative changes in the ethnic media. The government has promised that 5 per cent of the total advertising budget will be spent in advertising through the ethnic media, but it has struggled to achieve this.

Smoking continues to remain the major cause of numerous cancers and diseases. We must not ignore the fact that smoking-related diseases are clearly avoidable. We can help to decrease the effects of smoking by reducing the number of areas where it is permissible to smoke. While I welcome this legislation I also ask the government to ensure that all Victorians are aware of these changes.

**Ms DUNCAN** (Macedon) — I rise to support the Tobacco Amendment (Protection of Children) Bill. It is a pleasure to follow the member for Bulleen with my short contribution to the debate on this legislation. The bill does a number of things, but most notably it bans the display of tobacco products in retail outlets and bans smoking in cars carrying a person under the age of 18 years. The bill builds on the progressive legislative changes this government has made. In December last year the Victorian government launched the Victorian Tobacco Control Strategy 2008–2013, and this legislation arises out of the broad consultation conducted at that time.

We all know how damaging smoking is, but some of us have been a bit slower to take up the message than others. Like many smokers, I have accepted these legislative changes because I understand the dangers in smoking. Many smokers have on their own initiative instituted some of these changes. I commend this bill to the house.

**Sitting suspended 1.00 p.m. until 2.03 p.m.**

**Business interrupted pursuant to standing orders.**

**QUESTIONS WITHOUT NOTICE**

**Water: desalination plant**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Minister for Water. Given that the minister has today stated that the winning bidder for the now \$3.5 billion desalination plant has successfully secured finance, why is it that the state government has had to provide a guarantee as lender of last resort and what will be the exposure of Victorian taxpayers?

**Mr HOLDING** (Minister for Water) — I thank the Leader of the Opposition for his question, because it gives us an opportunity to affirm to Victorians that this is a project of immense significance for the Victorian community and this is a project that the state government is determined to see brought to fruition. One of the things that is most pleasing about the announcement the Premier and I have been able to make today is that we were in receipt of two fully funded bids, and by accepting the bid proposed to us by AquaSure we have been able to receive from that consortium, in the most difficult financial circumstances that we have seen in decades, a fully funded bid, from both a debt and an equity perspective.

This is something the Victorian government regards as unambiguously good news. It is a complete endorsement of the strength of the Partnerships Victoria framework here in Victoria, and it is also a vote of confidence by the financial sector and by all the partners who make up the AquaSure bid in the quality of the economic environment that exists in Victoria for coming to do business on what is probably the biggest public-private partnership anywhere in the world in the last 12 months. We are very pleased about that. We are very pleased to have received a fully funded bid, and we make no apologies for putting in place a government-backed guarantee on fully commercial terms to be able to support any diversification that the winning consortium may engage in in the process following financial close. This is a fully funded bid and one which absolutely affirms the strength of the economic environment in Victoria.

**Mr Trezise** interjected.

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

**Water: desalination plant**

**Mr STENSHOLT** (Burwood) — My question is to the Premier, and it is a positive one. I refer to the government's positive commitment to making Victoria the best place to live, work and raise a family, and I ask: will the Premier update the house on recent developments to protect Victoria's water supply?

**Dr Napthine** interjected.

**The SPEAKER** — Order! I remind the member for South-West Coast that I do not need his advice at question time.

**Mr BRUMBY** (Premier) — I thank the honourable member for the question. I advise the house that earlier today with the Minister for Water and the chair of the AquaSure consortium I announced the successful consortium to build the \$3.5 billion Victorian desalination plant. The winner of that process — where we had two outstanding bids which addressed the criteria set by the government in the request for proposal — was AquaSure. AquaSure is a consortium which is made up of Suez Environnement, Degremont, Thiess and Macquarie Capital Group. Those companies have a successful track record of excellence around the world, and they have committed to delivering this project by December 2011.

The key features of the agreement which has been reached and announced by the government today include a guarantee to deliver desalinated water by the end of 2011 and the flexibility to supply between 0 and 100 per cent of the plant's capacity in block increments as required. There will be an underground power option. The reality is that the original reference case included an above-ground power option. The government listened to the community, to the views that were put to it, and it has determined that as part of this bid there will be an underground power proposal.

I am also pleased to say that, as part of the successful bid, fibre-optic broadband cable will be provided to the people of that region. This will ensure that significant economic activity and growth comes as a result of this.

The consortium will be using proven and secure desalination technology. There is, as required, a commitment to renewable energy projects to offset the plant's energy use. The consortium has purchased all of the required renewable electricity certificates. The consortium also announced today that it will be investing in a 63-megawatt wind farm at Oaklands Hill, just south of Glenthompson.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! The member for Bass knows full well that if he wants to ask a question, he should stand in his place at the appropriate time and I will give him the call. To ask questions constantly by way of interjection is not acceptable, and I warn the member for Bass.

**Mr BRUMBY** — In all of those areas this is a great outcome for the region. It is not just a great outcome for Melbourne and Victoria, but a great outcome for the region with the underground power, the fibre-optic cable, the water pipe, which is a two-way pipe with all of the offshoots along the way to meet the needs of communities, and the renewable energy. All of these are the things that we committed to — and more — after listening to the community. All of this will be achieved at an aggregate cost which will result in increases in water prices less than those which we predicted at the time of announcing the desalination plant.

This is not just a great-value investment for the state; it will secure the state's water supplies into the future and also lead to significant regional development opportunities in the area. The number of direct jobs created by those investments is 1700, in addition to over 3000 indirect jobs. This is not just a great project in terms of securing the state's water supply; it is a great project in terms of generating jobs and opportunities for our state. These are new jobs for our state.

The financial close of this project will be in early September. Work will start in October, and that will involve work on the plant at Wonthaggi, the 84-kilometre transfer pipeline to connect to Melbourne's existing network, the underground power source and the renewable energy project. You could not get a better package than this.

As the Minister for Water has said, this is fully financed. There were many people, including those on the other side of the house, who had hoped this project would not get under way and would not be financed. The consortium has raised all of the required debt and equity to fully finance this project. Over the next little while it will be diversifying those debt opportunities by offering opportunities to pension and superannuation funds to invest in long-term infrastructure.

Here we have the biggest water project in Australia, the biggest PPP (public-private partnership) project in Australia and the biggest private sector financing project in the world since the global financial crisis. The fact that this bid has been made, fully funded and successful, speaks volumes for the financial confidence

that people have in our state, our budget, our AAA credit rating and our place as a great place to invest.

All the investments we are making in water, through the Tarago Reservoir, the food bowl and now desalination, provide the road map to ease future water restrictions in our state. I expect to see the harsh water restrictions ease from 2012. Today's decision ensures that our parks, gardens and backyards can be green into the future. I believe it is a great result for the state. I believe it reflects great credit on the project team, and I want to place on the public record my thanks to the Minister for Water and the project team for delivering this contractual announcement today on time and on schedule.

*Interjections from gallery.*

**Persons escorted from gallery.**

**Sitting suspended 2.16 p.m. until 2.24 p.m.**

### **Office of Police Integrity: report**

**Mr McINTOSH** (Kew) — My question is to the Minister for Police and Emergency Services. I refer to today's Office of Police Integrity report, which finds that the approach, framework, systems and response of Victoria Police to the management of the use of force by and against police officers is, and I quote, 'outmoded', 'incomplete or inaccurate', 'inflexible, antiquated and underresourced' and 'demonstrably flawed', and is now, and I quote, 'near collapse', and I ask: given that there have been more than 20 reviews of these issues since 2002, why has the minister failed to respond and adequately resource Victoria Police to ensure the safety and protection of Victorian police officers and the public, or is this just another case of a minister who does absolutely nothing, takes no responsibility for anything and is once again ignoring countless warnings?

**Mr Herbert** interjected.

**The SPEAKER** — Order! The member for Eltham will not sit there in that fashion and talk across the chamber.

**Mr CAMERON** (Minister for Police and Emergency Services) — I thank the honourable member for Kew, who seems to be providing more quotes than a real estate agent!

The house will be aware that when the government appointed the new chief commissioner, Simon Overland, one of the things Simon Overland made very clear was that he was concerned about training and

issues related to the use of force — ultimately the use of force going both ways: the use of force by police vis-a-vis members of the public and also the use of force by members of the public involving members of the police force. The chief commissioner did that. You may be aware, Speaker, that to that end the chief commissioner commissioned a former superintendent, Mick Williams, to do a report for him, and the chief commissioner has made statements around the issue of the use of force. In fact the director of police integrity today complimented the chief commissioner on the approach he wants to take.

We have provided Victoria Police with record resources, and the police commissioner and police command work through the issues, including the issue of the use of force. That is exactly what the chief commissioner outlined when he became the chief commissioner, and it is exactly what the director of police integrity complimented him on today. You will be aware, Speaker, that the chief commissioner has also given a commitment to implement not only the recommendations in the report of the Office of Police Integrity today but also the report of Mick Williams.

### **Water: Victorian plan**

**Mr DONNELLAN** (Narre Warren North) — My question is to the Minister for Water, and I ask: can the minister update the Parliament on the status of the government's water plan and explain why the government has chosen not to build any further dams?

**Mr HOLDING** (Minister for Water) — I thank the member for Narre Warren North for his question, because it provides me with an opportunity to affirm to this house that this government is currently in the process of implementing the most comprehensive water plan — not only anywhere in Australia; it is one of the most comprehensive plans anywhere in the world — to provide water security for the Victorian population.

Today the Premier and I announced that we have selected AquaSure to construct Australia's largest desalination plant. This is a profoundly important project for the Victorian population. What today's announcement affirms is that desalinated water will be part of Victoria's urban water supplies, not only for all of us but for generations to come. This is a 21st-century solution to the challenges of Victoria's water shortages. This is a solution which is not dependent on rainfall. Although our dams and storages served us well in the 20th century, we recognise that with climate change and the longest and driest drought in the state's history it is vital that we provide a non-rainfall-dependent source of water for Victoria's urban water supplies. We

are pleased to confirm that AquaSure is the winning consortium to construct that desalination project.

At the same time the government is pressing ahead with its plans to modernise Victoria's food bowl. These projects are continuing apace in northern Victoria. They represent the biggest water-saving project in Australian history, expected to recover on average 425 billion litres of water every year — a vitally important project. We are also proceeding with our plan to connect Victoria in a statewide water grid. These projects are on schedule or ahead of schedule and delivering results to the Victorian people.

We see the Wimmera–Mallee pipeline project — six years ahead of schedule — a vital project for the north-western part of Victoria. It is also true that ahead of schedule we have completed the goldfields super-pipe — a project that is delivering water security for the communities of Ballarat and Bendigo. I am very pleased to inform the house that the north–south pipeline — the Sugarloaf interconnector — is months ahead of schedule. We have laid 65 kilometres of this 70-kilometre connection. We have also completed the Tarago Reservoir — under budget and ahead of schedule. The Premier and I were very pleased to be able to celebrate the opening and the commissioning of that plant only a few months ago. We are pressing ahead with the upgrade to the eastern treatment plant, again underscoring this government's commitment to recycling water and to continuing to have, in Melbourne, the best recycling of any major city in Australia.

The government ought to be judged not just by the projects it has embraced but by the projects it has rejected.

The government makes it clear that building further dams is not part of the solution to Victoria's water challenges. We make it clear that building further water storages is not part of the solution to Victoria's water challenges. We have seen inflows into Victoria's water storage dramatically reduced in recent years in the face of drought and climate change. It would be folly to further perpetuate our almost exclusive reliance on water collected in dams and storages when the opportunity to diversify our water sources presents itself. That is exactly why we are building a desalination plant, and it is exactly why we have rejected the further construction of dams.

It is worth noting that the Target 155 campaign, which is one of the most successful water conservation campaigns we have ever launched, this week has achieved its target of 155 — this is averaged since the

campaign was launched — and it means that we have saved almost twice the volume of water that would have been delivered if we had constructed the so-called Arundel puddle in 2006. In eight months we have saved more water than that dam would have delivered in three years if it had been constructed in 2006.

It is 823 days since the Leader of The Nationals committed the opposition to building a further dam. We ask: where is it? Where is he going to put it?

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will confine himself to government actions and policies. The minister will not attack the Leader of The Nationals.

**Mr HOLDING** — I make it clear that we do not embrace the construction of further dams to provide water security for Victorians. Instead we embrace a suite of programs which are not only conserving water but which will enable us to use our water resources more efficiently and will diversify our water sources, which is what we are doing by constructing Australia's largest desalination plant.

### **Altona Secondary School and Altona West Primary School: merger**

**Mr DIXON** (Nepean) — My question is to the Minister for Education. I refer the minister to the fact that, contrary to the school council's wishes, the government forced the merger of Altona Secondary College with Altona West Primary School at a cost of \$12.2 million. As a result enrolments have fallen from 383 students in 2007 to a projected 90 students for next year. I ask: is it not a fact that Paul Ballestrino, a senior adviser to the former Minister for Education, was school council president of Altona Secondary College and that he pressured the other members of the council to accept the merger which has now failed?

**Ms PIKE** (Minister for Education) — I thank the member for his question. Speaker, I guess when you engage in a pattern of bullying, forcing and pressuring people to do things, it is easy to project those values onto others.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will not use personal words directed to the Speaker, but will speak through the Chair, not to the Chair.

**Ms PIKE** — When one engages in the kind of behaviour that forces people to make decisions against their will, when one engages in bullying and forcible

behaviour, I guess it is easy for one to project those values onto others and to think that is the only way you can engage school communities.

The pattern of engagement of this government has been consistent for 10 years. When we came to government in 1999 we inherited an education system that had been characterised by a decline in funding, where 300 schools had been forcibly closed, where students and families woke up one morning and found that their school communities no longer existed. We were determined, and we remain determined — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the Minister for Regional and Rural Development.

**Mr Ryan** — On a point of order, Speaker, the minister is debating the question. I ask you, Speaker, to have her answer the question she has been asked.

**Mr Batchelor** — On the point of order, Speaker, the minister was relating her answer to the situation that the government found when it first came to office. She was describing the disgraceful situation the government had to fix up, and it has set about systematically doing that.

**The SPEAKER** — Order! I have heard enough on the point of order. The question did not relate to times gone by. The minister, to address the question.

**Mr R. Smith** interjected.

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

**Ms PIKE** — Our pattern is to empower and work with local communities to provide the kind of educational opportunities that are going to give their children the chance to thrive, learn, grow and shine. That means providing billions of dollars of additional resourcing, thousands of extra teachers and a myriad of opportunities to grow and develop the education system.

When people from schools come together and have conversations about the best way that they can provide education in their community, we support those conversations, but those conversations are determined by school communities and school councils themselves. They are the ones who decide their future, rather than being forced to close or forced to merge or having money stripped away from them, having their properties sold from underneath them, having their teachers sacked and having the confidence in public

education diminished, as we saw during the dim, dark years that preceded our time in government.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bass ought to make a decision about whether he stays or goes from question time today.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! The member for Bass is always free to leave the chamber; if he stays in the chamber, he should cease making a never-ending stream of interjections.

### **Water: desalination plant**

**Mr PERERA** (Cranbourne) — My question is to the Minister for Regional and Rural Development. 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 desalination project will create jobs for the local community?

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Cranbourne for his question. He is always a strong and passionate advocate for jobs and training opportunities in his local community.

We have already heard this afternoon in the house from the Premier and the Minister for Water that Australia's biggest desalination plant — Victoria's first desalination plant — is not just an important major project which will boost Victoria's water supply, which is vitally important, it is also a major project that is delivering jobs for regional Victoria and will deliver a big jobs boost in the Bass Coast region in particular.

Today's announcement follows a number of other important regional water projects that are about securing Victoria's water supply and delivering jobs for regional communities. These have been mentioned this afternoon and include the Wimmera–Mallee pipeline, the Sugarloaf pipeline and the massive food bowl modernisation project. Together these projects are creating thousands of job opportunities in regional communities right across the state.

We know that Victoria's desalination plant will be Australia's largest, and the winning bidder, AquaSure, has put together a project that will deliver climate-change-proof water, provide underground power transmission, deliver high-speed fibre-optic broadband to local communities and, a feature that has

not been mentioned to date, be a building of the highest architectural quality that will impress everyone with its innovative design that sites the plant in harmony with the local landscape. The significance of constructing Australia's largest desalination plant will present enormous opportunities for local businesses that will flow on and provide more jobs. The desalination plant will deliver 1700 direct jobs and over 3000 indirect jobs during its construction phase. This is a significant boost to our economy and a significant boost to the local community in the Bass Coast region. This is particularly good and welcome news in the current economic climate.

The Brumby government has been working very hard to ensure that as many local businesses as possible can benefit from the construction of the desalination plant. Just as we worked hard to maximise local job opportunities through the Wimmera–Mallee pipeline, through the Sugarloaf pipeline and through the food bowl modernisation project, we have worked hard to take the same approach to the construction of Australia's largest desalination plant — with the same great results. The Industry Capability Network has been out there on the ground for many months now, promoting to local businesses the potential for them that will come from the supply of goods and services to the plant during construction. I can inform the house that the response has been enthusiastic, and registrations have flooded into the Industry Capability Network. To date around 950 companies have registered with the ICN, along with nearly 1000 individuals. Of these registrations of interest over 200 are from the Bass Coast shire region.

The Brumby government is investing in major projects, like Australia's largest desalination plant, to ensure that our state has the infrastructure it needs now and into the future, but it also wants to make sure that local regional communities share in the many opportunities that flow from these projects. This has been a characteristic of this government since it has been in office. We have continued to invest in job-creating infrastructure that supports regional communities. The outcome of this transformational project is not only that it will secure the state's water supply but also that it will deliver long-term benefits to regional communities in new business opportunities and new job opportunities.

### **Schools: mergers**

**Mr DIXON** (Nepean) — My question is to the Minister for Education. I refer to government figures that show that the four schools that merged to form the Maryborough Education Centre, at a cost of \$26.5 million, had a combined enrolment of 1468 in

2005. As a result of this forced merger enrolments have collapsed to 550, and I ask: will the minister now admit that mergers do not work unless they have the full support of the community and are free of government bullying and interference?

*Honourable members interjecting.*

**The SPEAKER** — Order! Before calling the Minister for Education I ask the Minister for Agriculture not to interject in that manner.

**Ms PIKE** (Minister for Education) — I thank the — —

*Honourable members interjecting.*

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

**Ms PIKE** — I thank the member for Nepean for his question. The people of Maryborough would be absolutely gobsmacked to realise and to understand how completely out of touch the Liberal Party is with their aspirations for the education of their young people. In fact I would say that there is no-one in the whole state of Victoria who believes the Liberals or The Nationals care one iota about public education.

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

**Ms PIKE** — The community of Maryborough — the education community and the broader community — had a vision for renewal and education within that community, and it came to the government with a proposal to merge schools and to create a new educational vision for the community. The government provided \$26.5 million to the people of Maryborough to realise their aspirations and vision for their young people. I am delighted to say that it is that investment that has provided better educational opportunities for young people in that community and in many — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask for the cooperation of the opposition to allow question time to continue. The minister will not be shouted down.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Kew and the member for Polwarth — —

**Mr Eren** interjected.

**The SPEAKER** — Order! The member for Lara is warned. I ask the members for Kew and Polwarth, especially, to cooperate for the smooth running of question time.

**Ms PIKE** — We are in an environment of unprecedented investment in education in this state. The additional resources that have been provided by the Rudd Labor government in Canberra, when coupled with the mammoth injection of funds by this government, are providing opportunities for renewal and regeneration right around the state. I believe we are in an era of building confidence within the government school system, providing innovative new facilities for our students to learn in and providing new teaching and learning opportunities. Certainly the schools I engage with are absolutely delighted with these additional resources.

**Mr K. Smith** interjected.

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Bass

**The SPEAKER** — Order! The member for Bass well knows that I have great respect for the service that he has given in both chambers of this Parliament, but his behaviour today is not acceptable. Under standing order 124 I ask him to leave the chamber for 30 minutes.

**Honourable member for Bass withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

**Questions resumed.**

### Water: desalination plant

**Ms LOBATO** (Gembrook) — My question is to the Minister for Energy and Resources. 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 about how the desalination project will support new investments in renewable energy that will also create jobs in Victoria?

**Mr BATCHELOR** (Minister for Energy and Resources) — I thank the member for Gembrook for her question and for her ongoing interest in renewable energy. This demonstrates why she is seen as an

environmental champion in her electorate of Gembrook.

As members would be aware, the desalination plant in the south-east of Victoria will require a significant supply of electricity in order to operate and to ensure that we have plenty of drinking water in the years ahead. As the Brumby government has been saying for over two years now, the desalination plant will be powered by clean, green renewable energy. Today's announcement of the successful tenderer, AquaSure, will lead to the development, in partnership with AGL, of the 63-megawatt Oaklands Hill wind farm to power this project. That will lead to 200 construction jobs near Glenthompson in western Victoria, with the commitment that this new wind farm will go ahead because of the desalination plant. This will provide new jobs — green jobs, jobs in western Victoria — and there will be more. AGL has advised us that some of the renewable power will also come from the Bogong hydro plant, a 140-megawatt power station that will shortly be opened. It will also supply power to the desalination plant from north-eastern Victoria.

Renewable power is already booming in Victoria. This is because of our Victorian renewable energy target (VRET) and the federal legislation for the expanded renewable energy target, which will hopefully be passed soon. VRET, which is already in operation in Victoria, creates real investment and real jobs, particularly in regional Victoria. Already VRET has led to the huge 192-megawatt Waubra wind farm, which is shortly to be commissioned. One thing is very clear: the desalination plant's electricity is in addition to the mandatory renewable energy targets. This announcement today will not only lead directly to more renewable energy but will also help to pull through other renewable energy projects in Victoria.

Victoria is right at the front of the queue to benefit from the expanded federal targets, and we hope the Senate passes that legislation soon so that these new, additional jobs in regional Victoria can come to fruition. There is already 400 megawatts of wind power being generated in Victoria, and there is a whopping 3200 megawatts of wind power in the planning pipeline. A recent report by Access Economics predicts that by the year 2020 there will be 28 000 new jobs created in Australia as a result of the expanded renewable energy target. Because of our advanced policy under VRET many of these jobs will come to Victoria — regional Victoria — in the early phase of the new expanded federal scheme. Today's announcement is not only good news for renewable energy, it is good news for investment and for jobs — green jobs in regional Victoria, in western Victoria, in north-eastern Victoria and in the south-east.

It is a welcome addition to the renewable energy activity here in Victoria.

### **Insurance: fire services levy**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to comments made by the Premier in the house on 5 April this year in response to the opposition's request that the fire services levy be referred to the Henry review of Australia's tax system, when the Premier said:

In relation to the Henry review, as I have said, it — that is, the fire services levy —

is not a tax, so it would not be referred.

I further refer to a letter dated 13 June 2009 directed to me by Rob Heferen, the head of the secretariat of the Henry review, which states:

I can assure you that the panel is reviewing, along with other taxes and transfers, the fire services levy imposed on insurance companies.

And I ask: will the Premier now put aside his personal prejudice and ensure that Victoria cooperates fully with the Henry review in its investigation of the fire services levy — this unfair and inequitable tax?

**Mr BRUMBY** (Premier) — I think it is clear from the correspondence the honourable member has, which obviously I have not sighted, that the Henry review has accepted submissions in relation to this matter and, since submissions have been made, it will consider the matter. I will reiterate the comments that I have made previously, but I will not go into detail on them again.

It has always been the case and a longstanding tradition and precedent under successive governments that the insurance industry makes a contribution to the cost of fire protection in our state, and the best way of doing that is through a risk-based levy. Since insurance companies are in the business of best understanding risk, it is best that they set that levy across insurance policies, rather than government doing it. That has always been the case.

Having said that, I have made it quite clear that in relation to the recent bushfires in our state and the issue of lack of insurance or underinsurance it is the government's intention to lift aggregate levels of insurance cover across the community. It is a matter on which the state Treasurer, Mr Lenders, is currently focused, and we will have further discussion of options and considerations in relation to this matter in the near future.

### Peninsula Link: construction

**Dr HARKNESS** (Frankston) — My question is to the Minister for Roads and Ports. Could the minister update the house on progress being made to deliver Peninsula Link and what the views of the community are in relation to the delivery of this vital project?

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for Frankston for his question and for his continuing support for this vital project. The Brumby government is taking action to improve congestion on our roads, and one vital part of that process is the Peninsula Link. It is a vital part of our \$38 billion Victorian transport plan. It is also a vital part of our vision to help motorists be able to spend more time at home with friends and family and less time on our roads.

Just last week I had the pleasure of being with the Premier when he turned the first sod on the Lathams Road overpass — a \$9.4 million project that will commence the physical works on the Peninsula Link.

We have also seen strong community support for this project from people such as the mayor of Frankston, Cr Colin Hampton, and also from the Royal Automobile Club of Victoria. Mornington Peninsula Tourism chairman Fraser Bell has stated that the link will boost tourism in the region.

An independent panel has looked into a range of potential alignments for this project, and this is what it had to say at page 33 of the Frankston bypass environment effects statement inquiry report, and I doth quote:

... only one option —

our option —

... caters for the through traffic movements and relieves, to a significant extent, existing traffic demands on the at-grade arterial network of the Moorooduc Highway.

There endeth the quote.

This is the option being delivered by the Brumby government — a 25-kilometre full three-way standard link between Carrum Downs and Mount Martha.

An article in the *Age* of 3 April indicated that some 500 people had been surveyed and that 87 per cent of them supported a full bypass. You may well ask who conducted this survey. According to this article it was the member for Mornington. We do not support any alternative alignments that would effectively dump traffic onto the Moorooduc Highway at Baxter — an

alignment that would require ripping up both commercial and residential properties. We will avoid that at all costs.

The member for Mornington's survey agrees, but ripping into properties is exactly what is being called for by the member for Hastings and the federal member for Flinders — dead-end logic that will lead to a dead-end project. We currently have tenders — —

**The SPEAKER** — Order! The minister will not comment on opposition members, either state or federal.

**Mr PALLAS** — We currently have tenders out to three consortiums that are vying for this vital \$750 million project. Work on this project will commence in full by the end of this year.

Just this week we have seen the Mornington Peninsula shire perform a stunning U-turn and abandon its support for this project.

**An honourable member** interjected.

**Mr PALLAS** — They have. It should come as no shock to us, however, because this shire council is dominated by people aligned with the Liberal Party. We know that the people in Frankston and on the peninsula want this project, but not all of those opposite want to believe in this project. There are of course a range of views out there on this project. For example:

We very strongly supported the Frankston bypass and will continue to support it. It's an important project, important for the region, and does present opportunities for jobs into the future.

Who said that? The Leader of the Opposition!

This project will quite considerably cut travel times between Carrum Downs and Mount Martha to just 17 minutes, saving up to 40 minutes per trip. It will allow motorists to avoid eight signalised intersections and one signalised rail crossing, and let us not forget the five major roundabouts that will be avoided as well — probably the only kind of project those opposite in their confusion could deliver.

**The SPEAKER** — Order! I will ask the minister to sit down if he does not confine his comments to the question as it was asked.

**Mr PALLAS** — This is a jobs-building project. It will create 4000 jobs during construction and more than 9000 jobs indirectly in an ongoing sense. It is a project that this government supports. There is no ambiguity in terms of the Brumby government's support for this

project. We stand shoulder to shoulder with the people of Frankston and the Mornington Peninsula who want a full link delivered. Like the southern brown bandicoot, the Liberal Party policies in this area have been abandoned and the only evidence of them is droppings.

## TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL

*Second reading*

**Debate resumed.**

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL

*Second reading*

**Debate resumed from 29 July; motion of Mr HULLS (Attorney-General); and Mr CLARK's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until full details of the preliminary results of the evaluations of the Family Violence Court intervention project and the Neighbourhood Justice Centre have been made public'.

**Mrs FYFFE (Evelyn)** — I am pleased to rise to speak on the Courts Legislation Amendment (Sunset Provisions) Bill 2009. The purpose of the bill is to repeal provisions of the Family Violence Protection Act 2008 to enable the continued operation of the Family Violence Court intervention program and to amend the Courts Legislation (Neighbourhood Justice Centre) Act 2006 to defer the commencement of part 6 of the act to enable the continued operation of the Neighbourhood Justice Centre for a further four years.

The Family Violence Court intervention program was established as a pilot project at the Heidelberg and Ballarat Family Violence Court divisions. It enables magistrates to direct men with an intervention order against them to specialist group behaviour change counselling programs. Preliminary results of the

evaluation indicate that the Family Violence Court intervention program promotes defendant accountability and increases the safety of women and children. Repeal of the sunset provisions will enable the Family Violence Court intervention program to continue.

The Neighbourhood Justice Centre commenced operation in February 2007 and is the first community justice centre in Australia. The NJC was designed to address underlying causes of behaviour, utilising restorative justice and therapeutic jurisprudence principles, and employing a collaborative, multidisciplinary case management framework with a principal magistrate dealing with all matters before its court. The NJC houses a multi-jurisdictional court and provides access to services, including drug and alcohol counselling, mental health services, financial counselling, housing and employment advice, and victim support and compensation advice.

The government says an evaluation of the NJC will be completed in late 2009, but it claims there are already signs to indicate that this justice system has delivered significant benefits, including lower breach rates of family violence intervention orders. We are concerned that we are extending a sunset clause when we have not seen those reports, and that has been outlined by the shadow Attorney-General. The government also claims the NJC has modernised the court and improved administration for participants, with the court delivering justice more compassionately and fairly to people with complex needs. It is said the NJC is seen as less intimidating and better informed to promote intervention.

The NJC has some benefits to offer the community. One of the principal benefits is that there is no delay of two to three weeks before a court appearance and linkage to specialised services, which assists in preventing the offenders committing further offences. The reason for offending is often an underlying mental health problem. An article in the *Age* of 9 March 2009 states that the Red Hook Community Justice Center in Brooklyn, New York, which is the main model for the Collingwood complex, is attributed with a fall in the number of murders between 1999 and 2003 and a reduction in robberies from 490 to 61 and in assaults from 359 to 46.

Sentences involve community work instead of fines or jail times and apply to projects chosen by the local community rather than having offenders arbitrarily assigned to projects that are not necessarily of any community benefit. It can be seen as a positive step that

other communities in the future could also have some involvement.

One of the features of the Neighbourhood Justice Centre is a witness box which has a whiteboard to allow witnesses to draw diagrams to help them illustrate what they observed. This is an advantage for people who are under pressure, people for whom English may not be their first language and people who have difficulties communicating. It may not always be easy for a witness to articulate in words what they saw and experienced, so they can draw it. Something as simple as a whiteboard may help to alleviate confusion for people in regard to what they are saying. It is important that all participants are given every opportunity to communicate their observations and perceptions.

While there are a lot of good things with these trials, there are some areas of concern. I scanned the list of criminal and civil cases for the month of July at the Neighbourhood Justice Centre, and there were 81 criminal cases scheduled on just six days for the entire month, and no civil cases were listed. For the month of August there are 167 cases listed, again all criminal cases, and these are to be heard over a period of 13 days. For September, there are 39 criminal cases scheduled to be heard over an 11-day period, and again no civil cases.

While I understand that the cases that can be heard are limited to the city of Yarra jurisdiction, it does beg the question: does the Neighbourhood Justice Centre represent the most efficient use of court resources? In July — which has 31 days — the court was inactive for 25 days. In August it is anticipated that the court will be inactive for 18 days. In September it is anticipated that the court will be inactive for 19 days. Only the current and future months are listed on the net, so it was impossible for me to look at the situation for other months. This is the risk of having a justice system limited to a local government jurisdiction. We have a court system that is suffering a tremendous backlog of cases. On 30 January this year the Productivity Commission released a report which revealed that Victoria's bulging criminal court waiting lists included the biggest backlogs in Australia for Supreme Court appeals, County Court non-appeal cases and Children's Court cases. People are reportedly having to wait in excess of 12 months for their hearings before receiving justice.

There has to be a better way to help lighten the load on our other courts, and a court such as the NJC not being fully utilised makes you question the money that is being spent there. This is why we should have had the

assessment of how successful the court has been before we even considered looking at these sunset clauses.

Years of waiting to have cases heard has created massive trauma and distress for victims, their families and witnesses, as well as those who may have serious charges hanging over their heads and who yet may ultimately be found not guilty.

NJC magistrate David Fanning, who has a background in law and social work, was quoted in an article on page 9 of the *Age* of 4 March 2007 as saying that inevitably some people will be incarcerated but it will not be the first option. I and, I am sure, many of my colleagues have been contacted by constituents at one point or another who have been concerned about soft sentencing in Victoria. Most people understand justice in terms of the punishment that is handed down rather than deterrents or rehabilitation, which admittedly can be distorting.

However, we have all seen in the papers, particularly in recent times, some examples of a soft approach to crime which has simply fallen short of delivering justice to victims. Two offenders who took part in a bashing that led to the death of a young Chinese university lecturer last year were sentenced to just over two years in a youth training centre. At the moment the most violent offenders are not being sent to jail; even if found guilty of causing serious injury, more than 80 per cent of offenders spend two years or less in jail.

Whilst these trials are good, they must be evaluated properly. They must be evaluated before they are given an extension of operating time, and the opposition is entitled to know what these evaluations are.

**Ms MORAND** (Minister for Women's Affairs) — I want to take the opportunity to speak briefly on the Courts Legislation Amendment (Sunset Provisions) Bill 2009 because over many years the government has taken a very strong stance on family violence. I thank the shadow Minister for Women's Affairs for acknowledging the good work the government has done in this area over a long time.

Family violence should not be tolerated in any form. As many of us know, families are being torn apart by family violence. Only this morning I was launching a tip sheet information booklet for single parents. In launching that booklet, we are acknowledging that around 20 per cent of families in Victoria now are single-parent families; of those, around 87 per cent are single mothers. The publication, produced by the Parenting Research Centre, noted that between 25 per cent and 40 per cent of all single mothers had

experienced family violence. Many other members have already acknowledged in their presentations the unacceptable level of violence in the community.

I am really proud of the achievements this government has made. The Attorney-General has been a lead person in these reforms, and I congratulate him on his commitment to the reforms in family violence over a long time. I am proud to be part of a government which has achieved so much in this important area. It is something we need to continue to work on.

The pilot project that is under way is one of the many things the government is doing; the bill is really important, which is why I do not understand the reasoned amendment moved by the shadow Attorney-General, because if that amendment were to be successful, the family violence intervention project would not continue.

The evaluation of these programs that many members have spoken about is important, but such evaluations can be very complex. The men's behaviour change programs — when it is a man who has perpetrated the violence — are very complex areas and an assessment is made of the sort of program that men will be channelled into. At times some of those men might need to be referred to a mental health program, a drug and alcohol problem program or some other program that assesses and assists them in their complex needs before we can tackle the violent behaviour that is affecting their families.

I also want to make the point that the intervention project which started in 2005 is not just about men's behaviour change programs; it is also about other support programs that assist the families of victims, including the children. Some of those services include the individual counselling of children and other family members who may be affected. It is not just about men's behaviour change programs. Of course that evaluation is important, but the intervention project is much more than that, and it should be continued. The evaluation can continue to be done, and we will be learning from it; we recognise that is important, but that is no reason to stop the project while that evaluation is taking place.

I want to refer to the support for the intervention project we have received from Domestic Violence Victoria. The Attorney-General received a letter yesterday from Fiona MacCormack, the chief executive officer of Domestic Violence Victoria, in which she states:

We wish to advise that the signatory organisations —

referring to a letter sent to the shadow Minister for Women's Affairs —

do support the Family Violence Court intervention project, which allows magistrates to direct men against whom an intervention order has been made to attend specialist men's behaviour change counselling programs.

In conclusion, this family violence intervention project should continue. The evaluation will be ongoing, and it is important to conduct that evaluation. This bill should be supported. I commend it to the house.

**Mr CRISP (Mildura)** — I rise to make a brief contribution on the Courts Legislation Amendment (Sunset Provisions) Bill 2009. We know that the purpose of this bill is to effect sunset provisions on the Family Violence Court intervention project and to extend the sunset provisions on the Neighbourhood Justice Centre.

I will limit my comments to the controversial area. I do not think anyone would disagree that these are valuable projects, but it is a matter of probity that there should be evaluation and ongoing reporting from these bodies, in particular about their progress. It is well within reason for this house to agree to the reasoned amendment that has been moved and to have due diligence done and the material reported. It should have and could have been reported. We all could have been confident knowing that in this house we were pursuing a task that we all feel compassionately about but could support with solid evidence and solid data.

We have not seen the due diligence that one would expect from the Attorney-General and others, particularly on something as important as this. It is well known that the organisation should have been competently reviewed and information on it brought to the house at this time. We have talked a lot about that, and the opposition has made its concerns about this quite clear.

As I said earlier, it is not the intention or the work that is at issue here, it is good governance. That is why we believe the bill should not be read a second time until the Attorney-General has made public all the relevant information. A properly informed decision can then be made. We can then resume debate on a properly informed basis. The work is being done, I am sure. It needs to be reported and due diligence considered. For that reason I support the reasoned amendment moved by the member for Box Hill

**Mr HULLS (Attorney-General)** — In summing up I thank all members for their contributions to the debate on this important bill. I have to say that I am somewhat

gobsmacked by the reasoned amendment moved by the opposition. It suggests that opposition members are not supportive of reform in the area of family violence and that they have gone back to their sad, tired old ways in their attitude towards the Neighbourhood Justice Centre.

I am pleased to say that when legislation on the Neighbourhood Justice Centre was first introduced in this place The Nationals supported it. However, the Liberal Party opposed the Neighbourhood Justice Centre, which is one of the most innovative justice strategies ever developed anywhere in Australia. It was opposed by the Liberal Party, and one member of the Liberal Party actually described it as apartheid justice. The fact that the Liberal Party now wants to close down the Neighbourhood Justice Centre — and that is the only way you can read this reasoned amendment — goes to show that its members have not learnt or changed their attitude to the centre since the legislation was first introduced into this place some years ago.

I simply say to the shadow Attorney-General that he should get down to the Neighbourhood Justice Centre and have a look at the great work it is doing, see what marvellous therapeutic justice programs have been implemented, see how it is turning lives around, see how the lives of young kids have been put back on track as a result of the therapeutic justice initiatives being undertaken at that centre. He should not play this political game with such a wonderful initiative. Basically he comes into this place and says, 'The only reason Collingwood was chosen was for political purposes and for the electorate in which it is located'. It is an absolute insult to the people of the city of Yarra. It is an absolute insult to all of those hardworking people who undertake such wonderful work at the Neighbourhood Justice Centre. It is an insult to the people whose lives have been turned around as a result. It is an insult to the hardworking magistrate who sits on all cases at the Neighbourhood Justice Centre.

The Family Violence Court intervention program is the only formally mandated men's behaviour change program operating in Victoria. It is delivered in Heidelberg by Relationships Australia (Victoria) and in Ballarat by Child and Family Services Ballarat. It is yet another example of the Brumby government taking action to help protect women and children experiencing family violence. And what do members of the opposition do? They come into this place and want to close that program down.

This legislation is about ensuring that the sunset clause is removed, and yet the opposition is basically saying that it wants to close this program down. That matter

has been adequately addressed by my ministerial colleague, and she has already quoted from a letter from Fiona McCormack, the chief executive officer of Domestic Violence Victoria (DV Vic). I noted that some members of the opposition attempted to use DV Vic as an argument for not supporting this legislation. I find that outrageous.

The fact is that Domestic Violence Victoria is fully supportive of these programs. It is an outrage for the opposition to come into this place and attempt to use that organisation as a political pawn in some grubby little game that it wants to play. I am pleased to say that Fiona McCormack of Domestic Violence Victoria has written to me, as was stated by the Minister for Women's Affairs, and made it quite clear that her organisation supports this program.

The Neighbourhood Justice Centre is about restorative justice. It is all about ensuring that people have access to services including drug and alcohol counselling, mental health and financial counselling support, housing and employment advice, victim support and compensation advice, general legal information and alternative dispute resolution, including mediation. These services mean that not only can many community justice issues be identified and acted upon before they reach the courts, but once in court the underlying causes of crime and the needs of victims and defendants can be addressed. That is what restorative justice is all about. It is about dealing with the underlying causes of crime in a 21st-century modern justice system.

The fact is that there is more to a law and order policy than simply saying that we should lock people up and throw away the key. There is more to a law and order initiative than simply saying, 'Our only policy is mandatory sentencing'. That is, you lock people up. You follow a graph, and when someone commits a certain offence there is a mandatory jail sentence imposed.

Law and order is not just about punishment; it is also about addressing the underlying causes of criminal behaviour. It is a combination of both. On this side of the house we believe in judicial discretion; we believe in an independent judiciary. We do not believe in politicians interfering with that judicial discretion. But we also believe that you have to have policies in place that address the underlying causes of crime, and that is what restorative justice is about. That is what the Neighbourhood Justice Centre is about.

It is offensive and totally unsubstantiated for the shadow Attorney-General to come into this place and

say that in effect the establishment of the Neighbourhood Justice Centre in Collingwood was just a political exercise and no more or less than that. As I said, that is an insult. It shows that he has failed to understand what restorative justice is all about, but it is the sort of comment we have come to expect from the shadow Attorney-General.

He has made absolutely outrageous comments before in the Chinese media. He has made false allegations before. In a recent article in the *Australian* newspaper he accused me and the government of sacking the then commissioner of the Victorian Human Rights and Equal Opportunity Commission. I think he is a bit confused. It was the former Kennett government that sacked Moira Rayner. He forgets he was part of that government. He was a touch confused when he made that outlandish comment.

**Mr Wells** — You are a disgrace.

**Mr HULLS** — It is no secret that this government fully supports the Neighbourhood Justice Centre. In the 2009–10 state budget the Treasurer and I announced that the Neighbourhood Justice Centre would receive a further \$26.2 million over four years to allow it to continue to offer an innovative and integrated range of services to a large number of clients, to drive innovation in the way justice is delivered in Victoria and to further our reputation as a state of excellence and leadership in relation to community justice.

**Mr Wells** interjected.

**Mr HULLS** — All we get from the other side is, ‘The Neighbourhood Justice Centre shows you’re soft on crime’. That is the interjection that has been made by the shadow minister for police, that the Neighbourhood Justice Centre is an indication that this government is soft on crime. That is an outrage. It again shows that those opposite are opposed to the Neighbourhood Justice Centre — —

**Mr Clark** — On a point of order, Acting Speaker, the Attorney-General has made an imputation against the shadow minister for police, who is not even present in the house. I believe for the sake of accuracy and due order he should withdraw that imputation.

**Mr HULLS** — I apologise. The imputation should have been made against the shadow Treasurer. The fact is it was the shadow Treasurer who made that outlandish, outrageous comment and not the shadow Minister for Police and Emergency Services, who I hope supports the Neighbourhood Justice Centre. But the fact is that the Liberal Party opposed the Neighbourhood Justice Centre when this legislation

was introduced, and the Liberals have not changed their spots. They have come into this place in the last couple of days and opposed the removal of the sunset clause in relation to the Neighbourhood Justice Centre. They are saying to all and sundry, to every member of this state, that they oppose therapeutic justice, they oppose restorative justice and they would shut down the Neighbourhood Justice Centre if they ever came into government. Let us make that quite clear. That is their policy. They do not have too many of them, but one of their policies is to shut down the Neighbourhood Justice Centre, and that is what their behaviour over the last couple of days confirms.

This is good legislation. It makes it quite clear that we will continue to do everything we can to support victims of family violence, everything we can to ensure that victims are encouraged to come forward and report family violence, everything we can to ensure there is holistic support for victims of family violence, and everything we can to have strategies to address the causes of crime and to continue to be a leader in the area of therapeutic jurisprudence in this country.

I simply suggest to the shadow Attorney-General that he have a look at the Neighbourhood Justice Centre, and when he is there I suspect he will see people from not just all over the country but all over the world who have come to have a look at the work of the Neighbourhood Justice Centre. It is groundbreaking. It is a magnificent therapeutic justice initiative, and it makes it quite clear that we are innovative in this area. It is absolutely outrageous for the opposition to come in here and oppose these wonderful initiatives. I support this bill and totally reject the amendment that has been moved by the shadow Attorney-General.

**House divided on omission (members in favour vote no):**

*Ayes, 44*

Allan, Ms	Hulls, Mr
Andrews, Mr	Kairouz, Ms
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Maddigan, Mrs
Brumby, Mr	Marshall, Ms
Cameron, Mr	Merlino, Mr
Campbell, Ms	Morand, Ms
Carli, Mr	Munt, Ms
Crutchfield, Mr	Nardella, Mr
D’Ambrosio, Ms	Neville, Ms
Donnellan, Mr	Noonan, Mr
Duncan, Ms	Pallas, Mr
Eren, Mr	Perera, Mr
Foley, Mr	Pike, Ms
Graley, Ms	Robinson, Mr
Harkness, Dr	Scott, Mr

Helper, Mr  
Herbert, Mr  
Holding, Mr  
Howard, Mr

Stensholt, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

*Noes, 31*

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.  
Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms

The Human Tissue Amendment Bill be passed without amendment.

Those few words will have a substantial effect. If the bill succeeds, which I expect it will, it will enable people who have attained the age of 16 or 17 years to donate blood without parental consent.

A regular, dependable supply of blood is an essential component of modern medicine. In his second-reading speech the minister referred to the importance of blood supplies for cancer patients, burns victims, trauma cases and people undergoing many other medical procedures. I think it is an entirely reasonable proposition to suggest that young people who have reached the age of 16, an age when many of them are making considerable contributions to their communities in any case, should be able to donate blood to assist in the boosting of stocks and contribute in that way to the community good.

**Amendment defeated.**

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

**HUMAN TISSUE AMENDMENT BILL**

*Second reading*

**Debate resumed from 28 July; motion of Mr ANDREWS (Minister for Health).**

**Mr MORRIS** (Mornington) — I am pleased to join the rump end of the debate on the Human Tissue Amendment Bill 2009. It is a relatively simple bill which inserts a new definition of 'child' for the purposes of sections 21, 22 and 23 of the principal act, the Human Tissue Act 1982. Those sections deal with the consent issues relating to the removal of blood.

The Australian Medical Association's comment on the bill was equally succinct. It states:

AMA Victoria says:

Blood donation saves lives.

There are significant protections in place to protect donors.

AMA Victoria recommends that:

In both the self-governing territories of the commonwealth, the Northern Territory and the Australian Capital Territory, the age limit is already 16 years, as it is in South Australia, Tasmania and New South Wales. I also note that a review of Australia's plasma fractionation arrangements in 2006 suggested that a consistent age across the nation was desirable. I think the bill provides a sensible method to boost supplies, or at least make it easier for young people to participate in that process. It also ensures that we have consistent arrangements across Australian jurisdictions, or that the arrangements we put in place will be consistent with the arrangements in many other Australian jurisdictions.

It is worth saying that the bill applies purely to blood donations and not to other areas covered in the principal act, including organ and tissue donations. Had it applied to those extra areas, then it may have been a different proposition.

Any change that affects young people, no matter how worthy it is in terms of outcome for the wider community, needs serious consideration. We know that there are safeguards in place to ensure that blood donated is, for want of a better phrase, fit for purpose. Those standards apply regardless of age, and that is entirely appropriate. There is an obligation on us in considering the changes that we are making with this bill to take into account whether other issues, perhaps issues that might be age specific, are properly dealt with.

One of the obvious ones is pressure to donate blood being applied in a group situation. Whether you call it coercion or whether you call it peer group pressure, this

needs careful consideration because there is no doubt that on occasion young people can be more easily subject to pressure. In recent days we have had a number of examples in this Parliament where coercion, pressure or whatever you want to call it has been applied to adults as well, but of course that had absolutely nothing to do with blood donation. I note that the Red Cross trains nurses to handle coercion by recognising and establishing whether a donor is under any pressure at all and then dealing with that pressure appropriately, as they deal with other delicate issues, particularly health-related areas that require considerable discretion. Given that blood has been sought from this age cohort for some time, albeit with parental consent, the processes that are in place seem effective and I do not believe there are grounds to oppose it on that basis.

I want to comment briefly on the report of the Scrutiny of Acts and Regulations Committee tabled on Tuesday, which drew attention to the impact of clause 3 of the bill. It commented that:

Clause 3 preserves the existing law barring children under 16 from donating blood without parental consent.

It went on to say:

The committee considers that this aspect of clause 3, which is not addressed in the statement of compatibility, may engage the charter's rights with respect to age discrimination.

The aspect the committee is referring to is the barring of children under 16 from donating blood without parental consent. I just want to make the point that I think we as a Parliament need to set some standards. Sixteen is the right age. Were the legislation to come in and say it should be open slather, I think honourable members from both sides might have a little bit of trouble supporting that.

In summary, the bill is an opportunity for the Parliament to say to young people, 'We welcome your active engagement in the community. We welcome the opportunity for you to actually put something back'. In this case it is a physical action, an opportunity to actively contribute in saving people's lives, and I think the bill is worthy of support.

**Mr NOONAN** (Williamstown) — I also rise to speak briefly in support of the Human Tissue Amendment Bill. As the member for Mornington said in his introduction, it is a reasonably narrow bill in terms of its scope but it is substantial in terms of its potential impacts.

The clear objective of this particular amendment to the Human Tissue Act is to enable 16 and 17-year olds to

donate blood through the Australian Red Cross Blood Service without first having to obtain parental consent. To achieve this the bill proposes to amend sections 21, 22 and 23 of the Human Tissue Act. The amendments will simply redefine a child as a person below the age of 16 years. It is important to point out that the amendments to those three sections will apply exclusively to the donation of blood, so all other aspects of the act, such as organ and tissue donation, will remain in their current form, with a child defined as one who is below the age of 18.

This amendment will bring Victoria into line with a number of other states and territories in Australia, including South Australia, New South Wales, the Australian Capital Territory, the Northern Territory and Tasmania, which all have legislation allowing 16 and 17-year-olds to donate blood without the consent of their parents. This is significant in terms of national consistency because the Australian Red Cross Blood Service is a national organisation.

Under the current arrangements in Victoria, minors aged 16 and over can only donate blood with the consent of their parents. It is worth pointing out that in this day and age blood donation is a reasonably safe procedure and is carried out by trained nursing staff. Given the minimal risk of that procedure and the great benefits to be gained, it does seem appropriate that mature young people should be able to give blood of their own volition. Under the legislation in its current form, parents must give consent by signing a parental consent form each and every time their child makes a donation. The logistics of that may in some cases cause potential young donors to miss the opportunity to give blood. The proposed amendments will simply change the process, creating more opportunities for young people to give blood.

I suppose with a couple of young boys who are not yet in their teenage years the question of coercion does arise and needs to be dealt with. There could be a view that 16 or 17-year-old people could be subject to coercion or pressure by peers to donate blood. I think in any donor activity there is a possibility of coercion, not just amongst young people but amongst all people. To give comfort we need to understand that there is a screening process in place currently and that that really provides the key to overcoming any concerns in this particular area. Providing fully informed consent is also very vital. Blood service nurses are specifically trained and qualified to interview and screen each potential donor. All donors are assessed to determine not only that they are medically fit but also whether they have the capacity to make the decision to donate blood in the first place, to answer questions truthfully and to give

informed consent to the procedure. I noted that the member for Mornington pointed out that the Australian Medical Association supports this change on the basis that donation of blood products save lives. The different safeguards that are in place to protect young donors mean that the AMA is very satisfied to recommend the bill and have it passed without amendment.

In the brief time that I have left I want to refer to the fact — I know other speakers have mentioned this — that 2009 is the Year of the Blood Donor. The aim of a year like this one is to build awareness and to encourage people to become donors. More than half our population will require blood or a blood product during their lifetime. It is also anticipated that there will be a doubling of demand for blood products within 10 years. It is appropriate that this bill is introduced in this year, which is the 80th anniversary of blood collection services in Australia. I think it is worth pointing out that the commonwealth government has contributed \$2 million to assist awareness in this particular year, and I commend it for that. I also think it is appropriate that we acknowledge and thank the Australian Red Cross Blood Service. One has to ask where we might be without it.

With those few words I indicate that I am pleased to support this bill. It will assist the Australian Red Cross Blood Service by ensuring that Victoria adopts a nationally consistent approach on this issue. Finally, the bill should assist in ensuring that more young people come forward and donate blood, which has got to be a good thing. I commend the bill to the house

**Mr THOMPSON** (Sandringham) — The opposition supports the Human Tissue Amendment Bill, the overall intention of which 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. The donation of blood supports the medical needs of people who require transfusions.

I had a matter reported to my office recently involving a lady who had suffered from intense bleeding. She contacted Ambulance Victoria, which followed up her concerns in considerable detail. It is agreed in the correspondence that the 40-minute response time she experienced was unacceptable. The initial call for ambulance assistance was received at 9.59 a.m., with the initial ambulance being dispatched at 10.05 a.m. on a code 2. In terms of the medical condition of my constituent, it is noted that she was in extreme pain and dizzy and that blood clots of fist size had been discharged. The bleeding was very strong. A second

ambulance was dispatched at 10.12 a.m. but did not arrive until 10.39 a.m., a delay of some 40 minutes.

In my interpretation Ambulance Victoria has endeavoured to address numbers of the concerns raised in correspondence with the health services commissioner. However, it is noted that:

Notwithstanding the dispatch rules in relation to code 1 and code 2, it is evident that the Emergency Services Telecommunications Authority call taker made an incorrect judgement when coding the first call as 26B1 (possibly dangerous haemorrhage); it should have been coded as a 26B2 (possibly serious haemorrhage). A 26B2 coding would result in a code 1 response which is much less likely to be diverted.

The letter to the health services commissioner goes on:

It is extremely disappointing to acknowledge a delayed response such as this. AV —

that is, Ambulance Victoria —

continually strives to maintain a high level of service to the community and views cases such as this very seriously.

In relation to paragraph 4 in the letter to the health services commissioner, I wish to take issue with the use of the words 'serious' and 'dangerous'. In this context 'dangerous' is meant to imply a different level of priority to 'serious'; 'serious' is supposed to be more urgent. This contradicts the view of a professor of English at Monash University, who expressed the reverse view. I put this on the record in this debate just to show the importance of a practical issue and its impact on the welfare of a patient who had need of transfusion services subsequently.

It is anticipated that this legislation will expand the availability of blood supply through the Red Cross, and I know that if the Red Cross placed a blood bank at the Sandringham College, a school in my electorate, there would be many students who would be keen to donate and perhaps aim to achieve the record of Ross Newton, a local Highett resident, who has donated blood on more than 150 occasions, which is a great community service. As I said before, the opposition does not oppose the bill. It will increase the availability and supply of blood and provide important medical materials to assist in circumstances such as those confronted by my constituent. However, I trust that the ambulance service will review its code description so that priorities are assigned in accordance with a reasonable interpretation of the English language.

**Mr PERERA** (Cranbourne) — I join members of both sides of the house in supporting this bill. The bill proposes an amendment to the Human Tissue Act 1982

to permit young people who have reached the age of 16 to donate blood without parental consent. In 1997 the World Health Organisation set a goal of having all blood donations coming from unpaid volunteer donors, but as of 2006 only 49 of 124 countries have established this standard. A few rely on paid donors to maintain an adequate supply.

Blood donation by minors without parental consent has occurred in South Australia, New South Wales, the Australian Capital Territory and the Northern Territory for several years now with no reported adverse effects. Parental consent is currently required for each act of donation, and the act does not permit the granting of such consent by legal guardians. This makes things harder. One way to maximise the number of donations from — —

#### **Business interrupted pursuant to standing orders.**

**The ACTING SPEAKER (Ms Munt)** — Order! The time set down for consideration of items on the government business program has arrived, and I am required to put the necessary questions.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

### **CHILDREN LEGISLATION AMENDMENT BILL**

*Second reading*

**Debate resumed from earlier this day; motion of Ms NEVILLE (Minister for Community Services).**

**Motion agreed to.**

**Read second time.**

*Circulated amendments*

**Circulated government amendments as follows agreed to:**

1. Clause 11, after line 13 insert —

( ) In section 33(1) of the **Child Wellbeing and Safety Act 2005**, for “3 months” substitute “12 months”.

2. Clause 11, after line 22 insert —

( ) In section 33(4) of the **Child Wellbeing and Safety Act 2005**, for “3 months” substitute “12 months”.

*Third reading*

**Motion agreed to.**

**Read third time.**

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

### **ADJOURNMENT**

**The SPEAKER** — Order! The question is:

That the house do now adjourn.

#### **Wine industry: fuel reduction burns**

**Mrs FYFFE (Evelyn)** — I raise a matter for the Minister for Environment and Climate Change in response to issues raised in a letter I received from the Yarra Valley Wine Growers Association concerning the timing of fuel reduction burns. The Yarra Valley Wine Growers Association emphasises that it understands the need for planned fuel reduction burns and the constraints that can be placed on the department by weather patterns, other activities and regulations. It wants to work with the department to develop a strong and supportive working relationship, but there is a real need that these burns be carried out at times when they will not affect wine grapes with smoke taint.

Department of Sustainability and Environment burns on the weekends of 28 and 29 March and 17 and 19 April occurred prior to the completion of the Yarra Valley grape harvest period. Many tonnes of fruit were yet to be harvested, and the resultant wine may now be tainted as a result of the DSE burns.

By way of explanation, research by the Australian Wine Research Institute and other institutions has determined the mechanism of absorption of smoke aromas and flavours by the grapevines. The grapevines take up smoke compounds via the leaves and accumulates them in the ripening grapes. The resultant wines can have an unpleasant taste that customers reject. The effects are cumulative and multiple exposure of the vines to smoke during the growing season produces more taint. Hence the recent Department of Sustainability and Environment burns in the Yarra Valley after the bushfires risked pushing the accumulated taint to a level that could have meant the grapes were not worth harvesting.

The problem threatens the viability of the industry in the Yarra Valley. It is essential to keep smoke to a minimum during the vine-growing season by timing DSE or other burns to before bud burst or after harvest. On behalf of the Yarra Valley winegrowers I request that the minister address this problem and ask DSE to consult with the Yarra Valley winegrowers and time controlled burns so as not to affect grapes during the growing season.

They also wish me to raise the issue of the impact that smoke has on tourism. The smoke from those burns that I mentioned earlier, particularly as they were on a weekend, also had a negative impact on tourism in the region. Many organisations and businesses have gone to great effort and expense to attract tourists back following the negative publicity after the bushfires. Much of this effort and expense will be wasted if planned burns take place at inappropriate times, such as weekends and during the peak tourist season. They are very concerned about this and have asked me to ask the minister to treat this matter seriously.

### **Torquay Surf Life Saving Club: funding**

**Mr CRUTCHFIELD** (South Barwon) — The matter I raise is for the attention of the Minister for Police and Emergency Services. The action I seek is for the minister to support the Torquay Surf Life Saving Club's application for a patrol tower staircase and a balcony safety rail. The application has been made under the community safety emergency support program (CSESP), which has been a resounding success, not only for surf clubs, which are a recent addition to the program, but more particularly with my former profession of firefighting and the Country Fire Authority. Every CFA brigade in my electorate has availed itself of this program.

It is with great delight that I support the Torquay Surf Life Saving Club application. The club is one of the busiest and most professional volunteer organisations in my electorate. There are four surf clubs in my electorate: 13th Beach, Bancoora, Torquay and Jan Juc, where I am a member.

Government members recently visited Torquay and saw the front beach where the surfing club patrols. There is also an ancillary patrol at Cosy Corner. The Minister for Local Government, who is at the table, knows where Cosy Corner is, because it was there that he bought ice-creams for his children while they paddled in the safe waters. The surf club patrols that area, so in effect it is patrolling two beaches under different conditions. It does a fantastic job, as do the other surf clubs. They are a critical part of our volunteer

emergency services base, and we should assist them to improve their operations where we can. This very worthwhile application is for an improvement to the club's patrol tower.

The surf club volunteers are there seven days a week, nearly every day of the year. They are not there 365 days, but other volunteer emergency services are on duty 365 days of the year. The Torquay Surf Life Saving Club is a vibrant club in my electorate, and I call on the minister to support its application for a patrol tower staircase and a balcony safety rail.

### **Water: Sunraysia modernisation project**

**Mr WALSH** (Swan Hill) — The adjournment issue I raise is for the attention of the Minister for Water and concerns the Sunraysia modernisation project. I ask the minister to instruct the Department of Sustainability and Environment and Lower Murray Water to rework their proposal for the project, because I do not believe that what is currently on the table is in the best interests of the Sunraysia irrigation community.

As everyone knows, the initial funding for the Sunraysia modernisation project came out of a Council of Australian Governments announcement at which the Victorian Premier and the federal Minister for Climate Change and Water, Penny Wong, agreed to trade off the 10 per cent cap on water ownership by non-land-holders. One of the sweeteners for Victoria was \$103 million to kick off the Sunraysia modernisation project.

Other irrigation areas within that greater area — for example, the Central Irrigation Trust in South Australia — have fully pressurised pipe systems to the farm that are computer controlled from the farmer's property. There is real-time ordering and real-time monitoring of the water that is being used. Western Murray Water across the river has the same sort of concept, and Robinvale, which is just up river from Sunraysia, has a fully pressurised pipe system to the property.

The current proposal for Mildura from Lower Murray Water and the Department of Sustainability and Environment is to plastic line the channels and cover them with shade cloth, admittedly heavy-duty shade cloth with cables holding it down, and then to fence those channels. As the next round of funding becomes available it is proposed to put new pipes away from those channels to properties. If there is a third round of funding available, it is proposed to pressurise those pipes. They will never have a system that is similar to that of the Central Irrigation Trust in South Australia, or

Western Murray across the river, or Robinvale just up the river.

I would like Lower Murray Water to work with the community to identify one area which it could fully modernise with the amount of money available so that area has a fully modernised pressurised pipe system to the farm, and as future funding becomes available over time, from either the state or federal governments, to progressively work through the rest of the system. This process worked extremely well with respect to the Wimmera–Mallee pipeline. It identified the parts that needed to be done first. If we had said in 1995, when they first started, that we would never be able to do this because we did not have the money to do the whole lot, it would never have happened.

I ask the minister to go back to his department and to Lower Murray Water and indicate that the proposal is not in the best interests of the Sunraysia irrigation community. They need to go back and work with the community on how to stage this project so that all the irrigators will be given a pressurised pipe system to their property over time.

### **Consumer affairs: money laundering scams**

**Mr SCOTT** (Preston) — I raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is that the minister warn consumers about so-called money mule scams in the form of bogus job offers that have been circulated by email in these difficult economic times. These emails are often in a similar form, and I will quote one email which was sent. It states:

My name is Richard Cooper, I am emailing you on behalf of Bell House Fabrics and Interiors, United Kingdom. I would like to know if you would like to work online from home and get paid without affecting your present job or even affecting your day-to-day activities of any kind, actually we need a representative who can work for our company as an online payment processor ...

The email then goes on to say that the recipient will receive payments, of which they can keep 10 per cent, with the remainder to be sent via Western Union money transfer to the company.

While on the surface this seems a reasonable and easy proposition, it is a scam designed to provide a means of money laundering for criminal syndicates, which collect money from their illegal activities, run the payments through the persons they con into taking part in their criminal conspiracy and then get them to pay back the funds to the criminal syndicate through essentially untraceable means. The use of a reputable company's name, such as Bell House Fabrics and

Interiors, and innocent persons, such as Richard Cooper — who of course did not send this email — is one of the worst aspects of this scam, as it links innocent persons and companies to insidious criminal activity.

People who sign up for these sorts of spurious job offers are termed 'money mules' and are breaking the law by taking part in the scam and may find themselves liable for the fraudulent funds they have helped launder. This is a very serious issue and involves a particularly nasty twist on email scams. It plays upon the difficult economic times and the desire for people to earn money during such times. I urge the minister to warn consumers about this particularly insidious form of scam.

### **Water: recycling targets**

**Ms ASHER** (Brighton) — I raise a matter for the attention of the Minister for Water. The action I seek is that he increase the government's water recycling targets. The government has a target to recycle 20 per cent of Melbourne's wastewater by 2010. On 27 February 2008 the government put out a press release boasting that it had achieved this target.

There are a couple of key points to be made in relation to recycled water. Firstly, of that government achievement of 20 per cent, most of Melbourne's recycled water is used on site at the eastern and western treatment plants. Secondly, another important element in this is that on 26 June the minister announced that the government has so far identified potential users of only 40 gigalitres of recycled water. The government needs to do more, and I am not alone in holding that view.

I understand why the government made this announcement in that press release. The government abandoned two projects that it had mooted prior to the last election. The first was recycled water going to Latrobe Valley power stations, which was going to cost \$3.8 billion. The second was a proposal to put recycled water into the Yarra River for environmental flows, which was going to cost \$2.1 billion. I appreciate the government's desire to walk away from those projects for a range of political and financial reasons. There is a multiplicity of uses for recycled water, and the government should commence consultations with various people, the way I have, because clearly there is a market out there.

I urge the government to look at South Australia's water policy, which is dated June 2009. The South Australians have set ambitious targets, which they feel

very confident about achieving. For example, the South Australians are saying that they will have the capability by 2013 to recycle 45 per cent of wastewater. The target for 2025 is set out as follows:

We will target to achieve 50 gegalitres per annum of recycled wastewater in urban South Australia to be used for non-drinking purposes.

Likewise South Australia sets a more ambitious target well into the future. Most of all I urge the minister to look at his own Labor-dominated Environment and Natural Resources Committee and the report of its inquiry into the future of Melbourne's water supply dated June 2009. That committee acknowledges that the government has achieved its 20 per cent target, but it believes that:

... new targets should be set for the short and medium term to promote development and investment in recycled water.

The report goes on to make the observation that, given the eastern treatment plant upgrade is going to be concluded by 2012, a recycling target of 50 per cent should be set at that point. The committee also believed that a 70 per cent recycling target should be achieved by 2015. I urge the minister to look at those recommendations.

### **Housing: Footscray electorate**

**Ms THOMSON** (Footscray) — I raise a matter for the attention of the Minister for Housing in relation to affordable and public housing within the electorate of Footscray. Whilst I realise that we have seen extraordinary and — —

**Mr Wynne** — Unprecedented.

**Ms THOMSON** — Exactly! Whilst I realise we have seen extraordinary and unprecedented amounts of investment in public and social housing in the state of Victoria, and particularly in Footscray — and I would like to commend not only the government but the minister himself for the innovative applications of this spend to meet the housing needs of many different communities in the seat of Footscray — it is never going to be enough.

In the inner western suburbs of Footscray, Maribyrnong, Sunshine, Maidstone and Braybrook property prices are going through the roof, and it is very hard to find affordable rental properties for people with less income support, not to mention those who are already homeless. The need is desperate. There are more than 1300 people on waiting lists for Footscray, and somewhere in the order of 3200 on the waiting lists for public housing in Sunshine, so the need is urgent.

While I recognise the extraordinary spend and investment that is going in across this state, both into public housing and into affordable housing, we desperately need to ensure that we are providing the kind of accommodation that is required by people in my electorate of Footscray to ensure that they are not being pushed out and do not become unnecessarily homeless and add to the number of homeless people in this state. We need to ensure that they are not pushed out to areas where they are not supported.

Footscray is fortunate in that a lot of the supports and services that are needed, as well as good public transport, are available and ready at hand. We need public transport for these people, so I urge the minister to work with the commonwealth to ensure that the extraordinary spend coming from the commonwealth, combined with funding from the Victorian government, will be used to provide more affordable public and social housing for the people of Footscray now and into the future.

### **Magistrates Court: complaints process**

**Mr CLARK** (Box Hill) — I raise for the attention of the Attorney-General the handling of a number of complaints about a Victorian magistrate. I ask the Attorney-General to refer the examples which I am about to give to his recently announced working group on complaints against the judiciary. I would also expect that the Attorney-General will have taken, or will now take, all appropriate action to have these complaints thoroughly investigated under existing mechanisms.

Complaints are often made by dissatisfied litigants about the judge or magistrate who heard their case, but in the case of this magistrate there has been widespread dissatisfaction in the area where this magistrate works, and at least two detailed complaints to the Attorney-General which have been copied to me.

In one of those complaints a woman sought an intervention order against her ex-husband after allegedly receiving a large number of abusive and threatening phone calls from him. According to the complainant the magistrate sighed with impatience throughout her evidence and made her feel she was totally insignificant and wasting his time. The magistrate adjourned the application subject to conditions that neither the applicant nor her barrister could understand without obtaining an audiotape of the ruling. Allegedly, despite the respondent breaching those conditions, the magistrate still refused to grant an intervention order. The complainant comments that she is now in a worse position, in that her ex-husband now

thinks it is okay to ring the house daily and question her children as to her whereabouts.

The second complaint comes from an experienced and highly regarded local police officer whom the magistrate allegedly demanded take action to obtain completely unnecessary information about a case that both parties had agreed should be adjourned, and which was also a complaint for which the police officer was not the informant. The magistrate then allegedly purported to order the police officer not to leave the court precincts, even though he had no authority to do so, and at a time when the police officer needed to leave the court to investigate a burglary.

Further concerns have also been raised with me as to how complaints and counter-complaints about this particular issue have been handled to date within the Magistrates Court system. I make clear that in both cases I am basing my remarks primarily on the statements of the complainant and therefore express no concluded view about the merits of the complaints; however, both complaints seem to deserve at least further independent and impartial investigation.

In his justice statement 2, released in October last year, the Attorney-General said there would be a review to examine processes to handle minor complaints about judicial misconduct or unprofessional behaviour; however, it was not until earlier this month that the Attorney-General issued a media release indicating that he was now appointing a working group to carry out that task.

The two examples I have given are real-world examples of the sorts of complaints that any system established by the Attorney-General would need to be able to receive and resolve in a way that is fair and effective both to the complainant and to the magistrate or judge complained about. Thus these complaints should form highly relevant case studies for the working group.

### **Housing: Frankston**

**Dr HARKNESS** (Frankston) — The matter I raise this afternoon is for the attention of the Minister for Housing and relates to a proposal by HomeGround Services for a social housing project in Frankston. The action I seek is for the minister to provide information on the proposal, including the number of social housing units proposed for the Frankston local government area, and to outline to the Victorian community the government's role in delivering nation-building projects such as this one proposed.

There is a real and immediate need for public and social housing in Frankston and the surrounding areas. Unfortunately the context in which this issue has become relevant this week is the result of the irresponsible actions of some Frankston councillors. A recent newspaper article contained misinformation about the number of units planned for the Frankston area under the federal Nation Building and Jobs plan. It alleged that there will be more than 350 units of public and social housing in Frankston. In actual fact less than half this number is planned for the entire Frankston municipality — approximately 150 units are proposed subject to commonwealth approval.

It is vital that we recognise that Frankston is an area of high demand for social housing. The March 2009 public housing waitlist identifies 269 applicants waiting for early housing and 2053 people waiting for public housing. We currently have a unique opportunity before us to increase the access to suitable, well-located accommodation.

The article also flagged the view expressed by members of the Frankston council that the planned development for homeless youth in Frankston should not be located in the Frankston central activities district. I remind the house that this is a council that one year ago was crying out for government support to tackle homelessness in the area and that recognised the need for the community to work together to support vulnerable local people. I am sure we all agree that local young people should be looked after. Having young kids living rough should not be acceptable by anyone's standards.

It has been suggested that the supported housing development that is planned will lead to further concentrations of disadvantage in the city of Frankston. What council and the federal member have failed to acknowledge is that the model has been tried and tested overseas in cities such as New York. The model recognises that when homeless people are provided with safe and appropriate accommodation, and when supports are wrapped around them, they get back on their feet, into jobs and into the community.

So far the council has been short on ideas as to how to address this problem. I refuse to accept that councillors would be so cold-hearted as to suggest that nothing should be done, but perhaps they believe that young homeless people should just be housed in residential streets throughout the municipality with no services provided and no security for them or anyone else. The Common Ground model in New York, on the other hand, provides security for tenants so that they can have a private and permanent dwelling. This prevents them from a cycle of using emergency accommodation or,

worse still, sleeping on the streets. In Frankston and in surrounding areas there is a need to increase the supply of public and social housing as well as improve the quality of the existing stock.

Of course everyone is entitled to their view, but Frankston councillors need to start dealing only in the facts and lending a hand to improve the lot of disadvantaged youth already living in our city —

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

### **Sandringham College: funding**

**Mr THOMPSON** (Sandringham) — I raise a matter for the attention of the Minister for Education. What I seek is the opportunity to lead a deputation to meet with the minister to advocate for a fair share of government funding for Sandringham College. Under the federal BER — Building the Education Revolution — scheme the college received only \$200 000. The college is a multicampus school that provides an excellent learning environment with many educational learning streams. Many of the people in this Parliament are former students of Sandringham College or one of its campuses. It is a matter of great distress to parents of current students, as well as to former students and their parents, that the school has major funding shortfalls when it comes to important maintenance works and, further, that there is no strategic overview of what is possible for a school that serves an important area of operation.

It is critical that the minister meet with a delegation from the school community and follow up the key issues. This would be an opportunity to get a firsthand understanding of the needs of the school and then act upon that understanding in a way that will improve learning opportunities for students in the Sandringham electorate and surrounding electorates.

Sandringham College has had well over 1200, 1300 or 1400 students at different times, and it provides important educational pathways. Some funding has been used in recent times to fix dangerous wiring in the Hihett campus hall, which has been a fire hazard, and other funds have been used to repair faulty wiring in other parts of the school. The \$200 000 that the school has received will not even cover the replacement of broken asphalt over the school's three campuses. It is important that this matter be further addressed.

We have had the example of some \$6 million being directed towards McKinnon Secondary College and

\$9 million towards Parkdale Secondary College, but Sandringham College has to date been left high and dry.

There is a strong documented correlation between the quality of the learning environment and learning outcomes on the part of students. It is important that students are not left in buildings where the windows cannot be opened because they are rotten, and where parent committees that carry out works at the school do not have to paint over rotten window frames. When I first came into office that was the circumstance at Beaumaris North Primary School, where intelligent people —

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

### **Pascoe Vale electorate: sporting facilities**

**Ms CAMPBELL** (Pascoe Vale) — I raise a matter for the Minister for Sport, Recreation and Youth Affairs. The action I seek is that the minister visit the Pascoe Vale electorate to look at the projects identified by the Moreland City Council for the 2010–2011 round of community facility funding programs.

The sporting clubs in Moreland exemplify attention to skill, achieving one's personal best and community building. I will highlight some of these outstanding clubs, as the minister should be aware of them and make a point of being involved in their wonderful projects and sporting facilities. The first is the Oak Park basketball stadium, where committee member Rose Sammut has worked tirelessly for decades to hold together the wonderful Unicorns basketball teams that are there. I also highlight the organisation's outstanding secretary, Terry Scott.

Secondly, there is the Hosken Reserve, which is also relevant to the sport and recreation community facility funding. The Pascoe Vale Soccer Club has been located at that reserve. The club has an outstanding man leading it. He is doing a vast amount of work in terms of coaching and in improving the facilities. That is Mr Lou Tona, who takes over from his parents, Jim and Angela Tona, who are still very active in the club, having been there from its inception.

There is also the Merlynston Tennis Club. Ron Morton from the Merlynston Tennis Club has been a tireless worker at that club, together with other committee members. Working with the Pascoe Vale Soccer Club, the Merlynston Tennis Club has put together a wonderful Merlynston sports precinct project which the minister needs to look at and consider in relation to

funding that has already occurred and will be hopefully occurring in the future.

We also have the Pascoe Vale Sports Club at Raeburn Reserve. Jason Cunningham has been very active over the last couple of years, and again takes over from an outstanding previous leader in Brian Campesi. The Pascoe Vale Sports Club has a vibrant committee. It is composed of men and women who stop at nothing to ensure that the young people, the middle-aged and the older people around Pascoe Vale become active in sport, be it playing, coaching, being part of the sports community as well as barracking for their family members.

The Fawkner Blues Soccer Club up at — —

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

### Responses

**Mr HULLS** (Attorney-General) — I want to respond to the issue that was raised by the shadow Attorney-General, and I might say at the outset that I have full faith in Victoria's judiciary. I think we have a quality judiciary. We have dedicated people on our benches, and of course they have a difficult and hard task to perform.

Something like 90 000 sentences are handed down by our courts each year. It is true that we will read about a number of matters throughout the year, but compared to the 90 000 sentences that are handed down, we actually read about a very small number of those matters. From time to time judges will get sentences wrong, and that is why we have checks and balances, such as the appeal process, and that is the way it should be. I reiterate that I have full faith in our hardworking judiciary. I support their independence and I absolutely support judicial discretion. I am also, as Attorney-General, fully committed to maintaining public confidence in our courts and supporting, as I said, the independence of the judiciary.

As the shadow Attorney-General quite rightly mentioned, in justice statement 2 I outlined the government's commitment to explore processes to handle minor complaints of judicial misconduct and unprofessional behaviour, as well as measures to address issues of ill health and competency if a judicial officer becomes unable to continue with a full range of judicial duties.

Currently, as the shadow Attorney-General would know, Victoria has legislative procedures to deal with the most serious allegations against judicial officers.

The Constitution Act 1975 enables the Attorney-General to convene a judicial panel, comprising retired judges from interstate, to address complaints of judicial misconduct and incapacity which could justify removal by Parliament. I am a firm believer that the only way a judicial officer ought be able to be removed is through a motion by Parliament.

However, there is no standing formal mechanism for dealing with complaints about judicial conduct, which, although of concern, falls short of misconduct or incapacity. Currently in Victoria complaints about judicial conduct can be made in writing to the head of the particular jurisdiction who will determine the appropriate response. However, heads of jurisdiction have very limited formal power to take action in respect of complaints about other judicial officers within their court.

I have convened a judicial complaints working group comprised of judicial officers from each of the courts and the State Coroner's Office to examine the current complaints handling system and to identify options for establishing a new complaints mechanism. This is fundamentally about maintaining public confidence in the judicial system. The community increasingly and appropriately expects accountability from those holding public office, including judges and magistrates, and it is my view that we do need a process to deal with complaints about judges and magistrates that is fair and maintains public confidence in the judicial arm of government. That is exactly why the judicial complaints working group has been set up.

**Mr WYNNE** (Minister for Housing) — I am responding to the adjournment matter raised by the member for Footscray, and I want to thank the member for Footscray for raising this important matter for our attention here this afternoon.

The announcement last week of the opening of a new homeless facility in Sunshine, which was a joint project with the Housing Industry Association, was a terrific reminder to us of how important these units of social housing, and in this case emergency housing run by the Salvation Army, are to all our electorates. On the very afternoon of the day that project was opened, the first family was moving into that property under the care and guidance of the Salvation Army.

As members would know, in 2007–08 the Victorian government committed an extraordinary amount of money — in excess of \$500 million, \$510 million — to public and social housing. That still remains the biggest commitment by a state government ever to public and social housing outcomes.

The member for Footscray has a large number of fantastic projects already under way in her electorate, in particular with Yarra Community Housing, which is one of our housing associations. There is a fantastic program in Barkly Street, which Yarra Community Housing will run. That is under construction at the moment, and we expect to have that project handed over to Yarra Community Housing in November of this year.

Two other developments of significant size are either in planning or in the tendering-for-construction stage with Community Housing Ltd and Wintringham Ltd — again two of our not-for-profit organisations — and they will make a significant difference in the electorate of Footscray.

We also have a project in Gordon Street, Footscray, which is a complete remake of the facade of one of our high-rise towers there — a 12-storey elderly persons block in Gordon Street, Footscray — which was part of a design competition. We hope to be in a position in the very near future to announce the further progress on changing the actual facade of that public housing block in Gordon Street in the future.

As members of the house right across both regional and metropolitan Melbourne will be very aware, the extraordinary commitment by the Rudd federal government of \$1.5 billion to public and social housing is going to make a significant difference, not only to public housing waiting lists but also to the delivery of quality housing right across regional Victoria and metropolitan Melbourne. We want to ensure that that stock is spread — one-third in regional Victoria and two-thirds in metropolitan Melbourne — to echo the existing spread of public and social housing.

We will deliver 5000 units of public and social housing under a very challenging agenda to deliver 75 per cent of those units by December 2010.

As I have said before, it is a pretty good time to be the Minister for Housing. It is a wonderful opportunity. If you put together the Rudd stimulus package and the fantastic commitment from the Premier, with his \$510 million from the state budget, this will be the biggest build of public and social housing since the 1956 Olympic Games. It is going to have a very significant effect on the public housing list and the introduction of the national rental affordability scheme, which will be rolled out shortly, and should start to make a difference to the private rental housing market. As members know, we are currently experiencing the tightest private rental market in the last 10 to 15 years.

The City of Maribyrnong in the member's electorate has been the recipient — as virtually every electorate has — of some of the \$99 million which the federal government has committed to the maintenance of our public and social housing stock. This funding will be delivered in two tranches: \$50 million this year and \$50 million in the next financial year. For the electorate of Footscray and the city of Maribyrnong, over \$1.162 million has been committed to carry out urgent repairs and maintenance. We are breathing life back into some of our public and social housing stock because it has been a bit downgraded.

Typically this money has been used for putting in new kitchens or bathrooms or repainting properties. A commitment in the order of \$35 000 to \$40 000 can breathe new life back into a property and give it a life for another 15 years. That is a fantastic initiative and one which achieves the two outcomes that the federal and state governments are looking for. Firstly, there are economic and job outcomes, particularly in terms of local trades, both in regional and in metropolitan Melbourne. Secondly, there is the social outcome of refurbishing some of our old stock, bringing it up to really high-quality standards to ensure that our residents living in public and social housing have the best possible housing stock going forward.

There are good times ahead for the electorate of Footscray. I assure the member for Footscray that a number of other exciting projects are currently being brought forward for the next round of the commonwealth stimulus package. We expect to receive further clarification from the commonwealth government about approvals in August.

The member for Frankston raised with me an issue in relation to support for homeless people in his electorate. It has been a topical issue this week in Parliament, but I do not resile from the commitment of this government to the issue of homelessness in the Frankston electorate. As I indicated earlier this week, we are in a situation where 12 months ago I went down and spoke at length with the Frankston City Council about its deep-felt concerns about homeless young people living rough in the Frankston electorate.

Some are living in an entirely inappropriate situation in the grandstand of the football ground, not 100 metres from the Frankston Civic Centre; other young people are living rough on the beach at Frankston. That is a completely unacceptable situation, and I am sure no member of this place would support such a proposition going forward.

As members know, we have a proposal to put a mini Common Ground into the Frankston CBD (central business district). I can assure the house that there has been extensive consultation with the City of Frankston by the proposed service deliverer, the HomeGround organisation, which would be well known to many members. It is one of the biggest service delivery organisations of homeless services right across the state and has people of fantastic standing who are the proponents for this particular project.

As the member for Frankston indicated, there has been some lack of clarity — to be generous — or perhaps attempts by some people to cloud this issue and suggest that we are going to be putting in the order of 300 units of crisis accommodation into the Frankston CBD. I can assure the member for Frankston, as I can assure the house, that that is simply not the case. There is one project that we are dealing with in the Frankston CBD — that is, the HomeGround proposal for 70 units. About half of those would be supported housing and half would be for low-income housing; about 35 to 40 units would be for homeless young people and the remainder for people on low incomes. In that context, while there is a site in Playne Street, Frankston, there are also a number of other proposed sites in the Frankston CBD. I can assure the member for Frankston and the house that we will continue consulting with the City of Frankston in relation to this incredibly important project.

There are a number of other projects scattered right across the broad local government district of Frankston, which stretches from Seaford to Langwarrin to Frankston South — —

**Mr Walsh** — Is this a ministerial statement?

**Mr WYNNE** — And — for the member for Swan Hill — it warrants a comprehensive adjournment response. Smaller projects planned for the greater Frankston area include 29 units approved by the commonwealth to date, with the potential for about another 120 units subject to further consideration and approval by the commonwealth. I reiterate that right across the Frankston electorate — from Seaford and Langwarrin to Frankston South — there are projects of the 1 and 2 types. The one significantly large project is the one in the middle of the Frankston CBD.

In that context I have committed to the director of housing meeting on Monday of next week with the chief executive officer of the Frankston council, or the chief executive officer's representative, to go through with the City of Frankston not only the plans that we have for the HomeGround proposal in the central

business district of Frankston but more broadly what the plans are right across the Frankston electorate for the stimulus money that is being used in the Frankston area, and indeed in relation to the maintenance funds that have been expended there to date on public and social housing and what we will be doing in the next stage of the maintenance rollout for the 2009–10 financial year.

In conclusion, needless to say I reiterate the comments I made earlier this week in relation to this issue. My argument has always been with the City of Frankston. We want it to stand up and show leadership, as we have and as the federal government has done, and indeed as it did 12 months ago. We want it to be part of a conversation with us about how we deliver a comprehensive response to homeless young people in the Frankston electorate. It is simply unacceptable that young people are living rough in the Frankston area, and I know that we can come together with the City of Frankston to deliver what I believe is a sustainable and ongoing outcome in terms of support for the most vulnerable in the community. In relation to the broader community of Frankston, you will not find a better group of people than those living in the Frankston local government area. They are decent people, people I support, and let me tell you, they have got the best supporter they could possibly have in the member for Frankston.

The member for Evelyn raised a matter for the Minister for Environment and Climate Change expressing concern about the burn-off program that will be done prior to the upcoming fire season and advising of a potential concern in relation to smoke taint of wine grapes in her area. I will make sure the minister is aware of that.

The member for South Barwon raised a matter for the Minister for Emergency Services seeking support for a funding application for the Torquay Surf Lifesaving club, in particular a patrol tower staircase and safety rail for that area. I will make sure the minister is aware of that.

The member for Swan Hill raised a matter for the Minister for Water seeking his support for a review of the Sunraysia modernisation project, in particular seeking the piloting of a modernised pressurised pipe system to each farm property. I will make sure the minister is aware of that.

The member for Preston raised a matter for the Minister for Consumer Affairs concerning what he described as 'money mule scams', where the internet is being used very inappropriately by people seeking to entice

unwitting people into so-called work-from-home schemes. I will make sure the minister is aware of that.

The member for Brighton raised a matter for the Minister for Water seeking increased water recycling targets for Victoria. I will make sure the minister is aware of that.

The member for Sandringham raised a matter for the Minister for Education seeking that she entertain a delegation led by the member for Sandringham with representatives of Sandringham College so that they can lay out to the minister their concerns in relation to the further upgrade and refurbishment of Sandringham College. I will make sure the minister is aware of that.

Finally, the member for Pascoe Vale raised a matter for the Minister for Sport, Recreation and Youth Affairs seeking support through the 2010 community facilities program for a range of sporting facilities in the Moreland electorate. I will make sure that advocacy is brought to the minister's attention.

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

**House adjourned 4.49 p.m. until Tuesday,  
11 August.**

