PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Thursday, 14 September 2006

(Extract from book 12)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities	The Hon. J. W. Thwaites, MP
Minister for Finance, Minister for Major Projects and Minister for WorkCover and the TAC	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs	The Hon. J. M. Allan, MP
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development	The Hon. J. M. Brumby, MP
Minister for Agriculture	The Hon. R. G. Cameron, MP
Minister for the Arts and Minister for Women's Affairs	The Hon. M. E. Delahunty, MP
Minister for Community Services and Minister for Children	The Hon. S. M. Garbutt, MP
Minister for Manufacturing and Export, Minister for Financial Services and Minister for Small Business	The Hon. A. Haermeyer, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Planning	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs	The Hon. Gavin Jennings, MLC
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Legislative Assembly committees

Privileges Committee — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

Standing Orders Committee — The Speaker, Ms Campbell, Mr Cooper, Mr Helper, Mr Kotsiras, Mr Loney and Mrs Powell.

Joint committees

Drugs and Crime Prevention Committee — (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Buchanan, Mr Dixon, Mr Honeywood, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo, Hon. C. D. Hirsh and Mr Somyurek.

Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Dr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Mr Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Eckstein, Ms Anne Lore	Ferntree Gully	ALP	Perera, Mr Jude	Cranbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

CONTENTS

THURSDAY, 14 SEPTEMBER 2006

Thursday, 14 September 2006

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that, under standing order 144, notices of motion 104 to 106, 184 to 188 and 398 to 405 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Ferntree Gully Primary School: historic buildings

To the Legislative Assembly of Victoria:

The petition of residents of the municipality of Knox draws to the attention of the house the Association for the Preservation of Ferntree Gully Primary Schools Historic Buildings.

> The association's objective is to ensure that the original Ferntree Gully Primary School teacher residence and classroom both built in 1873, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained in good condition for the benefit of the local community.

The petitioners therefore request that the Legislative Assembly of Victoria:

> retain the buildings aforementioned for use by the local community;
>
> that funding be available by the government of Victoria to ensure that the buildings are preserved and maintained in recognition and respect of our past heritage and for the benefit of future generations.

By Ms ECKSTEIN (Ferntree Gully) (58 signatures)

Water: fluoridation

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the Victorian government has moved to mass medicate the entire populations of Wodonga and Wangaratta by way of adulterating our drinking water with fluoride. The full facts of related health issues and suspected health issues have been withheld from the population.

In view of rebutting evidence and the omission of vital information in the information booklet your petitioners pray that the Victorian government acknowledges our opposition to mass fluoridation and refrains from adding fluoride to our water supply pending a referendum of the citizens of Wodonga and Wangaratta to vote on whether or not fluoride is added; the government to be bound by the results of such referendum.

Mass medication is in direct contravention of the 1949 Nuremberg Court ruling relative to compulsory medication. 'The voluntary consent of the human subject is absolutely essential' (Nuremburg Code).

By Mr JASPER (Murray Valley) (687 signatures)

Tabled.

Ordered that petition presented by honourable member for Ferntree Gully be considered next day on motion of Ms ECKSTEIN (Ferntree Gully).

LAW REFORM COMMITTEE

Coroners Act 1985

Mr HUDSON (Bentleigh) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2006–07

Ms CAMPBELL (Pascoe Vale) presented report, including appendices, minutes of evidence and a minority report.

Tabled.

Ordered that report, appendices and minority report be printed.

COUNCIL OF MAGISTRATES

Report 2005–06

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

Tabled.

DOCUMENTS

Tabled by Clerk:

Audit Act 1994 — Report of the Auditor-General — Government advertising — Ordered to be printed

Auditor-General — Report of the Office for the year 2005–06

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2005–06 annual report of the Victorian Strawberry Industry Development Committee

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2006 and Summary of Variations Notified between 15 June and 13 September 2006 — Ordered to be printed

Parliamentary Committees Act 2003 — Response of the Minister for Health on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Police Appeals Board — Report for the year 2005–06

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

Victorian Civil and Administrative Tribunal — Report for the year 2005–06.

BUSINESS OF THE HOUSE

Adjournment

Ms PIKE (Minister for Health) — I move:

That the house, at its rising, adjourn until Tuesday, 3 October 2006.

Motion agreed to.

MEMBERS STATEMENTS

Yarra Primary School: arts week

Mr WYNNE (Richmond) — On 9 September I attended the launch of a CD of performances of each class at Yarra Primary School. The school is lucky enough to have two teachers, Kevin Hunt and John Carr, who are both musicians and who compose their own material. Mr Hunt and Mr Carr brought in their equipment and set up a soundproof recording studio in one of the classrooms. Each class was recorded performing a song, including one song composed by Mr Hunt about road safety and another song composed by Mr Carr about litter. This project was part of Yarra Primary School's arts week, a biennial celebration of the arts organised by the school.

As part of a rotating program, Yarra Primary School produces a musical production of arts week in alternating years. Arts week culminated last Friday with the launch of the CD and a dance performance by the students. It was a huge success, and each family in the school was given a copy of the CD, which I had the pleasure of launching. This was a wonderful opportunity to again be reminded of the great work undertaken by the principal, Julie Miller, and her staff in providing a quality, well-rounded education for our young people in public education.

I applaud the staff and leadership of Yarra Primary School. This is a fantastic state school in my electorate. It was a real joy to be involved with those wonderful young people and their families on a lovely Friday morning. Congratulations to them all.

Police: numbers

Mr WELLS (Scoresby) — This statement condemns the Bracks Labor government and the police minister for misleading Victorians in relation to police numbers. Victorians are simply sick and tired of Labor's rhetoric on increased police numbers which simply do not add up — and the reason why they do not add up has now been starkly revealed in a recently leaked confidential Victoria Police report.

The report shows that the number of police on the front line undertaking general duties at police stations has actually been cut by 748 in the past two years, with only 6726 police currently employed in Victoria's 327 police stations compared to 7474 police in 2004.

Clearly Victorians are being short-changed on police service delivery by the Bracks government, with too many police still tied up looking after prisoners in police cells, sitting behind desks drowning in a sea of paperwork, and with new police stations built as 24-hour police stations barely open 16 hours — sometimes less — because of the crisis in front-line police numbers.

Instead of wasting time with further spin and rhetoric the minister must urgently address the crisis in the shortage of front-line police and lack of resources, which is preventing police from proactively working to reduce and investigate the violent crime epidemic we are facing in this state. Labor is simply more interested in using police resources to generate state revenue in fines rather than getting police back on the beat in our

streets and among our communities. Victorians expect and deserve better.

Glen Eira McKinnon Bowls Club

Mr HUDSON (Bentleigh) — Last week I had the pleasure of opening the bowls season at Glen Eira McKinnon Bowls Club. Glen Eira McKinnon took the hard decision to amalgamate and is now a thriving club with 330 members.

The club has nine men's teams and five ladies teams in the pennant competition. The top men's team plays in the premier league, and the ladies have three teams in the A1 division. Michael Wilks, the captain of the team in the premier league, has played for Australia. Denese Brick, Gail Nadelman and Leila Levy have been in the state squad and Laura Graydon has been in the under-25 state squad.

Last year the club embarked on a range of programs to attract the broader community to the club. This has included Joint Councils Access for All Abilities no-bias bowls for people with a disability, barefoot bowls for the general community and corporate bowls competitions. The club is also hosting a bridge club two to three times a week. The club is seeking to expand its community involvement and secure the future viability of the club by installing a synthetic green and utilising the lights for night bowls, which was recently funded by the Bracks government.

I congratulate the club on its forward thinking, and I pay tribute to the hard work of its executive led by the chair Ben Sternfeld, vice chair Pearl Kaufmann, secretary Rosemary Michael, and coordinator of corporate and events management Hal Levy. As part of the opening I had to draw the jack and bowl the bowl. I can inform the house that I got the bowl very close to the jack, and the club wants to recruit me for future tournaments.

La Trobe University: Shepparton campus

Mrs POWELL (Shepparton) — La Trobe University is reviewing its commitment and investment in regional Victoria. I have been given a copy of a draft report that contemplates reducing its Shepparton campus to a super resource centre where students would have no face-to-face teaching and would have to travel by bus to Wodonga or Bendigo campuses once a week to attend classes.

I met with the Minister for Education and Training yesterday to brief her on the issue and explained that my community and the Greater Shepparton City Council will fight any decision to reduce La Trobe University services in Shepparton. I also asked the minister for an assurance that the $2 million the state government has committed to build a stand-alone campus at Shepparton and the land it purchased for the building be retained and used as an alternative if La Trobe University continues with its downgrade. We also wish to retain the student places for Shepparton. We believe that if La Trobe University truly committed to Shepparton, student places would increase substantially, and I am meeting with the minister again today to find a way forward.

I received a letter from Brown Baldwin, an accounting firm in Shepparton, which has expressed its concern about any downsizing or the loss of the Shepparton campus and the impact it would have on its business and others in the region. I also met with students from La Trobe's Shepparton campus, who are organising a public rally and who will fight hard to retain the campus.

Because the Shepparton campus has night-time classes, people who work during the day are able to obtain a degree or other tertiary qualification at night. I was a member of the original committee that brought La Trobe University to Shepparton about 14 years ago and a ministerially appointed member of the La Trobe University council at Bundoora, so I know first hand that La Trobe University made a commitment to a stand-alone campus at Shepparton.

Environment: climate change

Mr LUPTON (Prahran) — Climate change is the major environmental challenge we are facing. I strongly support the action being taken by the Bracks government to meet this challenge and to encourage all members of the community to make a contribution to reducing greenhouse emissions. Victoria is the first Australian state to legislate for its own mandatory Victorian renewable energy target (VRET), which will require electricity retailers to purchase a minimum of 10 per cent renewable energy by 2016. We will continue with complementary measures to achieve our ambitious overall 10 per cent renewable energy target by 2010.

The Bracks government has also launched Our Environment Our Future, a landmark package of 150 priority initiatives designed to secure a sustainable state for future generations of Victorians. However, the federal government refuses to ratify the Kyoto protocol, which denies us the protocol's emissions trading benefits. The Bracks government is stepping up to take on the national leadership by developing a state-based

national greenhouse gas emissions trading scheme with other state governments.

We can all make a contribution by taking simple steps like switching appliances off at the power point when not in use, turning off lights when they are not needed, choosing energy-efficient appliances and avoiding using plastic bags where possible and taking reusable ones when shopping.

As a former USA vice-president, Al Gore, says in his documentary *An Inconvenient Truth*, not a single peer-reviewed research paper published in any scientific journal casts doubt on the reality of climate change. The federal government and the Victorian Liberal opposition refuse to acknowledge this scientific evidence. The Victorian Liberals have recklessly pledged to repeal our Victorian renewable energy target if they are elected in November. The Bracks government is determined to meet the challenge of climate change with its policies to make Victoria a sustainable state.

Angliss Hospital: ultrasound services

Mrs SHARDEY (Caulfield) — The issue I raise this morning relates to the lack of ultrasound services at the Angliss hospital, a problem which has now existed for two years. The issue that has been reported to me is that only one of the three ultrasound machines is working. Ultrasound machines are used to take images of foetuses in utero to check for abnormalities and to examine patients' internal organs to check for abnormalities and diseases such as cancer.

The result of the Angliss not having its three machines available for ultrasound, and therefore for the diagnosis of patients by their doctors, is that medical care is being compromised. I am told that local people — in other words, patients consulting doctors and hospital outpatients — are being forced to wait four to six weeks for tests which should be readily available. Frequently patients are being forced to seek ultrasound tests elsewhere, which doctors complain is a burden for disabled people, for whom travel can be difficult. There are further claims that this situation has continued despite the fact that for a number of years the Angliss has not been able to cope with the number of outpatient referrals for ultrasound and those patients have had to be sent elsewhere for testing.

As the Angliss is able to charge patients of consultants for ultrasound, it has now been estimated that some 30 to 40 procedures per week are currently being lost to the Angliss, and therefore revenue is also being lost. More importantly, without proper access to imaging through ultrasound, patients — —

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

East Geelong: mobile phone antenna

Mr TREZISE (Geelong) — Over recent months I have worked with residents who live in and around Richmond Crescent in East Geelong as part of their fight against the installation of a mobile phone antenna at the local ground. I point out to the house that Richmond Crescent is the home of the East Geelong Football Club and the Geelong City Cricket Club, both of which I have had a lifetime involvement with. Richmond Crescent also boasts a children's playground, all of which means the area is very popular with young children, families, and hundreds of people playing football and cricket.

Residents are very concerned that this installation may threaten their long-term health and especially that of their children. Despite assurances from Telstra that such installations do not pose any risks to their health, the residents are not convinced and genuinely hold concerns for the long-term health of their children — and I fully understand those concerns. In addition, the East Geelong Football Club and the Geelong City Cricket Club are threatened by even the perceived risk. The clubs are concerned that if Telstra's installation is erected at their home ground, prospective new members, especially parents wishing to place their children in a sporting club, will bypass them for another club in the area.

Both clubs are long-term institutions in East Geelong, and I can assure the Parliament that I will not sit idly by and watch their demise; more importantly, nor will local residents. I am informed by City of Greater Geelong councillors, led by John Mitchell, that they will oppose granting a permit given the fact that there are more isolated suitable sites in the immediate vicinity. I therefore call on Telstra to listen to residents' concerns, to note my opposition and that of local councillors and the sporting clubs and to work with all stakeholders.

Hume Freeway: rail relocation

Mr PLOWMAN (Benambra) — The biggest road building project in north-eastern Victoria and southern New South Wales is fast reaching its conclusion. It is the internal bypass of the Hume Freeway through Albury and Wodonga. Only two things stand in the way of this massive project being completed satisfactorily.

The first issue is that the outer ring road at Wodonga which is incorporated in this half billion-dollar project cannot be completed because the state government will not commit to the commencement of the relocation of the railway line from the centre of Wodonga. We will be left with a magnificent road system with a railway line running right through its centre, leaving a big part of the new roadworks unusable. It will be there for all to see as an indelible example of this government's intransigence in not working with the federal government to ensure that both projects are developed simultaneously.

Hume Freeway: Bandiana link

Mr PLOWMAN — The second issue is the sealing of the dual carriageway of the Bandiana link. The Liberal candidate, Bill Tilley, has been working assiduously for the past six months to ensure that this road is completely sealed, as it will be one of the busiest sections of the road once the resultant development in Wodonga occurs. Currently only one of the carriageways of this dual carriageway is to be sealed. That will lead to a trebling, at least, in the cost of this section of road. Bill Tilley is to be commended for his foresight in demanding that this road is completely sealed at the time of its construction.

Forest Hill: attributes

Mr ROBINSON (Mitcham) — I note with regret the recent comments attributed to South Yarra Traders Association president Barbara Ward, who is reportedly opposed to the naming of a new apartment building in South Yarra as Forrest Hill. According to Ms Ward her opposition stems from the fact that the name is too similar to the 'less affluent' Whitehorse suburb of Forest Hill. She went on to suggest that the name would 'send out the wrong message to shoppers' and lower the tone of South Yarra. Being on a roll, Ms Ward then went on to describe Forest Hill as dominated by the Forest Hill Chase shopping centre, 'an ugly, American-style 1970s shopping centre' full of people 'filling their faces with soft drinks and fries'.

Forest Hill is a great suburb, and I am very proud to represent part of that suburb and its wonderful people. It can truly be said in this place that Forest Hill is a great place to live, work and raise a family and even to enjoy a soft drink and some chips. It is true that there are some differences between it and the South Yarra shopping strip. Forest Hill, for example is not so overcrowded, the retail rates are much lower, it does not have parking meters and an overabundance of eager parking ticket officers, and indeed the people are friendly. But most importantly it can be said that Forest Hill is definitely a pretension-free zone.

Foxes: control

Mr SAVAGE (Mildura) — I rise today to indicate to the house that the mallee fowl is a unique bird species — —

Mr Crutchfield — Hear, hear!

Mr SAVAGE — The member for South Barwon agrees. Is he a bird devotee?

An honourable member — A bird lover.

Mr SAVAGE — A bird lover? This species is now endangered because of the loss of habitat and the predation of foxes. This is a very serious subject. My electorate has one of the most significant habitats for the mallee fowl, especially in the Bronzewing area and at Yartoo near Patchewollock. Local farmers John Bonica and Alan Horne have told me that they have seen a significant decline in mallee fowl numbers over the years. They have proposed a fenced and protected area, which has been rejected by Parks Victoria. John Bonica and Alan Horne, together with Ian Thomas at Yartoo, have significant knowledge of the mallee fowl and should be listened to.

Fox numbers are now out of control. One Ouyen farmer told me that during the last bounty he shot 200 foxes around Ouyen in a week. The liver bait question has also been exposed in the *Weekly Times*. The 1080 liver baits should be reintroduced. They are the only way of controlling foxes together with a bounty. If we do nothing, there will be no mallee fowl left within three or four years. This is not a joke; this is a serious problem that needs to be addressed. We need to get rid of the foxes or we will have no mallee fowl.

Information and communications technology: broadband initiatives

Mr LEIGHTON (Preston) — Yesterday I was looking at a blog devoted to Apple's new video download service. A constant refrain was the inadequacy of Australia's Internet service for these types of services. As one poster pointed out, Australia presently has the slowest broadband in the Western World, and even our planned new connections are slower than everybody else's existing connections. No-one else is installing equipment as slow and as outmoded as the stuff we are installing in Australia.

This situation has arisen from Telstra's refusal to implement fibre to the node and its active obstruction of

ADSL2 and ADSL2+ services. Telstra is totally ignoring voice-over-Internet protocol (VoIP) and other modern developments and seems to be hoping that if they keep their heads in the sand long enough, the problems will go away.

By contrast Telstra's counterpart in the United Kingdom, BT, is actively marketing VoIP, offers real high-speed Internet, and is rolling out its new video-on-demand services. Other UK companies are already offering competitively priced packages of TV-over-IP, high-speed Internet and VoIP.

Meanwhile Telstra is failing to invest in new technology, seems to be paralysed with indecision and is borrowing to pay dividends. Telstra is failing the Australian economy, holding back the growth of information and communications technology and failing its own shareholders. I would certainly not be advising mum and dad investors to buy Telstra shares!

Thompsons Road, Templestowe: upgrade

Mr KOTSIRAS (Bulleen) — I stand to condemn this lazy, inept and incompetent Labor government for not being capable of delivering one single project on time and on budget. After three years of the urgent need to upgrade Thompsons Road being constantly raised by Cr Geoff Gough and me, and after the excellent work done by the Thompsons Road action group, initially led by Graeme Couch, the state government agreed to the upgrade of Thompsons Road at a cost of up to $12 million. I thank and pay tribute to all members of the action groups for their tireless efforts.

The Premier and the Minister for Transport even tiptoed into my electorate to make the announcement without inviting me, despite the fact that I had raised the need for the upgrade in the Parliament. What arrogance shown by an incompetent government! At the time the Premier said the project would be completed by 2005–06 and that it was much needed. An article that appeared in the *Manningham Leader* of 5 May 2004 states:

> The two-lane upgrade, expected to be finished in 2005–06, will be between Manningham Road and Foote Street …

Soon after, tenders were put out and contracts signed for about $9 million. Guess what! The upgrade has still not been completed, and when I raised the matter with Manningham City Council I was advised that the project will now be completed in June 2007 — 12 months late! I have also been advised that the cost will increase to the maximum of $12 million as well. This is another example of a lazy and incompetent government that cannot complete one project on time and on budget. The extra $3 million could have been spent on King Street, which is in appalling condition — it is a Third World country road.

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

South Barwon electorate: football clubs

Mr CRUTCHFIELD (South Barwon) — I would like to congratulate the Torquay Football Club on a very successful year. Last Saturday Torquay won its tenth senior premiership in 54 years by defeating the favourites, the Newcomb Power team, by 10 points. It is the most successful club in the Bellarine competition. It is the first time in the history of the Bellarine league that a club has won a premiership from fifth on the ladder.

Best players on the day were Andrew Wesley, Justyn Hope, Ben Raidme, Josh Flattum, Marcus Noye, Josh Blair, Luke Hayward, Josh Sampson, Andrew Steven and Luke Murfitt. Unfortunately the Torquay reserves lost by 4 points, and the Torquay under-18s lost by only 2 points. The club's president, Peter Papworth, his committee and volunteers, and senior coach Adam Skrobalak should all be congratulated for a very successful year on and off the field.

In the under-16 division 3 grand final Barwon Heads defeated Modewarre by 2 points. In the under-14 division 6, Barwon Heads beat Winchelsea by 29 points. In the under-14 division 4, Torquay beat Modewarre by 10 points. Well done to Barwon Heads and Modewarre in their much-improved junior programs! They will reap the benefits in their senior sides over the next few years.

I extend a special thankyou to Geelong Junior Football for its most successful year to date. Chairman Ian Coles and manager Michael Limb have run a very professional outfit, and I thank them on behalf of Geelong families for their dedication to Aussie Rules.

Finally, on Saturday South Barwon play Colac. I look forward to claiming my bet from the member for Polwarth the next time we sit!

Border Anomalies Committee: future

Mr JASPER (Murray Valley) — Border anomalies have been and continue to be a critical issue for me and for all of us living along the border between Victoria and New South Wales. Members would be aware that the Border Anomalies Committee was established in

1979 by the then Premier of Victoria, Dick Hamer. It did some excellent work in the early years to eliminate anomalies.

However, during the 1990s and continuing into the new century, little work was done on this issue. I was horrified when in late 2004 Premier Bracks wrote to me indicating that the committee would be disbanded. However, I give credit to the Premier, who responded to my representations during 2005 by agreeing to reactivate work between the two states on this issue. This resulted in a major meeting in Echuca in late June 2006, which was organised between the premiers departments at the highest level, with resulting discussions and an agreement on the handling of border anomalies.

I bring a major issue to the attention of members of this house which should be immediately addressed, and that is the introduction of a universal Seniors Card to operate across Australia. It is disappointing that while the federal government offered $47 million over four years, because no agreement has been achieved between all the parties it has now withdrawn that funding support. This is a critical issue for older people across Australia. I urge the Victorian government to reactivate this matter and to do it together with the federal government in order to introduce a uniform Seniors Card to operate throughout Australia.

Melton: Toolern development

Mr NARDELLA (Melton) — On Tuesday of last week Melton Shire Council, in conjunction with the Growth Areas Authority and me, launched the blueprint for the development of some 1900 acres of land at Toolern, adjacent to the current township of Melton. This is a $15 billion investment initiative to establish the area as a major growth centre for Victoria. The launch identified a concept plan which is consistent with the framework developed as part of a state government initiative for Melbourne's growth areas. Over the next 25 years some 37 000 homes catering for 90 000 people will be built at an estimated cost of $9 billion, with an estimated $6 billion worth of business investment generating 26 000 jobs in the Melton area.

I take this opportunity to thank the mayor, Cr Chris Papas, the chief executive officer, Mr Neville Smith, all the Melton councillors and the administration of the Melton Shire Council, because their work clearly shows that this organisation is working as one with its community to create a wonderful opportunity that will allow the principles of Melbourne 2030 to be brought to reality. This will also bring long-term financial sustainability to the shire.

Melton Shire Council is a fantastic organisation that is providing leadership for the rest of Victoria on this issue and many others. I commend the work done by the council in conjunction with the Growth Areas Authority, and I also highlight the opportunities that the council is providing to a wide range of organisations that will be part of this future Melton development.

Economy: performance

Mr MULDER (Polwarth) — The Minister for State and Regional Development has been caught out. He is up to it again, misrepresenting financial data in an attempt to hide the fact that he has taken the Victorian economy from leading all the other states to his newly created category of leading the non-resource states — in other words, leading South Australia.

The minister referred to building approval figures in my area, describing them as 'Not bad'. The real truth appeared in the Warrnambool *Standard* on 10 August 2006 under a headline 'Building tumbles'. The figures show that the Colac Otway shire and the Corangamite shire had a slump in both the number of building approvals and the value of building approvals. In 2004–05 Colac Otway shire had 480 permits to the value of $42.3 million, and in 2005–06 it had 409 permits to the value of $33 million — so that was down by $10 million. In 2004–05 Corangamite shire had 288 permits to the value of $22.7 million, and in 2005–06 it had 242 permits to the value of $15.9 million — so that was down by $7 million. The Minister for State and Regional Development can run but he cannot hide from the fact that he now has the Victorian economy on a downward spiral. We have gone from leading the nation to trailing the nation after seven years of Labor.

Not only is the minister incapable of admitting his own failures, he has also claimed that the Colac South-West Primary School in my electorate was closed. I drove past the school on Friday last week, and Colac South-West is alive and very well patronised. In fact if the minister goes to the web site, he will pick up the page that says not only that the school is still there but that it is indeed a great school.

Eltham Football Club: change rooms

Mr HERBERT (Eltham) — I rise to congratulate the Mighty Panthers, the Eltham Football Club, for successfully hosting the division 1 semifinal in the Diamond Valley Football League. This year was the

first time since 1989 that a final has been held away from Epping. The Eltham Panthers were absolutely ecstatic. The move followed the recent redevelopment of the change rooms at Eltham Central Park. The upgrade was a commitment made during the 2002 state election. The state government allocated at $170 000 towards a major upgrade of those change rooms, which were opened in April this year.

Umpires, players, coaches, fans and league officials agreed that the rooms are by far the best in the league and have lifted the profile of the club enormously. The Eltham Panthers and the Eltham Cricket Club are certainly two of the thriving sporting clubs in my electorate.

I congratulate the Panthers club president, Dean Philpots, on the terrific effort in hosting what was a major event in our community. The semifinal attracted thousands of people — I was one of them — who viewed a terrific game of football, which was won by another great local team, Montmorency. I wish the Montmorency Football Club all the best in the preliminary final this Sunday against Heidelberg. I am sure they will once again give their all and be victorious against one of the favourite teams of my parliamentary colleague the member for Ivanhoe.

Aquatic centres: Frankston

Dr HARKNESS (Frankston) — The Frankston community will soon be able to take to the blocks with a 50-metre pool from the 2007 FINA world championships being provided by the Bracks government for the development of the Frankston Regional Aquatic Health and Wellness Centre. I was very pleased that the Premier visited Frankston last Wednesday to announce that the panels from one of the 50-metre pools, along with plant and equipment, will be provided to the Frankston community following next year's event. The estimated value is more than $2 million.

Next year the pool will host the biggest aquatic event Australia has ever seen when international stars head to Melbourne for the FINA world championships. We believe that with the new technology available, this will be the world's fastest pool, and hopefully we will see world records tumble. As part of the legacy of hosting this event, the Frankston community will have the opportunity to take to the pool in which stars like Ian Thorpe, Grant Hackett and Libby Lenton will have competed against the world's best. The pool will offer access to a world-class aquatic facility for a generation, and perhaps give rise to future stars of the water.

The 12th FINA World Championships will be held between 17 March and 1 April next year, with an estimated 2000 athletes from 175 nations competing. The championships will use two swimming pools at the Rod Laver Arena. I am very pleased that Frankston will be receiving one of these pools for our much-needed and vitally important regional aquatic centre. This initial contribution by the Bracks government is a significant step forward, and I look forward to continuing to work with the council and other stakeholders to make sure this project is delivered.

Centrelink: mutual obligations

Ms BUCHANAN (Hastings) — Welfare-to-work legislation is not only hurting undeserving Victorians but also having devastating impacts on many community organisations across the Hastings electorate. Many of these groups have approached me with concerns that they are having to deal with very stressed people who, as part of the new mutual obligation requirements, must now undertake more compulsory activities. These Victorians, many of whom are sole parents providing quality care and love to their children, many whom have disabilities and face challenges in gaining employment, and those who, because of WorkChoices, have had their casual hours slashed are being forced under this draconian legislation to undertake more mandatory activities.

Many groups are seeing people every day who are very fearful of their payments being slashed. They have to be interviewed, screened, skilled up and in many cases counselled because their stress levels are high. This has put incredible strain on great community organisations, such as local neighbourhood houses, information and advice centres, churches and charitable organisations, and opportunity shops across my electorate. The support they are giving, because these groups never turn anybody away, is in effect that of a de facto job network provider. My question to the federal government is: why is it not paying these groups as it does its job network providers? Why is it placing such an incredibly unfair burden on these not-for-profit community groups? Why is it treating these groups, which are such an important part of any community, with such contempt? Did the federal government ever consider the negative ripple that its legislation would have?

I want my local federal MP to show he cares, to come out with a financial package for these great groups and to stop passing his responsibility onto others. He should own his community's problems, because he created them. Victorian Centrelink clients and Victorian

community groups deserve better. I say to the federal government: stop passing the welfare buck!

The DEPUTY SPEAKER — Order! The member for Kilsyth will have 1 minute.

Country Fire Authority: Mooroolbark brigade

Ms BEARD (Kilsyth) — I wish to restate my recognition, support and admiration for the outstanding work performed by the volunteers and staff of the Country Fire Authority, particularly the Mooroolbark CFA. At the Mooroolbark fire brigade's annual dinner and award presentation held on 26 August it was my great privilege and honour to respond on behalf of the Victorian government to a toast to the government.

At its annual dinner, the brigade celebrates its achievements over the preceding year and recognises outstanding service of its members. Congratulations to Paul Williamson for his 25 years service award; Christine Morris as the winner of the Norm Sutherland award for firefighter of the year; and Nathan Allan, this year's winner of the captain's award. I congratulate Tony King, the captain of the Mooroolbark fire brigade, first lieutenant Nigel Jones and the men and women members on another outstanding year.

All members were gracious in their gratitude to their partners and their families who often sacrificed many hours of family life to enable their firefighters to perform their duties. The residents of Mooroolbark and surrounding communities can rest easily knowing their safety is in the care of a well-trained, committed and enthusiastic team of firefighters at the Mooroolbark fire brigade, who continue to provide the highest standard of service. I congratulate and thank all the members.

SENTENCING (SUSPENDED SENTENCES) BILL

Second reading

Debate resumed from 24 August; motion of Mr HULLS (Attorney-General).

Opposition amendments circulated by Mr McINTOSH (Kew) pursuant to standing orders.

Mr RYAN (Leader of The Nationals) — Might I say at the outset that I am grateful to the member for Kew for allowing me to make the initial contribution on this important legislation, just to assist the general running of this place. I intend to make a brief contribution on this legislation.

This is extraordinarily important and sensitive legislation. It deals with what are surely among the most difficult matters that have to be contended with in our community generally and within our justice system in particular, and very particularly from the perspective of those people who are directly affected by the issues upon which this legislation touches. The Crimes (Sexual Offences) (Further Amendment) Bill has three principal purposes. In general terms the first purpose is to amend the Crimes Act 1958 so as to modify the wording by judges of jury warnings in sexual offence cases where there has been a delay in reporting the alleged offence. Secondly, the bill will amend the Evidence Act 1958 to vary arrangements for the giving of evidence in sexual offence cases by those who have allegedly been subjected to sexually offensive conduct. Thirdly, the bill will amend the Magistrates' Court Act 1989 to provide for a sexual offences list within the general court administration.

As to the first of those matters, sometimes there is a delay between the date of an alleged offence and the date upon which charges are laid against the accused. That can happen for a variety of reasons. This bill directs the court as to the comments that can be made by the judge, and which should be made by the judge, about the significance of any time delay between those two events. On the one hand, a substantial delay may indicate a weak case on the part of the prosecution because the complainant has failed to report the event. On the other hand, there may be extremely valid reasons — —

Mr McIntosh — We are doing suspended sentences.

Mr RYAN — Suspended sentences — as you were. On the other hand, it might be that the delay has been brought about because of forensic investigations or something of that ilk. These are matters which will be dealt with in more detail in the course of the debate on that particular piece of legislation.

However, they are relevant in the context of the Sentencing (Suspended Sentences) Bill. The question of suspended sentences is extraordinarily contentious. When I was practising law, which I did for many years, I did not think the general notion of suspended sentences and their application, be it with regard to sexual crimes or crimes more generally, was clearly understood in a community sense. The whole notion behind this principle of suspended sentences was to say to a person who had been convicted of a crime that there was a period of imprisonment, more often than not, which had to be served but the balance of the term would be suspended on the basis that they behaved

themselves and they did not commit any further breach of the law. That applied whether, as I said, the suspended sentence was imposed with regard to some sort of sexual offence, as I was speaking about initially, or some other form of offence.

With the passage of time suspended sentences have become extremely contentious. The general principle of a suspended sentence is that a court can decide that an offender should receive a term of imprisonment but it is appropriate to partially or fully suspend that sentence. For example, a person might receive a three-year sentence suspended for two years. If in the course of those two years some sort of reoffending occurs, the person would have to be brought back before the court and might end up serving anything up to the original total of three years in prison.

In 2004 the Sentencing Advisory Council was asked by the Attorney-General to undertake a review of the use of suspended sentences. This bill implements the recommendations made in part 1 of the final report of the council. The council has also recommended that wholly suspended sentences be phased out by December 2009. It is in this context of wholly suspended sentences that contentious issues have arisen in recent years. Part 2 of the council's report will detail what changes will need to be made with regard to potential court orders. The government will then consider the question of the abolition of suspended sentences. However, I must say that the Attorney-General has been less than frank with the community of Victoria in all of this. There has been a lot of commentary from the Attorney-General about this whole issue but not much action.

This bill deals with a number of short-term issues. In particular they are the factors to which courts must have regard when considering whether it is desirable to impose a suspended sentence; prohibitions upon the application of wholly suspended sentences for serious offences as defined within section 3 of the Sentencing Act 1991; and accommodating anomalies in the application of suspended sentences to young offenders aged 18 to 20 years and specifically those who breach suspended sentences. That in essence is the import of this legislation. As I said at the start, it is a question of very valid concern in the community as to whether suspended sentences should apply in those most heinous of crimes such as the sexual offences I was talking about initially or indeed other crimes. This legislation will impact on the way that occurs.

I ask the government to again have regard to the proposition The Nationals have advanced with regard to standard minimum sentencing. We think the system that applies in New South Wales whereby defined periods of imprisonment are set out in legislation for prescribed forms of crime, which can operate as a starting point for consideration by the court, is a very good idea. It gives the community a very good benchmark as to how these crimes are to be approached. We also believe very strongly in the necessity of the court always having the ability to vary whatever that initial term might be under the terms of the legislation. In other words, the court must always have the capacity to use its discretion as to what should occur.

The other element of this system is that if that discretion is exercised and the standard minimum sentence is varied by being increased or decreased the court needs to explain why it has taken that course of action. That is something we would strongly recommend to the government. We think it would sit well with the public. Most particularly it would enable the justice system to operate in a very transparent way and to the betterment of everybody who is subject to it, and of course that is all of us.

With those comments, I again thank the member for Kew for his forbearance in enabling me to speak first in relation to this important legislation.

Mr McINTOSH (Kew) — I congratulate the Leader of The Nationals for his seamless transition into an eloquent speech about suspended sentences. This is an important bill which comes before the house and I certainly support its sentiments, although the Liberal Party remains concerned that the bill does not go far enough. The public's perception of suspended sentences is that they do not work effectively and well in this state, and that is reason for them to be confined or limited, if suspended sentences remain at all on our statute book, to minor offences for which they were intended. Certainly in relation to serious offences, suspended sentences should be abolished as a sentencing option in totality.

The amendments I have circulated go to that very question. Rather than just using suspended sentences in exceptional circumstances, which is the effect of the bill, they should be abolished completely in relation to those serious offences that are defined under the Sentencing Act. They are well known and everyone would accept that they are extremely serious offences and include murder, rape, sexual penetration of a child, armed robbery and those type of offences. Recently the Court of Appeal restated its position relating to a person convicted of rape, saying that the community expects that a person convicted of rape should be sent to prison

for a substantial period, no matter what the mitigating factors may be.

However, given that individuals who come before our courts have a right to have all the matters dealt with in relation to the sentencing process, there are a range of alternative remedies regarding serious offences that would enable a trial judge in exceptional circumstances to provide an outcome that would be commensurate with the community's expectations. Most importantly, the sentencing option, because of the public's disquiet and the perception that the judges' sentencing process is so far out of kilter with the community's expectation, should be abolished at least in relation to serious offences.

I acknowledge that the bill carries the ball a lot further than where it was. Certainly the community supports the government regarding the amelioration of suspended sentences, but it has been a long and tortuous journey to finally get the government to move in relation to this most important aspect. Regrettably the Liberal Party suggests that it has not gone far enough.

Firstly, I highlight concerns not just in relation to sentencing matters regarding the expectation of the community that they are out of kilter with the sentencing judges' disposition. There is real concern about the number of suspended sentences provided for a range of different offences in the state. Secondly, that rate seems to have risen substantially in recent years, and the community has developed a vocal if not violent reaction to the rate of increase creeping into serious offences. To some extent that has diminished the credibility of justice in this state. Thirdly, there is another concern in relation to suspended sentences, which is the high rate of breach.

As we know, this comes out of the interim report of the Sentencing Advisory Council, a well-written and well-argued report. While I disagree with some aspects of it, the material it has brought to the public's attention through a report tabled in this Parliament is significant given that almost one-third of offenders who are guilty of offences, serious or otherwise, in this state will breach their suspended sentence with a large percentage of them being re-presented to the court to serve the remainder of a jail term in accordance with the normal order. One-third of them breach their suspended sentences!

Because of the public's perception of its being out of kilter with judges sentencing practices, the increasing number of suspended sentences being used as sentencing options and the high level of the breach rate cause the opposition profound concern. Certainly that opposition and concern are shared by the vast majority in this community. It is not just the opposition or people protesting on the steps of Parliament House or otherwise who have expressed their concern. A number of years ago Professor Arie Freiberg, the chairman of the Sentencing Advisory Council, said exactly that. He said suspended sentences had passed their use-by date — my term — but he certainly expressed the notion that they were out of kilter with the community's expectations and needed to be radically overhauled.

As a direct consequence the Attorney-General has been associated with a number of infamous cases, including the case of Mr Sims, who raped a woman whom he did not know, which is uncommon in most rape cases. That man broke into a young lady's home on a drunken whim, if I can call it that, and raped her. I had the opportunity of meeting that young lady. Her name has been suppressed — understandably because of the distress this crime has caused her — so she is not known in this house or publicly.

She is still distressed by that incident as one would expect and anticipate. It is probably a scar she will carry for her entire life. One of the scars she carries is as a result of being dissuaded from making a witness statement in the court, because that statement may have affected the ultimate disposition in the Sims case. She feels personally responsible for not having put that matter to the judge, as it may have enabled the judge to dispose of that matter with a normal jail term. The distress from the incident and the absence of a witness statement before the court are matters of profound concern for her and a scar she will carry for the rest of her life.

As I said, Arie Freiberg came out a few years ago suggesting that suspended sentences needed a radical overhaul. In May last year Justice Frank Vincent from the Court of Appeal made comments that were reported in the press. I understand Justice Vincent has celebrated 20 years on the bench. I had dealings with Justice Vincent when I was at the bar, and I retain a very high regard for him and for the way he goes about his business. He is also a judge, it is probably fair to say, who is considered by his fellow judges and members of the bar to be the 'gun shearer' when it comes to criminal trials. He is a judge of enormous experience and a man of enormous credibility with his professional colleagues and the legal profession. He speaks from a great deal of experience as a barrister and as a judge.

Justice Vincent has stated his concerns about suspended sentences. A report in the *Age* of 16 May last year states:

> Supreme Court judge Frank Vincent has backed calls to either abolish or reform suspended sentences, agreeing that many in the community view them as a slap on the wrist.
>
> Justice Vincent said there was a gulf between the public's and the judiciary's perceptions of suspended sentences.
>
> 'A judge is not empowered to impose a suspended sentence unless, and until, the judge determines that imprisonment is the only option. It fits at the top of the frame, not the bottom', Justice Vincent said.
>
> From the perspective of the community, it is just words and carries no significance. That is the obvious difference between the two perspectives and one which, of course, creates enormous difficulty.

Of course Justice Vincent has called for suspended sentences to be radically overhauled. I note that the Attorney-General, given the amount of community disquiet about suspended sentences which culminated in the reaction to the infamous Sims case, referred the issue of suspended sentences to the Sentencing Advisory Council in August 2004 for review. The SAC delivered part 1 of its final report in May this year. While it is a logical and rational document and while I agree with many of the recommendations — I do not agree with some of them, because I do not think they go far enough — there is an expectation of even greater and more radical reform. I note that in May 2004 the Attorney-General adopted the report's recommendations and said there would be a transition period. The Attorney-General also said he would be looking at the issue of suspended sentences in relation to serious crimes, and in effect this bill is the fruition of that approach.

I will talk about the SAC and some of the statistics it has highlighted. For example, page 17 of the report sets out some statistics about suspended sentences. It says:

> Suspended sentences have proved to be an increasingly popular sentencing option in Victoria in both the higher courts and the Magistrates Court. Between 1999–2000 and 2003–04, the proportion of defendants found guilty in the higher courts who received a wholly suspended sentence increased from 20 per cent to 24 per cent. Victoria now ranks third, behind South Australia … and Tasmania … in terms of its use of wholly suspended sentences in the higher courts.

There are two steps. Essentially, a sentence of imprisonment can be wholly or partially suspended. The statistics in this report relate to those that are wholly suspended, so it means that one-fifth of all defendants who come before the higher courts — the County Court or the Supreme Court — and are found guilty will be given a wholly suspended sentence. We should remember that by the time you get to the County Court, all the offences are indictable offences — indeed they are at the top level of indictable offences. Many indictable offences — theft and assault and such matters — can still be dealt with in the Magistrates Court in a summary way, so we are only talking about the higher courts. I repeat that one-fifth of all defendants found guilty of an offence will get a wholly suspended — let alone partially suspended — sentence. Given the fact that we are talking about the top range of indictable offences in both those courts, one can see that community expectations on sentencing are certainly not being met in those matters.

On the same page the SAC looks at the issue of breach rates. It found:

> While it is often asserted that suspended sentences have a special value in deterring offenders from committing further offences, breach rates suggest that the suspended sentence may in fact be less successful than other orders in preventing reoffending. For example, the Arthur Andersen review of community correctional services found that 19 per cent of community-based orders and 15 per cent of parole orders are breached by further offending (with or without other breaches of conditions), compared to a breach rate for suspended sentences of 36 per cent for orders imposed in the higher courts and 31 per cent for orders made in the Magistrates Court.

Again, if we can just deal with the higher courts — the County Court and the Supreme Court — it means that over one-third of the offenders who get the benefit of suspended sentences will breach those suspended sentences and have to be dealt with again by the courts. This brings into question the deterrent nature of suspended sentences when compared to community-based orders, which are the next step down in sentencing options. The SAC suggests from the figures that suspended sentences have been largely unsuccessful — and in the case of at least one-third of offenders, completely unsuccessful — in deterring reoffending.

We are not even talking about the reoffending rate after the suspended sentence has been dealt with. We are only talking about the deterrent factor while offenders remain subject to suspended sentences. In other words, we are only talking about breaches of suspended sentence during the terms of the court orders.

One can say that, because of the public's perception of the breach rates and the increasing use of suspended sentences, the whole matter needs to be reviewed in totality, which is in line with something that the opposition has been calling for for some time — that is, that suspended sentences should be abolished completely. As I said at the beginning of my contribution, a range of other sentencing options are available, and the matter needs urgent attention. The amendments the opposition has proposed today to remove serious offences from the range of offences for

which a suspended sentence is available are certainly a step in the right direction.

As I said, Justice Vincent has come out in opposition to suspended sentences and questioned their utility in the criminal justice process. As I also said, Arie Freiberg has been on the record for a number of years as saying that he is personally opposed to the idea of suspended sentences. Indeed in its most recent report of May this year, again on page 17, the SAC stated:

> After reviewing all of the material from our consultations, the original conclusion of a majority of the council — that the power to suspend a term of imprisonment should be removed, as part of broader reforms to sentencing orders — has not altered.
>
> The suspended sentence, in our view, is an inherently flawed order. While historically the suspended sentence played an important role in diverting offenders from prison, in a sentencing system equipped with a range of alternatives, its retention is no longer necessary.

I think that is the most important thing. It is not as if the Liberal Party is going off on a frolic of its own just to be seen as being tough on crime. It seems that the position of the SAC on suspended sentences is very clear — and that is that they should go completely. A range of other sentencing options are available to a sentencing judge in dealing with those matters. Suspended sentences are no longer appropriate for the state of Victoria and their retention is no longer necessary.

Of course I would be the first to accept that that should be part of an overall reform, and regrettably there is no doubt that these reforms will take some time. But as an initial step — and given the words of the Attorney-General, the SAC, Justice Vincent and the Court of Appeal in repeated decisions, particularly in relation to rape, along with community expectations, at least in relation to serious offences — they should be abolished. There is no apparent reason why suspended sentences should be retained. I say again that a sufficient number of alternative sentencing options are available for serious offences, and suspended sentences have gone beyond their use-by date.

One of the other matters the opposition has called for in relation to suspended sentences is the removal of the presumption that exists in the Sentencing Act that all enactments will be taken to apply to a time in jail. It is that presumption that creates difficulty and drives a wedge between the administration of justice and community expectations. It is the removal of that presumption that the opposition has long called for. Once this bill was introduced, I entered into discussions with parliamentary counsel. I regret that the removal of that presumption would cause enormous difficulty, and it has to be acknowledged that it would be very hard to draft. Therefore the opposition has decided not to progress an amendment that would simply remove that presumption.

The reason for that is, importantly, there can be, upon a conviction for a criminal offence, other dispositions if you are sent to have a term of imprisonment imposed. For example, if you are convicted of a car theft and you are sent to prison, then you are going to have an automatic disqualification of your drivers licence. If you remove that presumption absolutely, then that part of the term in relation to the motor car theft is going to be diminished. Likewise there can be other implications for people in relation to disqualification as a result of obtaining a jail term. Although that is specifically excluded, there is a presumption there.

That presumption is exactly what Justice Vincent is talking about when he says that essentially what you are doing is saying, ‘You have been convicted. I have heard all of the material in relation to the sentencing, and I find that the only practical sentence that I can impose is a period in jail’. That is what happened in the case of Mr Sims. A judge must find that the offence warranted a jail term for all the matters set out in the Sentencing Act, but given that, the judge will allow you to serve that term partially or wholly suspend that jail term. As Justice Vincent said, it is a cockeyed way of looking at it.

You would say that the gravity of the offence, the nature of the offence and all of the material presented to a judge in relation to sentencing are so compelling that a jail term ought to be the outcome, but notwithstanding that the judge is a nice bloke, in the interests of justice, based on what the judge has heard or because of exceptional circumstances — whatever — you will not have to serve that term in jail. But as a matter of law it will be a jail term.

It becomes critical when it goes to the Court of Appeal. As, for example, in the Sims case, the Court of Appeal is bound by the legislative presumption which says that it is a three-year jail term, and that is an appropriate outcome within the range of penalties that could be imposed in this particular offence. Unless the Director of Public Prosecutions can demonstrate that the sentence is manifestly inadequate, then we cannot go behind that. It is a three-year jail term, and the fact that it is wholly suspended is not a matter that we can fundamentally look at because of this legislative presumption.

As I said, the opposition attempted to have considered an amendment to remove the presumption, but discussions with parliamentary counsel made it clear it would have required other acts which are not the subject of the bill to be amended. While the principle is easy, it has a rippling effect through a number of other acts as well. In the end it was going to be far too complicated and would have diverted the attention of parliamentary counsel far beyond what is reasonable in all the circumstances.

Notwithstanding that, the Liberal Party remains committed at least to get rid of that presumption in relation to suspended circumstances so that for all enactments it would be a period in jail; likewise the effect of the amendment would be to abolish the use of the suspended sentence as a sentencing option in relation to suspended sentences.

I wish to highlight that on 21 May, when Arie Freiberg delivered his report, the Attorney-General at that conference and later made a commitment that the Bracks government would immediately restrict the use of suspended sentences for serious crime. It was certainly an expectation that I had, as did many others that I spoke to — that is, that it would be abolished in relation to serious crimes as defined by the Sentencing Act.

On that day, because of its importance and because it was something we had been calling for for some time — and because they had brought into question the administration of justice, many leading figures, including Justice Vincent and Arie Freiberg, had called for their abolition — I said I was prepared to offer full bipartisan support to the Attorney-General to have immediately passed relevant legislation that would provide for the abolition of suspended sentences for serious crime. We have not even got to that point in this bill, but likewise I remain committed to seeing at least this part of the bill go through. It is at least an improvement, although it does not go far enough; but we are certainly committed to that.

It is regrettable that what I think in essence is a relatively simple amendment has been overly complicated with a further range of considerations that now have to be taken into account in relation to this matter, including the fact that a suspended sentence can be given only in exceptional circumstances, not abolished completely, and that there is no clarification as to what precisely may amount to exceptional circumstances. I still remain very concerned.

I am also concerned that it has taken so long for what I expected would be a relatively easy amendment to be brought to this house, and yet indeed, here we are some four months after the Attorney-General made his announcement, that the bill regrettably will not come into operation until the beginning of November. There may be a large number of offenders who will still be able to obtain the benefit of suspended sentences. As we know, some 20 per cent of offenders in the High Court are likely to get those suspended sentences, irrespective of what this bill says, because it does not come into operation until 1 November.

It is a matter of deep regret that in that time almost 70 people who will be found guilty of at least one offence of rape will still be eligible for a suspended sentence. Almost 2000 criminals in all courts dealing with sexually related offences — from serious offences right down to minor, sexually related offences — will still have the opportunity of getting suspended sentences. On top of that, over a 12-month period there could be as many as 500 people who are guilty of various arson offences. It is again a matter of deep regret that overall there could be as many as 3000 people convicted of indictable offences in this state who will still be eligible in that time frame for a suspended sentence.

As I said, suspended sentences have had their day, certainly in relation to serious offences, but they will have another day, because unfortunately they will still live — although, it has to be admitted, with respect to exceptional circumstances. It is a matter of profound concern that the presumption that suspended sentences for all enactments are treated by the law as being jail terms will likewise remain, because that has not been removed from the statute book.

As I said at the very beginning, while the opposition supports this bill and is keen to see it go through as quickly as possible, it does not go far enough on all of those matters. It is a matter of deep regret that the Attorney-General has basically sat on his hands and done nothing for the last two years, certainly over the last three months. It is regrettable that this has not been dealt with sooner.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Sentencing (Suspended Sentences) Bill. This bill gives effect to the recommendations of the Sentencing Advisory Council on suspended sentences. The Attorney-General should be given great credit for initiating the review of suspended sentences in 2004 and acting so quickly on the report. I cannot understand what the shadow Attorney-General is saying. The Sentencing Advisory Council brought down its report in May. Here we are in September, four months later, debating a bill in the

Parliament that deals with all the council's recommendations. To suggest that in some way the government has been slow to deal with the report's recommendations is, frankly, incomprehensible. The government has acted with speed, and this legislation will come into effect in November this year.

There is no doubt that some in the community regard suspended sentences as a slap on the wrist. The government is very aware that people must have faith in the decisions handed down by the courts. That is critical to their confidence in our system of justice. There is a widespread view in the community that people convicted of serious crimes, such as causing intentional injury, threats to kill and sexual assault, should not receive a penalty that is viewed as a 'Get out of jail free' card.

The report of the Sentencing Advisory Council is a critical document in addressing those questions. It highlights the clear difference between the treatment at law of suspended sentences and community perceptions. To quote one of the submissions to the council:

> Suspended sentences are not seen by the public as the next best thing to a jail sentence, they are not seen as a penalty, nor as a deterrent. Particularly by victims of crime against the person, they are seen to be a slap on the wrist with a wet tissue paper.

Likewise victims of crime confirm the view that where an offender gets a suspended sentence, the victim feels as if the offender has got off scot-free while they are left to deal with the consequences.

The South Eastern Centre Against Sexual Assault (SECASA), which I note in passing does a fantastic job with victims of sexual assaults in my electorate, submitted that a suspended sentence often results in considerable distress for the victim because they are left to deal with the consequences of the assault and with the outcome of the decision. They feel like the offender is still out of jail, and they feel unsupported by the court system and unrecognised by it.

I think we have to acknowledge as a Parliament that the use of suspended sentences by the courts has increased dramatically over the years. In 1990 wholly suspended sentences accounted for just over 4 per cent of all sentences received by guilty defendants in the Magistrates Court. But by 2003–04 this had increased to 7 per cent. In the higher courts, 12 per cent of all guilty defendants received a suspended sentence in 1986, compared with 31 per cent of all guilty defendants in 2003–04. We can see that this net has been widening in the courts' determinations of what sentences to hand down. This is something that is commented on by the Sentencing Advisory Council.

This bill recognises those problems. What it will do is stop serious offenders receiving fully suspended sentences unless there are exceptional circumstances. Clause 4(2) of the bill makes it clear that a court can only suspend the whole of the sentence of imprisonment if it is satisfied that there are exceptional circumstances and it is in its interests of justice, and that is an important point. We are allowing the judges to determine whether or not there are exceptional circumstances and whether or not a suspended sentence is in the interests of justice. If a judge wholly suspends a term of imprisonment, they have to give reasons explaining why they have done that.

In other words, what the bill does — and I think the shadow Attorney-General has overlooked this point — is to create a presumption against the use of wholly suspended terms of imprisonment for these offences. The shadow Attorney-General has suggested that we should remove the exceptional circumstances provisions. He said that they are not needed and that, for serious offences, a person should receive a jail sentence in every instance. I want to point out to the house that we are following the recommendations of the expert Sentencing Advisory Council, which was set up to look at this very matter. It took submissions from the community, listened to the views of the legal profession and victims of crime, and came up with a considered response.

I want to quote from page 67 of the report, which says:

> Rather than removing the power to suspend altogether for serious offences, an alternative option would be to allow the court to retain some discretion to suspend in some cases — for example, where exceptional circumstances can be shown. This would allow courts to make a suspended sentence order in cases where ordering the offender to serve the prison sentence might result in some injustice, but would actively discourage courts from doing so in other cases.

It is very clear that the Sentencing Advisory Council gave considerable thought to this issue. It has come up with what we believe is a very sensible recommendation, and we are adopting that recommendation in full in this bill.

For other offences clause 4(1) of the bill will require the courts to consider various factors, such as whether a suspended sentence would properly denounce the crime, before ordering a suspended sentence. The courts will also be required to take into account the extent to which it would adequately deter the offender and others from committing similar offences. The courts must also take into account any previous

suspended sentences imposed on the offender and any breaches that were committed while the offender was on a suspended sentence.

The Sentencing Advisory Council also recommended changes to the provisions relating to breaches of suspended sentences by 18 to 20-year-olds, and this bill implements those changes. At present we have an anomaly, in that a young person who has been sentenced to a term of imprisonment that they would have served in a juvenile justice facility rather than an adult prison has to be sent to an adult prison if they are in breach of their suspended sentence. That is not necessarily the right option for young people in all circumstances.

Undoubtedly there is a group of young people who breach suspended sentences who would benefit far more from being sent to a juvenile justice facility, where they would get the support and rehabilitative input they need and, importantly, where they would be separated from the adult prison population. We believe that introducing this option for our judiciary will ensure that those young people who ought to be in a juvenile justice facility will have access to the benefits of the rehabilitative options offered in that system.

The Sentencing Advisory Council also recommended that we abolish suspended sentences for all cases and replace them with a new range of sentencing orders by 2009. It is important that before we do anything like that we make sure, as the Sentencing Advisory Council has suggested, that we have in place a range of other sentencing options. Of course the opposition wants to rush headlong into getting rid of suspended sentences immediately, but the Sentencing Advisory Council indicates that if that were to occur without other sentencing options in place we would see a very significant and immediate increase in the prison population.

The report of the Sentencing Advisory Council states that if suspended sentences were abolished for all offences, we would be looking at an increase of around 6227 people based on the number of jail terms that were suspended in 2003–04. While it is easy to get up here and say, 'We will get rid of suspended sentences immediately', it is quite clear that unless we have in place other options for the courts to sentence offenders, we will have a prison population that obviously could not be accommodated in the short or medium term.

The Leader of The Nationals raised the issue of set minimum sentences for each offence. There is obviously a great divide between the opposition and the government on this. Quite clearly on this side of the house we believe the judiciary should have the discretion, having heard all the facts and considered all the circumstances of a case, to decide what the appropriate sentence is. We are proud of that position, and we will support that position. The recommendations of the Sentencing Advisory Council are sensible. I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 24 August; motion of Mr CAMERON (Minister for Agriculture).

Mr McINTOSH (Kew) — The Justice Legislation (Further Amendment) Bill is essentially an omnibus bill which amends a variety of different statutes from the Confiscation Act to the Professional Standards Act, the Magistrates' Court Act and the Juries Act. It is a matter of profound regret that we come here a couple of months out from a state election, in our second last week of sitting, to be confronted by this omnibus bill. The current Attorney-General and the government railed against the use of omnibus bills when they were in opposition, and the reason is obvious. A large number of the amendments being made here are sensible, worthwhile and valid improvements in relation to the administration of justice, being a necessary progression of ideas that may have changed — for example, in the case of the Confiscation Act there are perhaps unfortunate considerations by courts that have to be clarified.

Regrettably, however, there are three matters that cause the opposition profound concern, and they relate to the Equal Opportunity Act, the Corrections and Sentencing Acts (Home Detention) Act and the Fair Trading Act. These are profound amendments that could have a devastating impact upon the state of Victoria and accordingly, because of these matters, the opposition is going to oppose this legislation in totality. I say with regret that the number of amendments that would be required to make the various parts of the equal opportunity, fair trading, and corrections and sentencing acts more palatable to the people of Victoria would be just too complicated to deal with in the short time that we have and would not necessarily be suitable to

present to this house. It would be too complicated, too convoluted and too difficult.

The ultimate consequence is that the opposition will have no alternative but to oppose this legislation, notwithstanding the fact that it is acknowledged that many of the amendments in this regrettable omnibus bill that comes before the house in the second last week of the sitting are appropriate. Many of these things should have been tidied up far sooner, and it is regrettable that we have come here to have this omnibus bill blasted through the Parliament in the second last week and a week in which no further bills on the government's business program will be second-read.

Most importantly I shall deal with some of those matters that regrettably will not be dealt with or clarified before the next state election.

I refer to amendments to the Confiscation Act. There was a decision of the Supreme Court in Navarolli which dealt with the confiscation of property. These are the more serious, automatic confiscation provisions which enable the Director of Public Prosecutions to seize property as soon as charges are laid.

Given the discussion in the newspapers at present about the Mokbel case, one understands the need for these things to be done as soon as possible.

Mr Mildenhall interjected.

Mr McINTOSH — I certainly would not mind the money that was found in cash; that would be nice. That having been said, the Supreme Court decided or was concerned that that notice should be provided to a respondent to an application — that is, the offender — in relation to the automatic seizure offences. The reason for that was that the law has always held that no matter who the party is, they deserve natural justice — that is, the opportunity of being heard.

In the case of confiscation that may cause extreme difficulties, particularly given that it is often invoked when dealing with some nasty or notorious people, if I can say that, and they could easily dissipate those assets during the course of a discussion going on in a court. They do not necessarily behave according to the same rules. Accordingly this amendment to the Confiscation Act creates a presumption against the giving of a notice to a respondent until at least an interim order can be made.

It would only be after that and essentially once those assets have been frozen that the matter could be argued, and upon conviction those assets could be used for appropriate purposes — whether it be for the victims of crime generally, whether it be for the actual victim of the particular crime, or otherwise, I think people would understand that it is a worthwhile amendment.

I turn to the amendment to the Classification (Publications, Films and Computer Games) (Enforcement) Act. Essentially that will enable the director of the Classification Board to exempt certain public organisations. The Australian Centre for the Moving Image is the example that has been provided. This had caused me some confusion, and I am very grateful to the departmental people who briefed us and clarified this matter.

Because that body has an educative role in relation to film-making and film presentation, the legislation will allow students and others who produce short films, which might not otherwise be able to be shown because of the existing law about not having received a classification, to show those films commercially as part of a festival or as part of an educative process. It is not about showing things that the community may think are unacceptable or otherwise, it is about education; it is about enabling people to produce films and have them shown. In a way it is appropriate for the Australian Centre for the Moving Image to do so, and certainly we are satisfied with that as an appropriate amendment.

I also acknowledge that the people at the Australian Centre for the Moving Image have done an enormous amount of work in the preparation of this amendment. While I have not actually spoken to that organisation, I have received representations from it through a third party. I certainly acknowledge the work it has done in relation to this amendment and the time it has taken to speak to the department and its officers to get this amendment in. It is regrettable that an unfortunate consequence of our opposing the bill is that the amendment may have to be picked up in the new year if opposition to the bill is accepted by the house. However, it is not for any reason associated with this particular amendment that we have concerns, and it is with regret that we will have to oppose the bill in its totality. That is a consequence of having an omnibus bill.

The bill has amendments to the Legal Profession Act which provide very prescriptive conditions in relation to the provision of accounts from solicitors' firms. For some time there has been a requirement to give notice with an estimate of the legal costs associated with legal work. It is a consumer protection piece of legislation. What this does is set up, shall we say, a sophisticated client regime, which exempts firms dealing with sophisticated clients like certain large corporate

entities — which have ongoing relationships with firms of solicitors and know the precise ins and outs better than most in relation to the costs associated with legal work — from many of the requirements in relation to costs and the appropriate notices that have be served in relation to that.

There are also amendments to the Professional Standards Act. There was an anomaly in relation to the various capped liabilities schemes provided under the act. Insurance cover may be costs inclusive or costs in addition. Costs-inclusive insurance covers you not only for the damage that may be paid but also for the costs of defending a case in court. This amendment clarifies and puts beyond doubt that costs-inclusive insurance cover is included within the professional liabilities scheme together with costs-in-addition insurance cover, which means essentially that the insurer has to pay their own costs of any legal proceeding.

There are also amendments to the Council of Law Reporting in Victoria Act which provide for one additional representative of the Victorian bar and the Law Institute of Victoria. There are also amendments to definitions of 'judicial registrar' and 'judicial officer' in the Judicial Colleges of Victoria Act, and there are amendments to the Juries Act and the Magistrates' Court Act.

There are also amendments to the Working with Children Act. Again I am grateful that this matter was clarified by the department, and I certainly understand the nature and purpose of the change. It puts it beyond any doubt that a person who may have had a negative report in relation to child-related work based on the checks that are done under that particular regime — it is a regime which the opposition has said is incredibly complicated and overly prescriptive; there must surely be a simpler mechanism for providing for this sort of a scheme; and the fact that it is dealt with by the secretary of the justice department is a matter of profound concern — is still prohibited from going on to do another category of child-related work, even though that category of work has not yet been enacted.

As you know Acting Speaker, under the regime established by the Working with Children Act the various industry classifications are proclaimed over a period of time and do not automatically come into operation together. So the person is still prohibited in relation to any new classification, notwithstanding that that classification of children's work has not been covered.

As I said, there are a number of other amendments. I thought I would highlight the ones that will not progress, which is disappointing. The opposition is very concerned about the amendments to the Fair Trading Act, which, we are told, will give an opportunity for inspectors to enter businesses to monitor compliance with the act. It is a matter that has caused the opposition profound concern in relation to a variety of other acts.

This amendment will enable inspectors from Consumer Affairs Victoria to enter a large number of businesses. Some 31 acts, including the conveyancing legislation which the house dealt with earlier this week, will be affected. Once the conveyancing legislation comes into operation, those inspectors will have the opportunity of going through the conveyancing companies as well. This particular measure will enable jackbooted inspectors on their own motion to go through businesses, including real estate agents, funeral directors, travel agents and a variety of other small businesses. Of course it goes well beyond what I think should be tolerable.

In the state of Victoria, police officers, for example, have the right to obtain a warrant to enter a business premises if they have a reasonable suspicion that a crime has been committed. This particular process of obtaining a warrant is not even formal, but if an inspector has a reasonable suspicion that an offence has been committed under the Fair Trading Act, then that inspector has the ability to enter any premises, including business premises, in relation to the provisions of this act. That has proved totally satisfactory.

When I was a member of the bar I had a number of briefs from the Ministry of Consumer Affairs, as it was then called. The inspectors had enormous powers even at that stage to deal with a matter, including the power to enter a business premises, look at the books, require answers to questions — all with the usual protections — and actually launch a proceeding in the Supreme Court to obtain an injunction or even an interim injunction. As you would anticipate, in a case of consumer protection obtaining an interim injunction is quite often done without giving notice even to the respondent to the application in order to preserve the books, but it is always done based on a reasonable suspicion.

There are large numbers of complaints that alert inspectors to these activities, who deal with those complaints regularly. In any event, it is a matter of some concern that there seems to be a backlog in the investigation of complaints. But now we are going to go off on a frolic of our own to give jackbooted inspectors the opportunity to enter a business premises, conduct those searches, ask those questions, seize and

take copies of documents and inspect the records of the business in any manner or form they like without having any form of reasonable suspicion or any form of defining how that inspection should take place. Given that this deals with a large number of small businesses in this state, it is a matter of profound concern.

I will just mention the issue of conveyancers, who have a fiduciary duty, just like solicitors, when they act for a client regarding a conveyance. In general there is a much higher onus to comply with the law, and that process has its own regime to ensure that that fiduciary duty is complied with. Yet not only will conveyancers have the same type of regime that solicitors have for random audits and the appointment of administrators and the like, but on top of all that they will be subject to a hefty regime that means business inspectors will be able to invoke all these draconian powers on a whim.

The Liberal Party has been consistent in its opposition to this type of intrusion into businesses. It is distressed by the concerns and complaints which have been made. Many of these complaints amount not to breaches of or non-compliance with the various acts but are simply a result of the whims of various inspectors for God only knows what purpose. It is a matter of profound concern. We have opposed these types of extensions in the past and will again oppose them in this bill.

In relation to the corrections and sentencing acts, there is the removal of the sunset clause for the home detention program, which this bill addresses. It would have sunsetted on 1 January next year, some three or four months away. Home detention has been a matter of enormous controversy in this state. Notwithstanding the government's bleating about home detention, it has proved to be confusing and disconcerting to the public.

Again I mention James Donnelly and the distress that his family had to go through. The Director of Public Prosecutions appealed against the sentence which was imposed by the County Court on the basis that it was manifestly inadequate. The Court of Appeal agreed and imposed a higher sentence of imprisonment on the offender. Notwithstanding the fact there is a regime in place in relation to victims of crime and the Adult Parole Board of Victoria that allows a victim to address the parole board when an offender is being released on parole, the same rights do not exist for victims in relation to home detention. The Donnelly family tragically found out about their matter not through the adult parole board, Corrections Victoria, the department, the Attorney-General or the Minister for Police and Emergency Services but when they were contacted by journalists.

Home detention is seen by offenders as a soft option, it is seen by victims of crime as a soft option, and it is a soft option. Home detention was introduced to deal with the problem of overcrowded prisons, because this government refuses to build a more established and beneficial prison system in this state. It is a matter of deep regret that we are removing the sunset provision in the legislation, which means that home detention will now come into operation as a permanent feature without any formal review that would have enabled the public to make submissions accordingly. We oppose the removal of the sunset provision.

I will mention the amendments to the Equal Opportunity Act. The act is a vehicle that many people have used from time to time, sometimes appropriately, otherwise inappropriately. I was involved with a person in my electorate who sought to make an application regarding discrimination. She argued that a government department was discriminating against her and her family on the basis that, because she had had the temerity to send her children to a private school rather than a public school, the department would not make available the benefits she would otherwise have received.

That case of discrimination went to Equal Opportunity Commission Victoria. The equal opportunity commission — probably rightly, but regrettably — said, 'It is a matter of law. The government is protected by a catch-all provision which means that it is not subject to the same rules that it expects the private sector to comply with'. So the government could not be guilty, notwithstanding the fact that in the private sector such a case would amount to discrimination. Accordingly the commission had to rule against that particular lady and her family.

It is a provision that has been applied unequally, and I think recent events in relation to racial and religious tolerance have demonstrated that. Notwithstanding the fact that the opposition supported the original bill in relation to that matter, there is acrimony and disharmony in our community. It is a matter of concern that that progressed to the Victorian Civil and Administrative Tribunal (VCAT).

What we get in this bill is worse. The amendments to the act made by this government suggest that industrial activity should be an opportunity to complain to VCAT — and individuals have made those complaints. Like the rest of the scheme under the act, it has always been about an individual making a complaint to the equal opportunity commission in relation to discrimination under one of the headings set out in the act. 'Industrial activity' was recently put into the act.

These amendments clarify the definition of 'industrial activity' and make changes that have come about as a result of the recent commonwealth WorkChoices legislation.

What is worse — and it is slipped in here among a bill of some 50-odd pages that deals with a whole range of complicated issues that the opposition has difficulty coming to grips with, one of which concerns the Australian Centre for the Moving Image — is that right on top of this omnibus bill the government has stuck in the opportunity for a representative body like a trade union to launch proceedings in VCAT on behalf of its members in a particular workplace. Frankly, this is just a way of again diminishing the importance of the unitary system of industrial relations in this state. It begs the question in relation to whether WorkChoices matters cover the whole field.

I note yesterday that the Attorney-General was bleating about supporting John Howard. Yesterday in this house when I asked the Premier whether there was any plan to withdraw the referral of industrial relations powers to the commonwealth, the Premier indicated that there were no plans to do so. Along with the Premier of this state, the Attorney-General has run around this country, calling on not just this state but all other state industrial relations ministers to refer their powers to the commonwealth. He said that he continues to support a unitary system, but meanwhile, through the back door, we enter these second-rate, bodgie outcomes for the people of Victoria, again imposing draconian implications for business at large. It is a matter of profound concern. They are doing it because they want to subvert the one unitary system of industrial relations in this state. It is completely unacceptable to the opposition.

On top of that there are now real concerns about the constitutional validity of these matters; this is currently before the High Court. I have pulled up the Attorney-General on one occasion for not understanding the term 'sub judice'. I know I am not able to comment about the High Court case, not that the Attorney-General of the state actually understands the term and seems hell-bent, in a case of sheer rhetoric, of blabbering his mouth off about all sorts of things. This matter is now before the High Court, and there is a good chance that these particular provisions, insofar as they relate to industrial activity, could be quite unconstitutional. We are blithely passing this bill, notwithstanding that that particular decision of the High Court is extant. Indeed they said that your and your government's performance at the High Court was bloody awful.

The ACTING SPEAKER (Ms Barker) — Order! The member for Kew should remember to use parliamentary language.

Mr McINTOSH — Because of the onus on business and the fact that there is quite suitable and satisfactory dispute mechanisms in the WorkChoices legislation, notwithstanding the fact that WorkChoices actually beefs up the old workplace relations law in relation to wrongful dismissal and for the first time includes criminal penalties that can now be imposed, this government is hell-bent on diminishing that particular process. It is also hell-bent on ignoring the constitutional framework of this country, it is hell-bent on ignoring the High Court of Australia and, most importantly, it is hell-bent, as it did with the Fair Trading Act, on putting another regime of administration and regulation over the top of small business which is going to be to the detriment of small business and employment opportunities in this state. It is regrettable, but for all of those reasons, and notwithstanding that some parts of this bill are satisfactory and a worthwhile step, the opposition will be opposing this bill.

Mr RYAN (Leader of The Nationals) — This legislation is the Attorney-General's swansong for the current period of the Parliament. It marks the closing stages of the parliamentary term on his behalf. It is a 13-page second-reading speech. It is an 84-page bill. It amends directly 31 pieces of legislation and many other aspects of legislation indirectly. There is absolutely no doubt that if usual circumstances prevailed we would quite properly see the respective aspects of this legislation reflected in individual items of amending legislation so that they could be dealt with on their own merits rather than wrapped into the commentary which we see contained within the pages of this bill.

It again reflects the rewrite of history. I can think of many of the contributions made by the member who is now the Attorney-General of this state regarding the virtues, or lack thereof, of omnibus bills. He sits across the other side of the table nodding as I make that comment. One can only reflect on what happens when people in this place change sides and there is a course of conduct coming from them that is completely contradictory to that which they pursued before. If the Attorney-General of the previous coalition government had produced a piece of legislation which comprised the content of this bill, the now Attorney-General would have been suitably outraged.

As he packs up his books and bits and pieces, he can take with him — ringing in his ears, no doubt! — my

words about the rewrite of history he is involved in with this legislation.

Mr Hulls — You've insulted me — I'm off!

Mr RYAN — He says I've insulted him. What a wuss!

Ms Kosky interjected.

Mr RYAN — We have been joined by the Minister for Education and Training — no, we will not go there!

There are some specific aspects of this legislation that concern The Nationals. This is one of those instances where we are placed in the invidious position of having to decide whether to support a bill, having regard to those matters that, for the main part, are beneficial to the interests of Victorians and to those matters that are, in some regards at least, against the interests of Victorians, particularly those associated with small business.

Unfortunately, in the end we concluded that we need to vote against the legislation, because the issues of concern to us outweigh the many benefits of this legislation. I rest the responsibility for that state of affairs entirely at the feet of the Attorney-General, who introduced this omnibus bill in the face of the sort of commentary he used to produce with regards to this sort of legislation in bygone days.

The particular points of concern to The Nationals relate to the following matters. In no particular order of priority, the first one to deal with regards the amendments to the Fair Trading Act. I refer particularly to clauses 65 and 66. To give this a context, these amendments give inspectors within the department the power to come into business premises to do what the provisions set out, without that action being triggered by a complaint from anybody in the community. They will be able to do this on their own motion.

Clause 65 deals with what is termed 'emergency entry'. It empowers inspectors to effect this emergency entry on what are said to be reasonable grounds. If it stopped there, we would be less concerned, because one can envisage justifiable and practical reasons for inspectors to use emergency entry powers to roll into a business on the basis of a tip-off, the concern being that the enterprise was about to destroy documents or do some other dastardly thing. However, clause 66 is very difficult, or nigh on impossible, to justify. Proposed section 121A(2) says an inspector is not allowed to exercise the power set out under subsection (1) in any part of the premises that is used for residential purposes and must not exercise that power except between 9.00 a.m. to 5.00 p.m., or when the premises are open for business. Of course these days most small businesses are open well beyond the hours of 9.00 a.m. to 5.00 p.m.

Small business, which is running full tilt as a foundation of the state's economy, is faced with the prospect of these inspectors rolling in on what are said to be reasonable grounds to undertake the activities set out in the legislation. The powers vested in inspectors are intrusive in nature, and we simply cannot support that. We think the small business sector has enough to contend with, has enough on its hands with the overall audit, compliance and regulatory regime as things are — indeed, it has more than that to contend with, particularly when you have regard to the Victorian Competition and Efficiency Commission inquiry, its outcomes and the report that arose out of that work. To then impose what is proposed by this bill, with the amendments to the Fair Trading Act contained within the legislation, is unacceptable. On those bases alone we would not support this omnibus bill.

We are also concerned with the amendments to the Corrections and Sentencing Acts (Home Detention) Act 2003. In practical terms these amendments will lift the sunset provision in that legislation. We opposed the legislation when it was introduced, and we continue to oppose it. We think the home detention system is a second-class aspect of the judicial system in Victoria. If appropriate allowances were made by the government to accommodate the needs of the prison system, the home detention system would not be operative in Victoria. Having the home detention system operating at the back end of the justice system is being used as a de facto means of trying to reduce the pressure on police cells. We did not support home detention when it was introduced. We voted against the legislation then, and we intend to vote against its amendment.

The third issue of principal concern to us regards the amendments to the Equal Opportunity Act. These are said to be there on the back of the introduction of the WorkChoices legislation. A retrospective provision takes these amendments back to 27 March 2006 — that being the date when the WorkChoices legislation took effect. The government is using this legislation as another vehicle to wind people out there in the community up in regard to an issue which in substantial part is simply not an issue. I have not had a single complaint come to my office in relation to the WorkChoices legislation. It might be said from the other side of the chamber that people would not come and talk to me — —

Ms Kosky interjected.

Mr RYAN — The minister said it for me. In effect what the minister is saying is people know I would not listen to them. That is simply not the case. A lot of people who come to the office to talk to me about issues accept as they come in the door that those issues are against the philosophical and political views I have and that I bring to this place. I spend most of my time as a parliamentarian outside my office, which is probably the same for all of us, and I can count on the fingers of one hand the instances where people have come to me to talk about worries in relation to WorkChoices. I grant that as I roam around the state like a homeless gipsy I have the odd occasion to be in a pub. That is of course for work purposes only.

Ms Kosky — Just by accident.

Mr RYAN — It is just by accident, Minister. It is only to ensure that I am carrying out appropriate research. I spend time in pubs as I travel around and I grant that a few times in those instances I have been asked about issues to do with WorkChoices.

Mr Mildenhall — Get a bit of frank advice?

Mr RYAN — That is why you go into the bar of a pub. There are a couple of great dangers of being in politics. One is you can end up taking yourself far too seriously. The other is you can end up being surrounded by people who tell you what you want to hear. We see that with Labor governments all the time, but that is another point and we will talk about it another day.

The point of my raising all of this is concerns about WorkChoices have been raised with me by those with whom I have had a drink in a pub. More often than not these concerns come from people who are manually skilled, who are involved in activities which require their manual skills to be delivered for the purposes of their occupations.

It has always been an interesting conversation to have in the few instances I have been engaged about it. When you walk people through the notion of the strong reliance employers have upon a stable and skilled work force, particularly in an environment where, because of the great management of the federal coalition government, we have close to full employment, statistically speaking, in Australia, it eases their concerns straightaway. It is a question of taking them through the whole conversation in a manner which is practical and reflective of what happens in the workplace. It is not, as Labor would have it, a situation where there are employers out there wanting to burn employees at the stake.

Employers well understand that the greatest asset they can ever have in their businesses is the people who work with them as employees. Not for a long time has it been as pivotal as it is now, with the labour and skills issues as they are in this nation, for whatever the reason — but again, that is a conversation for another day. The main fact is employers well understand that it is imperative to keep their work forces together. Once you work your way through that and through the fact that in most of these enterprises now over-award salaries are being paid or enterprise bargaining agreements are generous in their terms — reflective of, I might say, the contributions people make by way of the skills they bring to the operation of businesses and reflective of conversations between employers and employees as to what a fair thing is for everybody — I think people are very relaxed about it.

I think it is a sad state of affairs for the government to be trying to wind people up again by introducing an amendment to the Equal Opportunity Act. On its merits I do not think it should be there and we are going to vote against it. In any event, that amendment should not be in an omnibus bill. Were it not for the fact that we are a few years on, the first one complaining about such an amendment being in an omnibus bill would be the very Attorney-General who has brought it to this place. We will oppose this legislation.

Mr MILDENHALL (Footscray) — It is a pleasure to rise on this bill. It is a substantial piece of legislation. It has many provisions which will move the justice system in this state forward. It was obviously too big a bill for the opposition parties to analyse in enough detail or with enough thought or wit or organisation to enable them to progress the parts they support. We now have the unedifying sight of both the Liberal Party and The Nationals indicating their support for the overwhelming majority of the content of this legislation but being unable to support it.

Sadly they are also unable to assemble the wit, intelligence or hard work to do something about it. I think it comes down to hard work. At the moment the house is sitting around one week a month. You would have thought it possible for somebody in the opposition to put together an amendment which said that because of its merits this bill should proceed, with the exception of certain clauses which should be withdrawn for further consideration. I would not have thought that was too difficult a task.

The opposition parties have taken a tactical position that means, in their own words, that the sensible provisions for the confiscation of the assets of crime and the classification of films to allow the Australian

Centre for the Moving Image to do its job properly, and the sensible amendments to the Legal Profession Act, the Juries Act, the Magistrates' Court Act and the Working with Children Act would not be able to proceed if they had their way. It is sad that the opposition cannot even get its act together to draw up a simple amendment along those lines.

The parts of the bill the opposition takes exception to are, with the exception of the restraining orders on the confiscation of assets, probably the strongest aspects of this legislation. There are provisions which relate to the home detention scheme. What an outstanding success this scheme has been. We have seen 138 offenders sentenced to home detention orders and only 2 have reoffended. I know that over in the redneck section of the house the purpose of sentences is to punish and lock up and punish and punish and punish again. If you read the Sentencing Act, it includes purposes about protecting the community, about reducing the likelihood of reoffending, about rehabilitating, about making sentencing work to maintain Victoria's enviable record of lower reoffending and lower crime rates.

Acting Speaker, it is well known on this side of the house that the chances of reoffending, particularly with low-risk offenders and offenders at the margins, are reduced where the offender can maintain connections with family and community, and can resist the opportunities to be further trained in the art of criminal behaviour by more experienced prisoners. These are well-established principles. The home detention scheme has meant that the incidence of reoffending has been reduced, while at the same time maintaining a high level of protection for the community while the home detention orders are implemented and maintained.

The amendments to the Equal Opportunity Act show the clear difference in philosophy and attitude not only in the Parliament as a whole but in the community. The Liberal Party and The Nationals across the nation seek to reduce the rights of workers, particularly the vulnerable, the young, the old and the less skilled. The opposition argues that is to the benefit of workers because the economy is booming and these low-skilled marginal employees are able to negotiate on equal terms with employers and do a better deal. The real world is a bit different. This side of the house recognises that employees do not have the same strength in bargaining or do not have the same ability to bargain as do employers in the workplace.

Mr McIntosh — On a point of order, Acting Speaker, I ask that you bring the member back to the debate. This is not about negotiation in the workplace, which is covered by other acts, but about discrimination in the workplace.

The ACTING SPEAKER (Ms Barker) — Order! The member for Kew understands that lead speakers have some broadness in the aspects of the debate. I ask the member for Footscray to continue his remarks on the bill.

Mr MILDENHALL — We can see, by that reaction, the damage this is doing to the Liberal Party and The Nationals across the nation. They do not want us talking about it in Parliament and certainly not in the community because it is doing enormous damage to both the reputation and political standing of the Howard government.

The final area the opposition takes exception to concerns fair trading provisions which allow an inspection of businesses by fair trading inspectors. Despite the fact that it has been recommended by the Law Reform Committee, despite the fact these provisions were in the previous government's own legislation until 1999 and despite the fact that every other state apart from Western Australian has these powers, the sky is about to fall in. This is a jackboot inspection, according to the Liberal Party. We are not into jackboots on this side of the house, we are into low-level compliance — but we want to ensure that consumers are genuinely protected. We are in the business of being part of national regulatory inspection schemes which provide a uniform basis for schemes across the nation.

This is good legislation, particularly the amendments to the Confiscation Act which reinforce the pre-Navarolli intention of the application of the restraining order on the assets of crime. It ought to be supported; shame on the Liberal Party and The Nationals for opposing it!

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 10 August; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Ms KOSKY (Minister for Education and Training) pursuant to standing orders.

Mr McINTOSH (Kew) — The opposition supports the bill and the circulated amendments. While the amendments change the ambit of the bill, they are consistent with a number of amendments that are worthwhile, and the opposition has been fully briefed in relation to them. We are grateful for the briefing we got yesterday afternoon from the government about those amendments.

The bill has three principal areas. The first is that currently if there is a delay between the committing of a sex-related offence and the making of a complaint, a judge is required because of that delay to give a warning as to the 'veracity' — which is my word — of the evidence that may be given. That comes out of an authority in *R v. Longman* and is known as the Longman warning.

As with these other amendments, this was the subject of some concern in the Law Reform Commission's recent report in relation to offences of a sexual nature. This is the second instalment of these amendments. In relation to the Longman warning, they highlight a number of injustices. The cause of a delay can be simply as much as the embarrassment or distress that is occasioned to the victim not wanting to step up to the plate and make those complaints. People can understand the stress that women and children may suffer as a result of such offences. In the real world there can be a variety of reasons that have nothing to do with the veracity or accuracy of the evidence; delays can also be associated with a number of different reasons that have nothing to do with the veracity of evidence that may be given.

Notwithstanding that, the Longman warning has stood in this state for a long period, and there is no doubt that its time has come. In essence the Longman warning will be abolished in Victoria. I also emphasise that if there is an issue before a court about why there could be a delay and which goes to the veracity of a victim's evidence — and there is evidence before the court that there may be some reason to question a witness's truthfulness or otherwise — those matters can be dealt with in the normal course before the trial, subject to the strict rigour that it is not just an assumption that is made in the law and that that delay is occasioned simply by virtue of a person making up their evidence or otherwise.

Obviously there is a concern that after a long delay witnesses' recollections of precise details may diminish over time. If that is a matter that can be put and there is evidence about it, then it can be put to a jury. This change removes the absolute requirement to provide a warning to the jury. The concern expressed by the Law Reform Commission was that when a jury hears that from a judge, whose authority is understandably impartial in these sorts of things and may tell a jury that they must convict if all evidentiary matters are proved beyond reasonable doubt, then such a warning can have quite an adverse impact on a jury, leading them in many cases to acquit. Accordingly that is unfair for the prosecution and for the victim, so that provision will now be removed.

The bill also amends the Evidence Act. While the current regime is that a victim gives evidence on sex-related offences, there will now be an opportunity for victims to give evidence remotely. Of course it is not an automatic right, but more importantly many victims may not understand their entitlement to seek the opportunity to give evidence remotely. The word 'remotely' also means that the victim may be behind screens in the precincts of the court or may appear before the court by way of a video link in a special room so that the witness would not have to confront the impact of a full court hearing.

This method of giving evidence has been around for some time, but this provision will impose an obligation on a trial judge or a magistrate to enable that to be provided — that is, it must automatically be provided unless a victim specifically requests to give evidence in open court in the normal way. In other words, there is a requirement to provide that opportunity or that facility to give evidence remotely unless the victim themselves specifically wants to undertake that activity in the courtroom.

The third amendment relates to the creation in the Magistrates Court of a special sex offences list, in accordance with a number of the other recognised lists, including the criminal list and the domestic violence list. A specific magistrate will be in charge of the sex offences list. The reason given by the government for this provision is that it gives some legislative support to the notion that there is something unique and perhaps special about sexual offences that does not necessarily apply to other jurisdictions, particularly, for example — as we have just discussed — the remote evidence requirement. To give that some sort of legislative base, a sexual offences list will be created in the Magistrates Court.

I turn to the government amendments that have been today circulated in the house. As I said, the opposition supports them. We have been briefed about these matters, and they seem to be appropriate. The bill contains what might be described as transitional provisions that overcome some difficulties caused by recent changes, passed earlier this year, to sexual offences legislation. Offences governed by the Crimes

(Sexual Offences) Act and its various amendments will come into operation on 1 December. The new governing act for those offences does not apply to offences unless they were committed after 1 December. If there was a series of events leading up to the offence, it will not be until the pedigree of the offence is actually maintained or comes about that the law takes effect; if that occurs after 1 December, that is all right, but all aspects of the pedigree of a crime have to be committed on or after 1 December.

The next aspect relates to procedural matters. One is about hearing evidence remotely. If a proceeding has commenced on or after 1 December — no matter when the crime was actually committed — as long as it is a procedural matter that will come into operation after 1 December. There is also a mechanism for obtaining evidence, and that also has a transitional provision that makes abundantly clear when that comes about.

There are other amendments. Some crimes were subject to transitional legislative changes, and I am trying to think on my feet of the one that was given as an example. I think it related to offenders who have sexual relationships with a child, and the new offence refers to maintaining a sexual relationship with a child. Anyway, there have been slight name changes, and this bill will mean that if a person is convicted of what is defined as a 'serious offence', a definite sentence will be able to be imposed.

The bill conveys an understanding that the convention on sentencing is that an offence must have been committed after 1 December, which is the operational date for this scheme of various legislative amendments to the Crimes (Sexual Offences) Act, which we are making through this legislation. A sentence will only be able to imposed for an offence committed after 1 December.

As I said, these are transitional provisions to put beyond doubt which regime covers particular offences, the procedural matters and the evidentiary regime that apply, and ultimately the sentencing regime that will apply. The opposition has been briefed in relation to both these matters, and it supports the legislation and the amendments.

Mr RYAN (Leader of The Nationals) — This is important legislation. Indeed in speaking to another aspect of the legislative program earlier today I had regard to many of the matters that are now pertinent to the consideration of this bill, but it makes them no less important to reflect upon them again.

This legislation is very important in that it touches upon areas that are crucial to the administration of justice and, most critically, to those who are directly affected by it. Of course that is not only so in the case of the accused — the person who is the subject of the allegation of having committed sexual offences. Perhaps even more important is the person who has to get into the witness box and give evidence about the offences which are the subject of the proceeding. By nature, those proceedings are very difficult for everybody, and this legislation is intended to deal with three aspects of the difficult issues that have to be contended with when sexual offences are being dealt with through the justice system.

The first of these amendments will be to modify the way in which judges provide warnings to a jury about the issue of the time delay between the date of an alleged offence and the date when charges are actually laid. Historically a commentary has run either side of the line as to the rationale behind a delay. For those who represent the accused person, the general tenor of the commentary has tended to be that the passage of time — or an extended passage of time — between an alleged event and a charge being laid would indicate that there is some weakness in the case put by the prosecution. On the other hand, from the perspective of the prosecution, often any such delay is as a result of something completely explainable. It might be to do with any manner and means of the conduct of the parties, and it might be to do with the forensic investigations which go to the issues that are important for consideration and which must be accommodated before charges are laid.

The legislation deals with the manner in which these matters are to be addressed by the court so that the presiding judge has a better mechanism with more certainty of being able to deal with this rather contentious matter, particularly having regard to the judgments of superior courts and balancing the way in which this matter has historically been dealt with either in a statutory sense or from a common-law perspective, or both. It is a further endeavour to deal with a difficult issue. I well understand how hard it is for a judge to accommodate this aspect of these forms of proceedings.

The second issue deals with the manner in which evidence can be given by a person who has been subjected to the alleged treatment by an accused. There is now an as-of-right capacity to have the evidence given from another location altogether from where the accused is located, but if the prosecution so desires the evidence can be given from the venue where the accused is located. Another provision allows for an appropriate form of screening to be erected so there is

no line-of-sight connection between the person giving evidence and the accused. Again, these are all matters that are intended to accommodate the delicacy of the accuser and the accusee being in the one forum, and they are another attempt to strike a very difficult balance between the interests of the parties and the interest of justice.

The third principal amendment is to do with the development of a sexual offences list under the Magistrates' Court Act. It is a sign of the times that there is felt to be the need to move to having such an administrative process introduced into the court. I understand it and I support it. It does not detract from the fact that it is a sad reflection on but a practical outcome of the world in which we live. It will enable a better administration of these difficult issues in a manner which best suits everybody involved. Therefore I understand what has driven the government to introduce this aspect of the legislation.

Late amendments have been introduced which are primarily to do with transitional issues. Having considered those further amendments — I might emphasise that I was offered the opportunity of a briefing by the government, which for various reasons and entirely within my own compass I did not accept — and having read the material I understand the nature of what is proposed. The Nationals support the bill.

Mr LUPTON (Prahran) — I am pleased to be able to speak in support of the Crimes (Sexual Offences) (Further Amendment) Bill which includes a range of measures implementing further recommendations flowing from the Victorian Law Reform Commission report, *Sexual Offences — Law and Procedure*. Earlier this year the Parliament passed legislation which implemented an earlier set of recommendations from that report that largely concerned matters dealing with children. This legislation deals predominantly with matters affecting adult victims of sexual offences.

The bill deals with three principal areas. The first is the jury warnings given by judges where there is an issue of delay in the making of a complaint. The second is the giving of evidence via alternative arrangements rather than orally in the courtroom. The third is the establishment of a legislative basis for the ongoing sexual offences list in the Magistrates Court. Some house amendments have been circulated in relation to transitional provisions that relate to earlier legislation passed by Parliament to clarify the offences dealt with under that legislation.

The amendments to the jury warnings regarding delay represent a significant law reform initiative and one that brings the law for dealing with sexual assault cases in our criminal courts into the modern era. For a considerable time there has been a warning given by judges to juries in sexual assault cases and this is known as the Longman warning, so called because it arose out of a High Court decision *R v. Longman*. In circumstances where there has been some delay between the committing of an alleged offence and the complainant making a formal complaint to the authorities the judge under the Longman warning principles has been required to give a jury a warning that by reason of delay it would be unsafe or dangerous to convict on the uncorroborated evidence of the complainant.

The Victorian Law Reform Commission, in its very detailed and authoritative report, analysed the nature of the sexual assault cases that come before the courts, the reasons and rationale behind the making of complaints and the reasons why there may be delays. It rightly and properly concluded that a delay alone was not something that ought to warrant a warning of the type that has historically been given in a court and would potentially create a situation where a jury may feel it is improper to convict simply because of that warning having been given.

Accordingly the commission recommended that the law be changed in such a way as to remove that type of warning but still leave some discretion to the judge to allow some comment where the danger caused by delay would place an accused at a significant forensic disadvantage. I believe that is a sensible, balanced and appropriate recommendation. I am very glad the government has adopted it and that the Parliament will be passing it into the law of Victoria.

It is important to understand the great difficulty that many people face when they are confronted with the need to give evidence in court. Over 15 years or so as a barrister I represented people in thousands of court cases. I was always concerned to make sure I never forgot the fact that while I was used to being in a courtroom environment and being involved in the adversarial process that goes on in court cases, the people who were appearing as parties and as witnesses were not used to that process; often the proceedings were extremely nerve-racking and difficult. The difficulty that people have in giving evidence in cases involving sexual assault cannot be overstated. Sexual assault cases are probably the most difficult types of cases we can imagine, particularly for the victim.

The second part of the legislation that we are dealing with today allows for the giving of evidence via alternative arrangements; that really means giving people the ability to give evidence by closed-circuit television from another room rather than directly in the courtroom. I strongly support that important additional law reform. It is important that we do everything reasonable and proper to ensure victims of crime are not in any unnecessary sense re-traumatised by the criminal justice process. Often the need to give evidence in front of the person whom they have made the complaint against can clearly be seen to involve a lot of additional trauma for the victim, and I believe this change in the law will be a significant improvement.

The practice of giving evidence by closed-circuit television is not new; it is currently in place in Victoria. Instead of allowing evidence to be given in that way, the legislation will now give complainants the right to give evidence in that way, so it is an important enforcement measure. The complainant in a sexual assault case will have the right to give evidence by way of closed-circuit television; I believe that is an important and significant change in the law.

There is currently a sexual offences list in the Victorian Magistrates Court. That list is an important one because it means there is a greater level of consistency in the handling of sexual assault cases. Such cases require a specialised approach and have unique features; they create difficulties that must be faced by complainants and the courts.

Establishing a sexual offences list in the Magistrates Court has, I believe, been appropriate and sensible. This legislation gives statutory recognition to the establishment and operation of that sexual offences list, so that it will continue in years to come on that important statutory basis. The legislation will give some ongoing confidence and certainty that the sexual offences list will continue in the future and that the people of Victoria, through their Parliament, regard the operation of specialised lists such as the sexual offences list in the Magistrates Court as showing the importance of those cases and making sure that they are regarded appropriately and dealt with accordingly.

The other matters the legislation deals with are transitional provisions that the house amendments deal with. They clarify some matters arising from the earlier legislation that was passed by Parliament to make sure certain offences are not missed and that there are no loopholes in the earlier legislation. They are technical in their operation. Although important in their effect, they are not contentious and merely clarify those transitional matters. Overall this is a very important piece of law reform legislation, and I thoroughly commend it to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

SENTENCING (SUSPENDED SENTENCES) BILL

Second reading

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

Mr SMITH (Bass) — It gives me no pleasure to have to speak on the Sentencing (Suspended Sentences) Bill and the changes the government is bringing in through it, although it will improve things. However, it is not much of an improvement because the government has not been fair dinkum in the way it has looked at this legislation. It could have done the job properly and got rid of suspended sentences for a number of very serious offences, but it has not done that. The amendments foreshadowed by my colleague the shadow Attorney-General, the member for Kew, sum up what we are trying to do.

It is no use having such sentences if people who murder, who commit manslaughter, who rape and who commit armed robbery are allowed to have their sentences suspended. Those offences against society are serious and should not be tolerated. As members would know, some people operate on the basis of getting a suspended sentence for their crimes because that is an easy option for a judge. It is also an easy option for a criminal to accept a suspended sentence, because they can then spend that time at home going about their normal daily life, whereas the person they have murdered will never again be alive or the person they have raped will never be able to live a normal life again.

These people are treated like they have committed some sort of petty crime. This government has never taken the opportunity to do something about it. Premier Bracks in the *Herald Sun* of 28 June this year defended home detention, saying that it still formed part of a court sentence and was as tough as any other sentence. He had to be joking! We are talking about serious offences, yet there was the Premier, defending home detention and saying that it formed part of a court sentence and was as tough as any other sentence. I would have thought that being given a sentence as tough as any other sentence would have meant going to

jail and paying the price to society for the crime that had been committed. This government does not have the guts to bring in tough legislation to get rid of suspended sentences. We have said we are going to get rid of suspended sentences, and when we are elected on 25 November this year one of the first pieces of legislation that comes into this Parliament will do just that. We will bring in legislation as quickly as we can to make sure it happens.

It is wrong that this has been allowed to happen. The government said on 24 May that it was going to act immediately to bring in legislation to get rid of suspended sentences. What has it done? It has brought in this half-baked piece of legislation that will do nothing for the people of Victoria — apart from those who commit these crimes, who will be able to spend their time at home having a good time with family and friends while the people who may have been deprived of their former lives or their former lifestyles suffer for the rest of their time, particularly those who have experienced something like a rape or a severe beating or even somebody standing in a bank or a shop with a knife or a gun, threatening to take their lives if they do not hand over their money or anything that these ratbags want to take from them.

When these criminals go before the courts the government has given judges the opportunity to make a decision to give them home detention. These people just love it, and the lawyers representing these people love it. They say, 'This is a great option. Listen, we will be able to get you a suspended sentence. You can spend your time at home. You can still enjoy life with your family. It does not matter about the poor victim of the crime'. We know it happens. Some of these people cannot help themselves, because they are just criminals.

Damien Paul Ripper is one. He was charged with the serious offence of intentionally causing serious injury but agreed to plead guilty to a lesser charge. Joe Tucci, from the Australian Childhood Foundation, said he could not believe the sentence Ripper was given for beating up a child:

> 'He should have been charged with attempted murder', Dr Tucci said. ' He was only one blow away from killing that poor little boy. He may not have meant to, but there's no doubt his actions were intentional and he was well on the way to doing it'.

Damien Ripper was sentenced to only 18 months jail despite his 349 prior convictions and 13 breaches of suspended sentences and community orders. He is a guy they could not trust. But here we had a judge letting this bloke off — he was one blow away from killing a kid — with an 18-month sentence, despite all the opportunities he had been given before. You would have to be joking! We also have to have a bit of a look at some of the judges who are handing out some of these sentences, because what they are doing is appalling.

There was a case of a female schoolteacher who performed sex acts on a male student who was 15 years old. One has to regard offences against schoolkids by teachers as serious offences that have to be punished. Whether it is a male teacher or a female teacher, the fact is that a punishment has to be handed out. The name of the criminal who committed this crime is Natalina D'Addario. She described herself as 'being fearful of violence towards her' from the 15-year-old student. The *Herald Sun* reported that she cried as Judge Roland Williams jailed her for 18 months and then suspended all bar four months of the sentence. Hang on, where is the justice in that? The kid may have thought it was a big deal that he was having sex with his teacher, but if it had been the reverse — that is, a male teacher with a female student — the judge would certainly not have suspended the sentence and allowed him to go to jail for only four months. Even the 18-month sentence was a very poor one to hand out in a case like that. We will see this woman out of jail in four months, and she is likely to be out performing those types of actions again.

I have some concern about what the government is doing. As I said before, although this is an improvement, it is not much of an improvement. We are not going to vote against the bill, but we are not going to go overly crazy about supporting it, either. There should be no opportunity for suspended sentences, and judges should not be allowed to hand them out for serious offences. The government has had the opportunity to make such changes through the legislation now before the house. Promises were made: the Premier promised that he would do something about this to ensure that sentences for serious offences were not just handed out as mealy-mouthed home detention orders.

I wonder where this government is going. I do not know what it is afraid of. It would have been applauded by the community for doing something positive. The amendments moved by the member for Kew must be supported. We have to amend this legislation.

Ms D'AMBROSIO (Mill Park) — I support the Sentencing (Suspended Sentences) Bill. When the Bracks government was first elected in 1999 the party had three key tenets underpinning its agenda for its term in government: health, education and community services. Since then this government has built up great

stock in the area of community safety — and policing, for that matter. A hallmark of this government has been its commitment to take the community's views into account, not just at election time but as it carries out the ordinary business of government.

Such is the case which led to our establishment of the Sentencing Advisory Council, which, at the request of this government, took a good hard look at the issue of suspended sentences. This was certainly in response to general community concern about the application of suspended sentences in various cases over the years. This bill puts into action the recommendations on suspended sentences which are contained in part 1 of the Sentencing Advisory Council's final report.

The bill will ensure that the most serious offenders cannot be given fully suspended sentences without exceptional circumstances existing. The community is generally of the one view that serious offenders who commit acts of murder, armed robbery, rape or sexual penetration of children under 16 should serve the heaviest of penalties available to our justice system. This bill allows that to happen and is certainly a reflection of the community's expectations of our sentencing system.

Outside this category of most serious offences, the bill will require a court to assess whether a suspended sentence would be an adequate response to a particular crime being committed. It is not simply a matter of looking at the level of seriousness of an offence. As I stated earlier, the most serious offences will automatically be prohibited from attracting fully suspended sentences unless there are exceptional circumstances. For offences outside that category the bill allows a judge to consider whether the application of a suspended sentence is a fair response to a particular crime given the circumstances. That is an important application, and this is a very measured bill. It takes into account the expectations of our community when it comes to dealing with the most severe offences that take place in our community by drawing a line around when fully suspended sentences may be applied in particular circumstances.

This bill has received full community support. It is a response to the community concern that has been expressed over many years, which was reflected in the Sentencing Advisory Council's recommendations. I commend the bill to the house and wish it a speedy passage.

Mrs POWELL (Shepparton) — I wish to make a brief contribution on the Sentencing (Suspended Sentences) Bill. The Nationals do not oppose this legislation because we believe it is a step in the right direction, but we would certainly like more advances in the government's support of other sentencing regimes.

If you talk to anybody in the criminal justice system, they will tell you that sentencing is one of the most difficult tasks in that system. I believe that is the case. Judges have to take into account a number of matters: the seriousness of the offence, the culpability of the offender, the personal circumstances of the victim, and the effect of the crime on the victim.

I understand the recommendations came from a review of suspended sentences by the Sentencing Advisory Council. The council has recommended that wholly suspended sentences be phased out by December 2009. The reason for that length of time, we were told, is that a number of alternative sentencing orders will need to be developed and some appropriate resources put in place in the interim. Part 2 of the council's final report will also consider whether suspended sentences should be abolished. I understand the council is going to look at other sentencing issues as well.

There is huge community anger about some criminals being given suspended sentences. It has been said that if those crimes are serious enough to warrant imprisonment, the criminal should get imprisonment. The community believes suspended sentences are a soft option. There have been a lot of cases in the media recently involving people who have been out on suspended sentences, who have reoffended and received another suspended sentence. Whether the media comments are true or not, the community is now sick to death of seeing those people it believes should be in jail out on the streets.

I wrote to Arie Freiberg, who is the chair of the Sentencing Advisory Council, asking him to bring his forum called 'You be the Judge' to Shepparton. We had a number of issues we wanted resolved. It was quite interesting because Arie Freiberg conducted a mock trial and gave us an instance of a crime that was committed and the history of it.

There were about 25 people in the room, and each had to give a sentence. We were given a list of the types of sentences that could be given to that person. The 25 people gave a huge array of different sentences — from 4 years imprisonment to a minimum of 2 years right through to 30 years with a minimum of 20 years. Judges can have different interpretations of a crime and view a criminal's history differently.

One of the men in the audience told a personal story about his son, who was killed by a person who had

been given a suspended sentence. Another person was a family member of Colleen and Laura Irwin, from Toolamba, who were murdered in Altona North. There was also anger at that forum about lenient sentences. I said to Arie Freiberg, 'Hopefully you will take away from this community what we feel about the sentencing regime'.

The community was very much in favour of bringing in standard minimum sentences, which means that a judge will usually give a certain jail sentence for a particular crime, but if the judge wants to vary that, the variation must be prescribed in legislation and the judge has to tell the court why they are giving a more lenient sentence. I believe that is the case with this bill, because if under the suspended sentence provisions a judge wants to give a wholly suspended sentence, they have to have some special circumstances, and they have to tell the court what they are.

The Attorney-General, in bringing in this legislation, is going some way towards making sure that the community has confidence in the criminal justice system. While there are some good initiatives, we have to go further than just retraining judges. The community comment is that judges are out of touch. Polls have been taken through the papers and on television showing that 90 to 98 per cent of the people believe judges are out of touch. The Attorney-General brought in a recommendation that judges be retrained on a continual basis as happens in other areas.

While we do not oppose this bill, we would like to see it go further. Sentencing is a major issue, and the community needs to have confidence in the judicial system. I ask the Attorney-General to consider The Nationals standard minimum sentencing regime.

Mr JENKINS (Morwell) — I support the Sentencing (Suspended Sentences) Bill. The Bracks government has given a commitment to the Victorian community to tackle crime, particularly serious crime, and create a strong justice system — and that includes a strong sentencing system.

We understand that there must be some judicial discretion in regard to sentences, and we understand that this is not simply a case of a strict application of one punishment for one crime. Although we must take into account individual circumstances, at various times judges have been seen to be out of touch with the community. Over time there is no doubt that judges will begin to understand exactly what the community expects, but sometimes it is up to governments to find a way of assisting judges to come to an understanding of what the community expects in cases of serious crime — and that is what this government has done.

Firstly, we put in place the Sentencing Advisory Council to review issues such as this and to make sure it received submissions from all interested parties and had a good look at what options were available not only here but in other jurisdictions in Australia and overseas. We also put the council in place to take account of the expectations of the people of Victoria concerning their protection and having the punishment fit the crime and the circumstances surrounding it. The recommendations of the Sentencing Advisory Council on this issue did not offer one solution. It did not say, 'This is what you need to do. You should change overnight the system of suspended sentences'. It made it clear that judges should be bound not to give suspended sentences for a set of offences without there being extraordinary circumstances and without giving an explanation. That set of offences was spelt out clearly.

This reflects the view of the Sentencing Advisory Council about what options should exist, what a responsible government should do as a first step — let us remember, this is a first step — and what the community expects of our justice system. We do not have a justice system that is about getting to the truth of the matter. The justice system is about ensuring that people who have committed a crime should answer for that crime in one way or another. A whole range of support and rehabilitation services are provided to people in the criminal justice system. But at the end of the day our community has an expectation that in cases of serious offences the offenders will have some justice meted out to them.

The Sentencing Advisory Council made its recommendations, and I applaud the Attorney-General for taking the first step and introducing a bill within a short time after that — three months — while at the same time asking the Sentencing Advisory Council to make further recommendations about alternatives to suspended sentences. Suspended sentences have become, to many people, a slap on the wrist rather than real custodial sentences. We have all heard of cases where, after people have pleaded guilty or their guilt has clearly been established, the community has an expectation that there will be some form of custodial sentencing and instead wholly suspended sentences are handed down. That is totally inappropriate not only according to community standards but also according to what people believe the justice system needs to deliver. In particular that includes those who have been victims of offences such as threats to kill, murder, rape, armed robbery and the sexual penetration of a child.

These are the sorts of circumstances where the judicial discretion to apply wholly suspended sentences needed to be reviewed. The government needed to take that into account, and it has done so. What we now have is a system where judges will take that into account and be required to give clear explanations when suspended sentences are handed down. To all intents and purposes it is a winding back of their discretion to implement suspended sentences.

I refer to the conviction of Brother Gerard McNamara, a Marist brother from St Paul's Catholic College in Traralgon. He committed serious sexual offences against seven children at the college in the 1970s. The crimes were established, and he pleaded guilty. Untold damage had been done to the victims — and not just immediate damage but ongoing damage. The children were aged 11, 12 and 13 in the 1970s and are now grown men in their 40s. They have all battled through their own sentences over 30 years, and that all stems from the offences committed against them — in some cases repeatedly — by Gerard McNamara.

The descriptions by the judges — in this case there were two — of the abuse that Brother Gerard McNamara was responsible for led everyone, particularly the victims, to expect that at the end of the day there would be a custodial sentence. Michael Keenan and Mark Ballagh were repeatedly offended against, and we will never know the extent to which the damage done by Gerald McNamara was responsible for Michael Keenan's suicide attempt some years ago, Mark Ballagh's inability to maintain a relationship with his wife, the mental health problems drug problems of the victims, and the fact that Michael Keenan cannot bear to be touched by his own mother. However, we know those offences have not had any positive effects. And we know the offences have had damaging and long-lasting effects. We know from the award-winning interview by Rachel Brown of the ABC that Michael Keenan's memories of the offences stay with him every day of his life.

Sadly we know that Gerald McNamara received a wholly suspended sentence. Mark Ballagh and Michael Keenan said they felt utterly devastated by the justice system. They said they were gutted and did not know how they were going to handle returning to a so-called normal life after the trial process. After they were heard and proved to be correct, the criminal justice system, for reasons to do with the amount of time that had passed since the offences had occurred, put a wholly suspended sentence in place. That is the sort of thinking we need to change. That is the sort of sentencing that we as a government are trying to make more reflective of community standards. There should not be cases where, after 30 years, people are finally prepared to put themselves in the hands of the criminal justice system and come to court to tell stories that have caused them shame for generations, only to be let down by seeing a wholly suspended sentence given to the offender — but that is what happened in the case of Brother Gerard McNamara.

We know that Gerard McNamara offended against other people. We know that they did not come forward because they felt, as the police did, that seven victims of serious sexual offences were enough to establish a pattern and that a suspended sentence would not be an option in this case. Everybody understood that would be enough. Maybe those other people who have been offended against have to now come forward and go through the same sort of trial system to get justice, or we have to do what this government is doing in ensuring that suspended sentences be used in a way that is more reflective of community standards.

In supporting this legislation I think this government is supporting Michael Keenan, Mark Ballagh and others who were offended against and were willing to go to trial. We also support those who have been similarly offended against by Gerard McNamara, which include a great number of people that I went to school with and was closely related with. I support this legislation and support Michael Keenan, Mark Ballagh and Matthew Jenkins. I commend the bill to the house.

Mr WELLS (Scoresby) — I join the debate on the Sentencing (Suspended Sentences) Bill and pay tribute to the speech made by the member for Morwell. It was very courageous.

The purpose of this bill is to amend the Sentencing Act 1991 to introduce factors that a sentencing court must consider when imposing a suspended sentence, to create a presumption against wholly suspended sentences for serious offences, and to amend procedures for breaches of suspended sentences. Serious offences include crimes such as murder, manslaughter, rape and armed robbery. The problem is that it still permits suspended sentences for serious offences in exceptional circumstances.

The main provision of the bill makes mandatory deductions for time already served when an offender breaches a suspended sentence and is held in custody before being ordered to serve their sentence in jail. The bill requires the court to consider whether the suspension of the sentence adequately manifests the denunciation by the court of the type of conduct in which the offender engaged, adequately deters the offender or other persons from committing similar

offences, and reflects the gravity of the offence. The bill takes into account previous suspended sentences of the offender and whether the offence was committed while serving a suspended sentence, and the degree of risk of the offender reoffending.

The bill repeals the offence of breaching a suspended sentence and allows an offender to be dealt with by the court without new charge. The bill allows a court to sentence young offenders to youth training or youth residential centres for all or part of the restored suspended sentence. Currently young offenders can only serve breaches of suspended sentence in an adult jail.

On 22 August the Attorney-General put out a press release with a headline that screams, 'Hulls: no more suspended sentences for serious crime'. The shadow Attorney-General was quite willing to step forward in a bipartisan way and support the government in what it was trying to do, which was to ensure that there were no more suspended sentences for serious crime.

Then we started getting into the detail of the bill and the proposal, which indicates that people convicted of serious crimes in Victoria will no longer receive suspended sentences unless there are exceptional circumstances under legislation to be introduced to state Parliament this week by the Attorney-General. Once again, the Labor Party is trying to be tough on crime and tough on violent criminals, but when it comes to the last hurdle the government goes to water by including exceptional circumstances. The community has been let down. The headline of this press release is clearly misleading.

A number of MPs have referred to the Sentencing Advisory Council. I was interested to note the remarks of the member for Bentleigh, because he hit the nail on the head when he referred to the increase in the prison population. Up until that point the Labor Party was arguing very carefully that this was all about justice and fairness. The member for Bentleigh, in discussing this issue, said that if we do not have suspended sentences the number of people in the prisons would climb to 6227. All of a sudden the Labor Party's argument had gone from justice and fairness to one where it is all about the increasing prison population and the cost to the taxpayer. The Liberal Party would argue very strongly that the cost of the prison is a secondary matter and that the important issue is justice: if a person commits a serious crime and is convicted, they certainly should be sent to prison.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Government: advertising

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given that the Auditor-General found that six out of eight departmental advertising campaigns did not comply with the government's own guidelines, will the taxpayers of Victoria be refunded for the cost of Labor's blatant party-political advertising?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. I welcome the Auditor-General's report. I refer to page 4 of the executive summary of that report where it states:

> A government clearly has the right to promote its programs and the state, and to inform the community on matters that affect its citizens. This audit does not question that right.

Honourable members interjecting.

The SPEAKER — Order! I remind members that that sort of behaviour is not appropriate in the house. That could not be considered a timely interjection under any circumstances. I ask members to be quiet and allow the Premier to answer the question.

Mr BRACKS — The report goes on to say that:

> … the real level of advertising expenditure is consistently lower today than in 1998 — —

Honourable members interjecting.

The SPEAKER — Order! I remind members not to make that amount of noise. I warn members that, if they persistent in doing so, I shall remove them without further warning.

Mr BRACKS — As it says, that is even allowing for a slight upturn in the 2004 and 2005 calendar years. The report is based on the guidelines this government produced as a result of previous Auditor-General's reports.

Mr Baillieu interjected.

Mr BRACKS — Previous Auditor-General's reports recommended guidelines. We produced guidelines. The Auditor-General is now recommending some additions to those guidelines. I welcome the report. The Auditor-General's recommendations will certainly inform the government on how those guidelines can be improved even further.

Commonwealth Games: financial reporting

Mr TREZISE (Geelong) — My question is to the Premier. I refer the Premier to Victoria's hosting of simply the best Commonwealth Games ever. I ask the Premier to detail for the house the games financial report released today.

Mr BRACKS (Premier) — I thank the member for Geelong for his question. Geelong was one of many cities which participated in the Commonwealth Games. The live site in Geelong was an outstanding success, as were the live sites in Ballarat, Bendigo and Moe. Before the games, councils around the state were partnered with countries in the commonwealth, and that was an important part of the lead-up to the games.

The member for Geelong is right in saying these were the best-ever Commonwealth Games. Ticket sales were up. We had 2 million people at live sites around Victoria, in Melbourne and our provincial centres. A great legacy has been left to us. Just as we had a legacy in 1956 of great sporting facilities, in 2006 we have a legacy in the upgrade of the Melbourne Cricket Ground — which would not have happened except for the Commonwealth Games — in the extension of the Melbourne Sports and Aquatic Centre and the new 50-metre pool, and in the William Barak Bridge, which links our city centre to the Olympic Park precinct so that our sporting precinct and everything the city has to offer are now accessible by pedestrians.

Today the Minister for Commonwealth Games in another place, the chair of the Melbourne 2006 Commonwealth Games Organising Committee, Ron Walker, and I jointly released details of the financial arrangements for the games — how we met the budget, how the budget was spent and what revenue was collected. The report was audited by the Auditor-General, who deemed it to be a very rigorous set of accounts for the Commonwealth Games.

I am very pleased to report to the house that we have come in under budget in two areas. In relation to the Commonwealth Games Corporation itself and the capped allocation we provided for the organising of the games, we came in under budget by $25.9 million. In relation to the Office of Commonwealth Games Coordination — that is, marshalling resources right across government departments — we came in under budget by $24.2 million. We also came in under budget in relation to security. We had a revised budget of $119 million for security, and it came in at $90 million.

Along with the Minister for Commonwealth Games and the chair of the Commonwealth Games Corporation, I today gave a commitment that the $25.9 million left over from the Commonwealth Games Corporation budget would be fully allocated to grassroots sport around Victoria. In the document we prepared for the Commonwealth Games we said if there was any budget surplus we would put it back into grassroots sport, and we will do just that. We have allocated a portion of that money today, with $1.5 million being made available through a grants program. It will go to 75 different sporting organisations around Victoria. They can apply for grants of up to $100 000. We will make further announcements about allocating the remainder of the $25.9 million to grassroots sport.

This was a great success for our state. It was the biggest event Victoria has ever held. It will leave a legacy — just as the Olympics left a legacy in 1956, so too will the Commonwealth Games in 2006. Not only that, but not many Commonwealth or Olympic Games organisers can finish the event and say their finances were sound and they came in under budget. We can do that as well. Congratulations to the Minister for Commonwealth Games, congratulations to Ron Walker and the team. It was an outstanding success for our state.

Country Fire Authority: enterprise bargaining agreement

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a media release issued last Tuesday by the chairman of Volunteer Fire Brigades Victoria, Gary Lyttle, on behalf of 58 000 Country Fire Authority volunteers, raising concerns over the virtual power of veto provided to the United Firefighters Union in the current enterprise bargaining agreement negotiations. I further refer to Mr Lyttle's comments that the concerns of volunteers are being treated with contempt by the Bracks government. I quote:

> No-one in government or the union has been prepared to accept that CFA volunteers also have rights.

Why is the government supporting the position of about 400 union members over and above the rights of about 58 000 Country Fire Authority volunteers?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. One of the things that we do and have been doing over the last seven years is negotiating in good faith on enterprise agreements. We actually recognise the unions. This is unique because seven years ago the former Kennett government did not recognise public sector unions and would not bargain with them. Apparently in a flip-flop way the Leader of

the Opposition is saying, 'I will bargain with them now; I will forget about the federal industrial relations system; I will change it and do what the Victorian Labor Party is doing'. Does anyone believe that?

Honourable members — No.

Mr BRACKS — The reality is that he will kowtow to his federal masters in the Liberal Party.

Mr Cooper — On a point of order, Speaker, in relation to your previous rulings, the Premier is now using this question to attack the opposition and the Leader of the Opposition. I ask you to bring him back to answering the question and to restrict his answer to government administration.

The SPEAKER — Order! I uphold the point of order and I ask the Premier to return to answering the question.

Mr BRACKS — Yes, I did stray, but I was provoked. In answer to the Leader of The Nationals, I indicate that we are going through an enterprise bargaining process now with the paid Country Fire Authority staff. That enterprise bargaining process will conclude very soon. Those recommendations will be given — I understand a former Australian industrial relations commissioner will be giving independent advice. Once that advice is received I am sure the parties will examine it, and I am also sure that, in accordance with all the arrangements we have in place, the parties will come to a proper, appropriate and amicable settlement to ensure there is both wage justice and a fair go all round.

Police: government initiatives

Ms BUCHANAN (Hastings) — My question is to the Minister for Police and Emergency Services. I refer the minister to the government's commitment to making Victoria a safe place to raise a family, and I ask the minister to detail to the house the most recent examples of the government delivering on that commitment.

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Hastings for her question because like all members of this Parliament, particularly those on this side of the chamber, she strongly supports Victoria Police and strongly supports the measures taken by this government to make sure we restored resources and restored strength to the Victoria Police. We all remember the situation when we came to government. We faced the situation where the previous government had promised 1000 police but cut 800 police.

We remember that when we came to government Victoria Police had the highest attrition rate of any police force of any state in Australia. Not surprisingly the crime rate was going up, having gone up 8 per cent over the recent life of the Kennett government. We inherited a police force where morale was low, where resources had been stripped away and where police numbers had been cut.

This government has been investing in restoring Victoria Police and we are seeing the result of those investments. We have seen this government deliver more than 1600 police over the two terms of the Bracks government, which is more than the 1400 we promised when we came to government. We have seen the attrition rate go from being the highest of any state in Australia to being the lowest of any state or territory in Australia, which means we are retaining some of our most effective members — and this is something the government is very pleased about.

At the same time we have been reinvesting and investing in the infrastructure of Victoria Police, which is very important. The government has embarked upon the largest police station construction program in the state's history. It is a program that has seen the refurbishment and replenishment of something like 140 police stations across the state. It is worth more than $300 million and it means that our police personnel will be able to work from state-of-the-art and modern facilities.

It means that communities who withstood the threat of seeing their police resources stripped away can be confident through this investment that those resources are here to stay, whether they are in small, 8-hour, single-officer stations in regional Victoria, in places like Speed and Natimuk — —

Mr Ryan interjected.

Mr HOLDING — The Leader of The Nationals reminds me of small places like Toora, a great police station. Whether they are large ones like the new 24-hour police stations, like the new station at Bairnsdale or in Endeavour Hills or Carolyn Springs — all in growing suburbs — we are very pleased to be making this investment.

I was particularly pleased to join the Premier on 29 August in Cranbourne to celebrate the opening of the 100th police station funded and built by the Bracks Labor government. It is a great police station, built at a cost of $6.7 million. It is a great investment in police infrastructure to support community safety in that local community.

I know that members of the opposition have been very supportive of the program. Indeed the member for Polwarth was referred to yesterday as supporting our police station program. My attention was drawn to an article in the *Age* this morning to comments made by the member for Benalla who supported the opening of the Myrtleford police station — a great police station. I saw from the *Age* this morning that he put out a newsletter in support of the station.

Dr Sykes interjected.

Mr HOLDING — All I can say to the member for Benalla in relation to the spelling error is: if only you had sent it to our office, Bill, we would have picked up on it and made absolutely sure of it.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to address his comments through the Chair.

Mr HOLDING — I was momentarily distracted. We are very pleased to be refurbishing and replenishing Victoria Police infrastructure. It is a huge police station construction program. There are some who are continuing to claim that some of the very police stations we have opened have not been funded or built. I find these claims always extraordinary. I have seen the claims made in relation to Merino and Dartmoor and new police stations at Macedon and Penshurst, where members of the opposition have been claiming these police stations have not been built. They not only have been built but have been opened.

Recently I was very pleased to be in Rye for the opening of the police station there. I am pleased to assure the member for Nepean that that new police station has been opened.

Mr Cooper — On a point of order, Speaker, the minister has now been speaking for well over 4 minutes. I ask you to bring him back to concluding his remarks.

The SPEAKER — Order! I uphold the point of order. I ask the minister to draw to a conclusion.

Mr HOLDING — In conclusion, I reassure all honourable members that we are investing in new police stations, which are fantastic assets. Not only has the one at Rye been opened, but here is a photo of the member for Nepean at the opening of that police station.

Metropolitan Fire and Emergency Services Board: police checks

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer to the case of a metropolitan firefighter whose duties included visiting schools as part of the fire education program and who has been recently convicted of child-sex offences. I ask: will the minister advise the house how many schools were visited by this officer between the time he was charged in January and his conviction in August 2006?

Mr HOLDING (Minister for Police and Emergency Services) — I would say this by way of answering the member for Scoresby's question: firstly, all career firefighters undergo police checks prior to their employment, whether it is with the Country Fire Authority or the Metropolitan Fire and Emergency Services Board. It has been a long-standing practice over a period of time. It puts in place an appropriate set of arrangements to make sure there are appropriate checks for people who hold positions of public trust in the community. That is appropriate and is something the government supports.

In relation to some of the claims made over the last couple of days about this particular officer and the circumstances around the legal situation in relation to this, it is the case that the Metropolitan Fire Brigade (MFB) has suggested amendments to government — —

Mr Wells — One year ago.

Mr HOLDING — I am coming to that. Suggested amendments were about how we might be able to put in place arrangements for additional checks and balances. The advice received from parliamentary counsel was that the regulations being proposed by the statutory authority were unlawful. That advice was provided by parliamentary counsel to the Office of the Emergency Services Commissioner and that advice in turn was provided to the MFB in July last year, and we have not heard back from the MFB since.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Hospitals: privatisation

Mr LANGDON (Ivanhoe) — My question is to the Minister for Health. I refer the minister to the government's commitment to Victoria's public health system — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Ivanhoe to stop for a moment. The member for Scoresby has asked his question and he was heard in silence. I ask him to show the same consideration to other members.

Mr LANGDON — I will start again. My question is to the Minister for Health. I refer the minister to the government's commitment to Victoria's public health system, and I ask the minister to detail for the house the government's response to the federal government's suggestion that Victorian state hospitals be handed over to the private sector.

Ms PIKE (Minister for Health) — I thank the member for Ivanhoe for his question. On ABC radio earlier this week the federal health minister, Tony Abbott, said public hospitals should be handed over to private companies. Mr Abbott said:

> … why not look at this more closely and see whether private sector management can do the same kind of good things in hospitals that it's done in so many other areas, like banking, airlines, engineering projects and so on.

He then went on to concede:

> Obviously if you are a private business, you want to make a profit.

The *Age* then reported on Monday, 11 September, that Mr Abbott favoured the commonwealth taking over public hospitals to allow management to be contracted out — that is, that they be privatised.

One of this government's very first actions on assuming office was to stop the privatisation of public hospitals, just like the Austin Hospital, which has now been completely rebuilt as a public hospital for the Victorian community. We also put a halt to very well-developed plans to sell off a number of nursing homes — lots of nursing homes, particularly in country areas, such as the McKellar Centre in Geelong.

The Bracks government is opposed to selling off our health system. We will do everything in our power to stop a federal Liberal government from coercing the states into privatising our hospitals. Mr Abbott has a dream — a dream that our world-class public hospital system will one day mirror the American system, where they care much more about your credit card than they do about your Medicare card. When the opposition leader was state — —

Honourable members interjecting.

The SPEAKER — Order! The level of conversation is far too high. I ask members to show some courtesy to members who are on their feet, and to allow the minister to continue her answer.

Ms PIKE — There were some who were in the privatisation cheer squad when the former government was selling off Victoria's hospitals. There were also some who were in the privatisation cheer squad to actually hear and affirm Tony Abbott's spruiking of this ridiculous idea when he spoke at the Menzies Research Centre last week. The Leader of the Opposition as state president was one of those who stood by and affirmed that policy. Of course we need to know, and the Victorian public needs to know, are opposition members now opposed to selling off our public hospitals — —

The SPEAKER — Order! I ask the minister to return to relating her comments to Victorian government business.

Ms PIKE — This is a debate about clear policy choices. The federal Liberal government — the government of those opposite — chooses to privatise our public hospitals. They have no commitment whatsoever — —

Dr Napthine — On a point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House! I ask members to remember that, even if they do not agree with the person's raising a point of order, every member has the right to raise a point of order without constant interruption.

Dr Napthine — On a point of order, Speaker, as the minister herself has said, she is now debating the issue. I ask you to bring her back to answering the question. If the minister wants a debate on health services in Victoria, we are happy to accommodate her.

The SPEAKER — Order! That part of the point of order is out of order. I have asked the minister to respond to Victorian government business. In doing so she can in fact discuss how federal government policy can affect Victorians.

Ms PIKE — On this side of the house we believe a universal health care system best gives the people in our community the opportunity to have high-quality health services, irrespective of their place in the community, their wealth or whatever illness they may have. This is something that we believe in firmly.

Mr Smith interjected.

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

Ms PIKE — This really is about a policy choice. It is also about an ideological differentiation between those on this side of the house and those on the other. We believe we need to keep public hospitals in public hands.

Honourable members interjecting.

The SPEAKER — Order! One more word from the member for Bass and I will remove him from the chamber. He has been warned.

Central Gippsland Health Service: paediatric services

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Health. As Central Gippsland Health Service last week acknowledged that it has not been able to adequately cover the loss of two highly regarded resident paediatricians from Sale, this now makes a total of seven specialists who have been lost from Bairnsdale and Sale hospitals over the last 18 months.

As a direct result of these losses, Gippsland is now facing a potential crisis in the delivery of neonatal paediatrics and other specialist services. I ask: in view of the declining state of specialist health care in Gippsland, what action is the government taking to guarantee the future delivery of these specialist services in the region?

Ms PIKE (Minister for Health) — I thank the member for his question. The renewal and strengthening of Central Gippsland Health Service has been a credit to local community leaders, who are now represented on the newly reformed board of management, and of course a credit to the skills of the acting chief executive, Peter Craighead.

Last week I was in the Latrobe Valley, and along with the member for Morwell and senior members from my department was briefed on what was happening at the Sale hospital by the board president, Mr Glenn Stagg, and also by Mr Craighead. Health services have been maintained and strengthened for the local community, and I have confidence in the board and the management team that they will continue to safeguard those services and expand those services for the Sale community.

It is true that recently two local paediatricians have resigned. There are 900 staff at Central Gippsland Health Service, and two local paediatricians have resigned, but the service has put in place locum arrangements to cover the vacancies and is in the process of finalising recruitment of a paediatric specialist to commence work at the hospital. The hospital has been very open about the processes that it has put in place. It has advertised its arrangements in the local media, has encouraged all patients requiring assistance to present at the hospital for treatment and has set in place very comprehensive protocols and plans for these matters.

It is worth remembering what we were confronted with at Central Gippsland Health Service two years ago. The health service was a basket case. It was the worst performing large rural hospital in Victoria and had a deficit of over $1 million. People will remember that at that time I sacked the board, the chief executive officer resigned and it was also revealed that financial irregularities had been occurring. These were uncovered by my department after consultation with the Ombudsman's office.

The matters that were investigated at the time were poor financial controls, inappropriate expenditure and conflicts of interest. And who can forget the apparent reimbursements of over $100 000 to a board member for overseas travel when such travel did not even appear to be related to the work of the hospital? These were quite unprecedented governance and performance issues that were threatening the viability of that health service. Our responsibility is to put in place modern structures and processes to strengthen the financial position and, of course, to make sure that high-quality services can continue to be delivered.

Like every single country hospital in Victoria, Sale has had an increase in its funding every single year under the Bracks government. Every single country hospital in every single year has had an increase in its funding, and the Central Gippsland Health Service now has $12.5 million more in recurrent funding each year than it had in 1999.

The days of special deals are over. It is certainly time for the Central Gippsland Health Service to move forward and put the health needs of the community first. The members of the management team at Central Gippsland Health Service are doing an excellent job. They certainly have this government's support, and we thank them for their commitment.

Tourism: major events

Mr SEITZ (Keilor) — My question without notice is directed to the Minister for Tourism. I refer the

minister to the government's commitment to ensuring Victoria remains the major events capital of Australia and ask him to detail for the house the most recent examples of the government's delivering on that commitment.

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for Keilor for his question. The house should be aware that this year has been a record year for major events activities in Victoria. Twenty-six international events have been held both in Melbourne and in regional Victoria, clearly highlighting the government's significant and increased investment in major events and ensuring the benefits are shared right across the state.

We heard from the Premier today the good news about the Commonwealth Games. Not only was it one of the world's best ever Commonwealth Games, but it came in under budget. It is great to see we are reinvesting back into grassroots sport.

One of the other areas that Victorians also love is their major sporting events, and this government invests in that area as well. The federal government has just recently released a report, and I can report to the house that the Commonwealth Games this year delivered a record number of international visitors to Victoria. Tourism Australia's international visitor survey tells us it was the biggest ever increase in international visitors to Victoria. We grew at 5 per cent when the rest of Australia grew at 1 per cent in terms of that travel.

Not only did we grow in numbers, but visitors to Victoria stayed 22 per cent longer in the last financial year than they did the previous year. Just to highlight this, the growth came out of the commonwealth countries. The numbers coming to Victoria from Canada grew by 13.4 per cent, whereas for the rest of Australia they grew by 4 per cent; United Kingdom numbers grew by 4.9 per cent, whereas for the rest of Australia they grew by 1.3 per cent; and the numbers from New Zealand grew by 4.7 per cent, whereas for the rest of Australia they grew by 0.4 per cent. The growth for the rest of Australia was delivered by our bringing visitors to Victoria who then travelled interstate.

Our work continues on the major events agenda. The opportunity we were given to run a great Commonwealth Games has made it easier for us to bring more events to Victoria, and already they have added $1.1 billion to the state. We saw in the budget that an extra $52 million has been provided over four years to support our major events agenda.

The 'Picasso — Love and War 1935–1945' exhibition at the National Gallery of Victoria will be around for about another month, and that is likely to top the visitor numbers for our Melbourne winter masterpieces series.

Just recently, together with the Premier, I announced extra cultural major events. The Australian Centre for the Moving Image at Federation Square will next year host the 'Pixar — 20 Years of Animation' exhibition. That is about expanding into the family market of major events. Those of us who have kids and know Pixar will know movies like *Cars* — which is out now — *The Incredibles*, *Finding Nemo* and the *Toy Story* series. This is all about broadening our major events reputation. We are a sports capital, and we are a culture capital in major events as well.

Only a couple of weeks ago I was very pleased to join Dame Edna Everage, the icon of Moonee Ponds, in launching Ednafest. It comes with a whole six months of celebrating an icon of Melbourne and Victoria, which Melbourne will rightly host, starting at the town hall in December. I hope to see Edna glasses being worn on the other side as well.

We are doing further work not just on cultural events in Melbourne but on locking in and securing regional events as well. Not long ago the Premier announced the Roxy Women's Surf Festival, which we brought to Victoria and are continuing at Phillip Island. A few weeks ago I was down at Phillip Island announcing that the world superbike championships had been locked in at the grand prix track for another five years. This weekend we have Australia's largest regional major event, the MotoGP, at Phillip Island, which we have also locked in for another five years.

Mr Cooper — On a point of order, Speaker, I am terribly sorry to interrupt the minister's travelogue, but he has been speaking for over 4½ minutes, and I ask you to get him to wind up his answer.

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

Mr PANDAZOPOULOS — There is a lot going on in major events, but the MotoGP this weekend will be a very important event. It is Australia's biggest regional major event, and this year's event will be tinged by the sad loss of motor racing legend Peter Brock, who served on the board of the Australian Grand Prix Corporation for more than eight years.

I want to let members know that this weekend will be a very important time for people to commemorate the work of Peter Brock. Beverley Brock, the grand prix corporation and Phillip Island grand prix circuit owners

will commemorate Peter's death through the unveiling by Beverley of a plaque at the Phillip Island track. Peter's son, James, will also do a lap of honour in memory of his dad; he will drive Peter's LJ Torana, in which Peter won three world championships. The MotoGP will be an important event but it will also be a sad event for the many people who knew Peter Brock well.

We are the major events capital of Australia. We have had and have great people like Peter Brock and Ron Walker who have helped make all this happen for Victorians.

Gaming: Intralot

Mr KOTSIRAS (Bulleen) — My question without notice is to the Minister for Gaming. Has the minister met, in Australia or overseas, with representatives of Intralot, the Greek gaming company, and if so, how recently, where and with whom?

Mr PANDAZOPOULOS (Minister for Gaming) — I find it interesting that the gaming spokesperson did not ask this question but that the spokesperson on multicultural affairs has asked it.

We are very proud to be able to ensure there is a competitive gaming market out there, and it will occur in the lottery market as well. Despite the phone calls made and the rumours spread recently by the other side about me sneaking off to Greece to meet with Intralot, I have not been to Greece this year. In fact I have not been to Greece since the Olympics in 2004, when the member for Bulleen was there as well.

Rural and regional Victoria: government initiatives

Mr HELPER (Ripon) — My question is to the Minister for State and Regional Development.

Honourable members interjecting.

The SPEAKER — Order! Again I ask members to show courtesy to other members and allow them to ask questions without that continual level of interjection.

Mr HELPER — I refer the minister to the government's commitment to making regional Victoria a great place to work, live and raise a family, and I ask the minister to detail for the house the latest examples of the government's delivering on these commitments.

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Ripon for his question, and I acknowledge at the outset the work put in by the member for Gippsland East today in organising the visit to Parliament House of Steve Melissakis from the Lakes Entrance scallop group. I think the message is that we produce some sensational food in Victoria. The scallop season is open again, and all Victorians and Australians will be able to share in the magnificent products produced by our state.

In response to the member's question, I do have more good news today — of course, it would not be Thursday without good news! Earlier today the Australian Bureau of Statistics (ABS) regional labour force figures for August 2006 were released. They show that since the election of the Bracks government, 111 873 new jobs have been generated in regional Victoria. I want to put that in perspective: in the seven years of the Kennett government, in regional Victoria 40 000 new jobs were created — that is, we have created already almost three times as many jobs.

I know this will be of interest to the Leader of the Opposition because in the last year, 33 256 new jobs were created in country Victoria — the highest number of any Australian state. That is not bad! One in every three new regional jobs created in Australia in the last year has been created in Victoria. The other thing about these statistics is that the participation rate, as measured, is 63.2 per cent. That is the highest participation rate in country Victoria since the ABS has been recording that measure.

This has not happened by accident. All of this is about having the right policies, the right plans, the right vision and the right leadership in place. It is about investment in infrastructure, it is about investment in health and education, and it is about investment in positive policies that grow jobs and create opportunities.

Over the last year the population grew by 1.3 per cent, outstripping the Australian average. Over the last month there have been a number of positive job announcements. Tatura Abattoirs and Unilever will create about 100 jobs in Tatura. I was in Wangaratta just two weeks ago: Security Foods Pty Ltd has 500 direct and indirect meat processing jobs, with up to $50 million of exports expected by 2009. This is an extraordinarily significant investment for the north-east.

Today I am happy to announce a further significant new investment for Victoria. I refer to the announcement made today by a major Australian food company, K. R. Castlemaine, which processes bacon. I am pleased to advise the house that it is relocating its Queensland smallgoods production operation to Castlemaine. That relocation will be a $15 million investment in Castlemaine; it will be a $15 million

upgrade of the plant, and it will create a further 250 new jobs for Castlemaine.

The government has been working closely with the company for a while, and what is most pleasing is that when the company had to make a judgment on the business case on the best location for its expanded smallgoods facility — whether it be Castlemaine in Victoria or Toowoomba in Queensland — it chose Castlemaine. This, I might say, is an announcement with real grunt.

Mr Wynne interjected.

Mr BRUMBY — You would think the little oinkers on the other side would support this announcement.

It is a positive announcement. It shows and reinforces the success of the policies in creating regional Victoria as a great place to live, work and invest. It is an investment we are very proud of. It is a great Victorian company with a national focus, and I think that announcement reinforces the great ABS regional labour force statistics released earlier today.

SENTENCING (SUSPENDED SENTENCES) BILL

Second reading

Debate resumed.

Mr WELLS (Scoresby) — Before the luncheon break I was speaking about suspended sentences and saying the member for Bentleigh made a very important point — that is, prior to the bill being brought in, we thought this was all about justice and how the government was intending to ensure fairness in the community.

However, the member for Bentleigh went a step further and spoke about the prison population, and it was all about focusing on keeping the prison population down. I suspect that will be an interesting point of contention at the next election. He went on to say in reference to a report that there would be 6227 people in Victoria's prisons were it not for suspended sentences. I suggest that if a person has committed a crime, judges should not be thinking or worrying about the prison population; it should all be about sending them to prison if the judge believes that is what should happen. We are very concerned about the reasoning behind suspended sentencing.

I mentioned the press release titled 'Hulls: no more suspended sentences for serious crimes'. The member for Kew, the shadow Attorney-General, was very happy to step forward in a bipartisan approach until we read the first paragraph:

> People convicted of serious crimes in Victoria will no longer receive suspended sentences —

which we support, but then it goes on —

> unless there are exceptional circumstances …

What this government is on about is not being tough on crime. It is only tough on crime when it comes to the headline; but when you start reading the detail, it is something quite different.

We are very concerned that on page xvii of the executive summary of its *Suspended Sentences: Final Report — Part 1*, issued in May 2006, the Sentencing Advisory Council talks about breaches of, for example, community-based orders and states:

> While it is often asserted that suspended sentences have a special value in deterring offenders from committing further offences, breach rates suggest that the suspended sentence may in fact be less successful than other orders in preventing reoffending. For example, the Arthur Andersen Review of Community Correctional Services found that 19 per cent of community-based orders and 15 per cent of parole orders are breached by further offending (with or without other breaches of conditions), compared to a breach rate for suspended sentences of 36 per cent for orders imposed in the higher courts, and 31 per cent for orders made in the Magistrates Court.

Over one-third of people on suspended sentences breached the conditions. They have already been given one chance — and we consider giving a suspended sentence to be a soft-on-crime approach — but the report indicates that over one-third of these people breached their suspended sentences.

I am also concerned about the section on page xx under the heading 'Limiting the availability of suspended sentences'. It says:

> The council accepts, as we believe many in the community do, that there may be instances in which it is appropriate for an offender to remain in the community, despite the seriousness of the offence —

which is something the Liberal party cannot subscribe to —

> such as under one of the conditional orders recommended by the council in the interim report. However, we share the concern that some offences are so serious that once a prison sentence has been imposed, at least part of the sentence should be served in prison.

The Liberal Party, through the shadow Attorney-General, has made very clear its position on

serious offences: firstly, that there will be a mandatory minimum sentence on serious offences; and secondly, that that time should be served in prison and not be suspended.

We have already spoken about the serious amount of crime in this state, and in the short time I have left it is worth pointing out again that violent crime in this state has jumped 28.8 per cent since the Bracks government came to power. In 1999–2000 there were 31 372 offences of crimes against the person. In the last crime statistics, which were released in August, that figure has now jumped to 40 428, which is a jump of almost 29 per cent. The number of victims of crimes against the person — that is, crimes of violence against people — has jumped from 26 001 in 1999–2000 to 34 275 in 2005–06, which is a jump of almost 32 per cent.

We strongly support the amendments to be moved by the member for Kew. This legislation started off as a good idea that would have attracted bipartisan support — that is, there would have been no more suspended sentences for serious crimes — but the fine detail shows that it is something quite different. That is very disappointing, but it builds on the reputation of the Bracks government. When it comes to crime the perception is that the government wants to be tough in the eyes of the public, but when it comes to the fine detail it goes to water at the last hurdle. That is very disappointing. I urge the house to support the amendments of the member for Kew.

Mr DONNELLAN (Narre Warren North) — I have great concerns about what the member for Scoresby said. This is the same gentleman who does not believe domestic violence is a serious crime. He is worried about violent crimes going up but does not believe that the police should be dealing with domestic violence. Domestic violence is a serious crime, and at the end of the day we now have more reporting of it, because we have gone out to deal with this issue that he does not think is important. He thinks that the police should not be dealing with it, that it is not a front-line issue but a second-line issue.

This bill implements the recommendations of the Sentencing Advisory Council's *Suspended Sentences: Final Report — Part 1*. The council found there were serious problems with regard to suspended sentences, especially for serious offences. We share this view. Too many people have committed serious crimes and have appeared to get away with it if they have been given a suspended sentence. This legislation will stop serious offenders, including those convicted of rape, murder, threat to kill, armed robbery and sexual penetration of a child under 16, from receiving a fully suspended sentence unless there are very exceptional circumstances.

This legislation is about getting tough on crime and ensuring that Victoria remains the worst place to commit a crime but the best place to live and raise a family. In the long term we expect that the Scrutiny of Acts and Regulations Committee will work on abolishing suspended sentences — full stop! I commend the bill to the house.

Mr SAVAGE (Mildura) — I rise to support the Sentencing (Suspended Sentences) Bill and to indicate that this type of legislation is in line with community expectations that persons who commit serious crime are not going to be continually given the chance of not coming back if they do not reoffend. Of course the obvious answer is that most of these people are professional criminals who do reoffend and often have not been dealt with by the original court in an appropriate way — that is, by converting a suspended sentence into a real time sentence.

I want to make some observations about the situation in Mildura, which has become very difficult for the community to cope with in recent times. The Magistrates Court has been what I would describe as dysfunctional in some of the decisions it has made. An example is an offender with 25 pages — not 25 convictions, but 25 pages! — of convictions for dishonesty and burglary but who was given a community based order. That was totally inappropriate.

That does not give the community any confidence. Mildura has the highest burglary rate of any city in Victoria. There are some small outposts, coastal weekenders, that do have a higher burglary rate, but Mildura has the highest of any city in Victoria. That is an appalling situation. We have now doubled our aggravated burglary rate, up from 35 to 79, and we have a number of young juvenile offenders, many of whom are indigenous, forming a crime wave. One recently appeared in court with 150 convictions, many of which were aggravated burglaries on elderly women. There were other offences committed whilst on bail, yet he still managed to get bail in rather strange circumstances. That offers the community no protection.

These issues are unacceptable. Courts are obligated to deal with the interests of the offenders, especially juveniles, but it is important that they also reflect on the safety and other needs of the community. One elderly victim who had been the victim of aggravated burglary three times told me that it was the worst experience of

her life. I know of another one who was recently the victim of an aggravated burglary and sold her house and moved away. She is the widow of a World War II prisoner of war. We should be looking after our citizens in a much more appropriate way.

I have discussed the Koori court process — I know I am straying from the bill, but there is a section in it dealing with the Children, Youth and Families Act, so I can tie this response in with that — with the Attorney-General and with the Chief Magistrate, Mr Ian Gray. I have also discussed these same issues with the Mildura Aboriginal Corporation and other community members. The conclusion in Mildura is that the Koori court would be much improved by having it deal with all indigenous offenders so they all have to appear before their elders in our community. We need to find some ways of minimising the epidemic of crime we are enduring at the moment, and that would fall in line with the expectations of the indigenous community and would have its strong support.

There is one thing that worries me about the use of statistics on the Koori court. It has been said to me that the Koori court is a huge success because very few repeat offenders go back to it, and this is true, but the reason for that is that they do not have to go back if they are repeat offenders. They have to go back if they have a suspended penalty that has to be reviewed by the same court, but they do not have to go back if they reoffend and have separate offences. This is a huge failing of the system. If we are going to set up a court which is ultimately destined to determine the justice outcomes for the Koori community, it should be used for that purpose and it should be used 100 per cent of time; otherwise it needs to be abandoned because it is not working as well as it could.

Tied to that is the indigenous rehabilitation program, which is run by Warrakoo, the Mildura Aboriginal Corporation. This is a very successful concept. Often it has some difficulties with the fact that it is based in New South Wales, but it does administer justice issues in Victoria. Warrakoo is an outstanding success. I have discussed it with the chief executive officer of the Mildura Aboriginal Corporation, Barry Stewart, and would like to see the program extended to take in juvenile offenders so they have a place of safety where they can learn skills and responsibilities, which they are not currently enjoying as active criminals in our community.

One of the problems with Warrakoo looking after juvenile offenders is that they would be mixing with other adolescents who are over the age 18, but I understand it is the customary practice in indigenous communities to utilise the benefits of all generations to facilitate the process of advice and learning from one generation to another. So that could be overcome. We need to look at programs which are innovative and do not necessarily fit the mainstream of youth training or the prison population.

These things need to be looked at, and they need to be looked at on the basis of the needs of the Koori community and also the needs of the wider community. Continuing the way we are is going to bring no benefits to the indigenous Koori community or to the mainstream community. I also indicate that suspended sentences, which are the subject of this bill, need to be addressed, and the government is addressing them to put some confidence back into the system. There needs to be the belief that if you are actively engaged in serious crime, you are going to receive a penalty or other punishment that is appropriate for your activities. I commend the bill to the house.

Ms MUNT (Mordialloc) — I am very pleased to have the opportunity to make a brief contribution to the Sentencing (Suspended Sentences) Bill. I am pleased to be able to speak on the bill, as I have on a range of legislation put forward by the Attorney-General that is tough on crime, shows great commonsense and adds to the protection of the Victorian community. The Sentencing Advisory Council handed down its report on 24 May, so this is a very speedy response to that report. It found that there are serious problems associated with the use of suspended sentences, especially for serious offences, and this is a response to that.

This bill will stop serious offenders, including those convicted of rape, murder, threatening to kill, armed robbery and sexual penetration of a children under 16 years receiving a fully suspended sentence unless there are exceptional circumstances. As the Attorney-General said, the Victorian community rightly expects that people convicted of serious crimes will not receive a penalty that is viewed by many as being a slap on the wrist. Under these reforms ‘jail’ means jail. When offenders are sentenced to jail for serious crimes, they will go to jail unless there are exceptional circumstances. This matches community expectations for those particular serious crimes.

I would also like to mention that the best defence against crime is a strong police force and greater police numbers. We have put a lot more police on the beat, and it has had a great effect. When I looked up the figures on crime in Kingston I thought there must be a mistake, so I looked at them again. They show that the incidence of some crimes in Kingston has fallen by

50 per cent over the past few years. That is directly attributable to the increase in the police numbers and resourcing in my local area. I am pleased to support this bill as a protection for the people of Victoria. It is very good legislation and fits in with community expectations. I commend the bill to the house.

Mr HULLS (Attorney-General) — In summing up I thank all members for their contributions to this piece of legislation. At the outset I have to say that the government is very serious about tackling crime. We are serious about creating a strong and effective justice system. We are also serious about tackling the underlying causes of crime.

I have to say that stands in stark contrast to what could only be described as the flip-flop policies of the opposition. I understand the opposition sort of supports the bill but says it does not go far enough. It supports the Sentencing Advisory Council but does not want to support its recommendations. I am just a bit perplexed as to where the opposition actually stands on this. The shadow Attorney-General put out a press release on 16 May 2005. He stood up in this place today and said, 'We want to get rid of suspended sentences and we want to do it now. We want to get rid of suspended sentences totally and not give any discretion to the judiciary in relation to exceptional circumstances. We want to get rid of suspended sentences altogether now — today!'. The media release that was put out on 16 May 2005 states that the media contact is Andrew McIntosh. I assume it is the same person who is sitting opposite me here, the member for Kew. I am sure it is. Although there is no photograph on the media release, it says, 'Andrew McIntosh, shadow Attorney-General and shadow Minister for Industrial Relations, Parliament House, Spring Street, Melbourne', so I am pretty sure it is the shadow Attorney-General! The media release has the headline 'Labor must change suspended sentencing law ASAP' and quotes him as saying:

> While suspended sentences should be retained as a sentencing option, the presumption that it is a term of imprisonment is plainly incorrect and the law needs to be changed.

He has said in a media release that suspended sentences should be retained, yet he stands up in this place and says, 'No, we should get rid of suspended sentences and we should get rid of them immediately'. This is despite the fact that he also supports the Sentencing Advisory Council and acknowledges the good work it has done. He is now recommending that we ignore the advice of the Sentencing Advisory Council and do something different to what it recommends. Obviously there is an election in the air because there are flip-flop policies from those opposite — —

The ACTING SPEAKER (Mr Plowman) — Order! The Attorney-General should return to speaking on the bill.

Mr HULLS — There are flip-flop policies in relation to this matter. The shadow Attorney-General has proposed a reasoned amendment to the bill before the house. He says he would act to immediately abolish suspended sentences in all cases. That is against the recommendations of the Sentencing Advisory Council. By contrast we in government believe we must act to strengthen the justice system's response to crime, but we must also take a responsible and measured approach and take into account the views of victims and the wider community. That is why we established the Sentencing Advisory Council. It is an expert body equipped to consult, thoroughly research and analyse sentencing practices. It is a body that makes sure a range of voices, including victims' voices, are brought to bear on sentencing policy in this state.

The bill that is before the house implements in full the recommendations of the Sentencing Advisory Council in part 1 of its report on suspended sentences. The bill adheres to those recommendations. When expressing its views to the Sentencing Advisory Council the community made it clear that it viewed suspended sentences as a slap on the wrist or a 'Get out of jail free' card, especially when they are imposed for serious offences. The opposition says there should be no discretion, that suspended sentences should be abolished and that there should be no exceptional circumstances where a suspended sentence could be imposed. If the member for Kew had read the recommendations of the Sentencing Advisory Council, he would know that the council directly addressed the issue that he raised in part 1 of its final report. According to page 67 of the final report, the council recommended reforms should:

> … allow courts to make a suspended sentence order in cases where ordering the offender to serve the prison sentence might result in some injustice, but would actively discourage courts from doing so …

The bill makes it clear that in line with community views and the Sentencing Advisory Council's recommendations, fully suspended sentences should not be imposed for a serious offence.

The bill also makes allowances for the rare and, to use the words of the bill, exceptional circumstances where the interests of justice suggest that a person convicted of a serious offence should not serve an immediate prison term. The term 'exceptional circumstances' is already featured in the Sentencing Act. What might constitute exceptional circumstances will be decided by

the courts on a case-by-case basis. But I am sure we can all envisage cases where exceptional circumstances should apply if we try.

Take, for example, a hypothetical case where an elderly woman is convicted of a serious offence like murder or manslaughter for facilitating the death of her chronically ill spouse at his request. That is a tragic and sad case, but one that nonetheless will be dealt with by the courts. Are we, as a community, saying, 'In that rare case, subject to the particular facts and circumstances of that case, in every case a jail term ought be imposed?', or we saying, 'We should allow judicial discretion in exceptional circumstances for a suspended sentence to take place?'. There will be rare circumstances. That is what the Sentencing Advisory Council said and that is why we are adhering to its recommendations.

The reasoned amendment that has been proposed by the member for Kew would remove that option from the court's armoury. It constitutes a significant departure from the Sentencing Advisory Council recommendations. I also note that the legislation requires that the court must announce in open court the reasons for making such an order if it believes there were exceptional circumstances and calls for such remarks to be noted on the court record. I believe that strikes the right balance between strongly discouraging the use of suspended sentences for serious offences and acknowledging that on occasions a particular case may fall outside this general presumption.

The member for Kew made some other comments. He said, 'This does not come into effect until 1 November and that means there will be a whole lot of suspended sentences that could well be imposed between now and then, so the legislation should come into effect now and it should have come into effect earlier'. By making those comments, the member for Kew is saying that he would make the legislation retrospective. If he is saying he would not make it retrospective, what he is saying is that, even if suspended sentences were abolished straightaway, it takes a while for these matters to come through the pipeline. He is saying that the only way to avoid any suspended sentences being handed down by the courts between now and when the legislation comes into effect is to make the legislation retrospective, which goes against all principles, as he would know, of appropriate sentencing legislation.

The member for Kew also criticised the time it has taken to bring this reform before the house, as did the member for Scoresby. The Sentencing Advisory Council handed down their report on 24 May this year. Without delay, the government announced it would act immediately to restrict suspended sentences in line with the council's recommendations. I said we would act immediately and we did, introducing this bill less than three months after the Sentencing Advisory Council recommended the changes. This is a significant change to the law. The drafting process obviously involves consultation with keys stakeholders, including the Director of Public Prosecutions and the courts. It is important to get this legislation right. We believe we have acted very quickly in implementing these recommendations.

I would be interested to know whether the shadow Attorney-General took the time to make a submission to the Sentencing Advisory Counsel on this matter. He is standing up in this place and saying that all sorts of things are wrong with the legislation, that we should have acted quicker and that suspended sentences should be abolished straightaway and that there should not be judicial discretion. Did he actually voice his views to the Sentencing Advisory Council on this issue before the council handed down these recommendations? My expectation is he probably did not. My expectation is that he made no submission to the Sentencing Advisory Council.

He is really a Johnny-come-lately when it comes to this issue, because he sees it as winning some sort of political mileage for him in the lead-up to an election — that is, 'Let us see who can be as tough as we can on crime'. The fact is that this is sensible legislation. It gets the balance right. But, more importantly, it is legislation that is based on the advice of the independent Sentencing Advisory Council. We are adhering to those recommendations, and that is why we will not be agreeing to the amendments that have been proposed by the opposition.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

The ACTING SPEAKER (Mr Plowman) — Order! It is the Chair's opinion that if the first amendment is not agreed to, the member for Kew cannot move his remaining amendments, because they are consequential. Accordingly, the Chair's view is that the member should address the principles of all those amendments rather than limiting himself to amendment 1.

Mr McINTOSH (Kew) — I move:

1. Clause 1, line 7, omit "create a presumption against a wholly" and insert "prevent a".

I do not propose to go into any detail here; I have already gone into significant detail in relation to these amendments. Can I just say that this is a balanced response given the Attorney-General's previous comments. There is no doubt that the Sentencing Advisory Council two years ago was of the opinion that suspended sentences should go completely. If the Attorney-General had read the Sentencing Advisory Council's report rather than just scurrying off to his bureaucrats to see if they had read the thing, he would understand that the principal recommendation was that suspended sentences should be abolished completely in this state.

It did so because there are a range of other sentencing options that are available to a court. They could be considered in dealing with the example given by the Attorney-General of a woman who might have been carrying out a mercy killing. It is regrettable that the Attorney-General has not read the report in detail and has not understood what Arie Freiberg and the Sentencing Advisory Council have been saying about suspended sentences. It is very disappointing to hear the Attorney-General speaking about something and realise that he obviously has not read the report and does not know much about.

Perhaps it is his limited experience, in practice or otherwise. Justice Frank Vincent reckons suspended sentences should go, Arie Freiberg reckons they should go, and 10 000 people demonstrating at the front of Parliament House say they should go. It is clear that suspended sentences should not apply to serious offences. That would be the effect of this amendment. It is consistent with Arie Freiberg, it is consistent with Justice Vincent, and it is certainly consistent with community expectations. Perhaps the Attorney-General should actually read every single word of that report.

Mr HULLS (Attorney-General) — Not only have I read the report, but we are adhering to the report. It is pretty simple: the report makes it quite clear in part 1 — we have not received part 2 of the report yet — that suspended sentences should — —

Mr McIntosh — You bullied them!

Mr HULLS — I do not usually take up interjections, but the shadow Attorney-General is saying that I have not read the report. When I respond to say that not only have I read the report, but we are adhering to the recommendations, he says that they are not real recommendations, because the council was bullied into making these recommendations. For goodness sake! The fact is that we set up a Sentencing Advisory Council. My memory is it had the full support of the opposition. It is an independent body, it does excellent work and it has made its recommendations. We have not received part 2 of its report. We are adhering to part 1 of the report — that is, abolishing suspended sentences for serious matters unless there are exceptional circumstances. This amendment proposes to simply abolish suspended sentences without there being an exceptional circumstances provision.

This was addressed by the Sentencing Advisory Council. I repeat: if the honourable member had actually read the report, he would know that. This legislation is true to the Sentencing Advisory Council's recommendations. That is why we are opposing the amendment moved by the shadow Attorney-General.

House divided on amendment:

Ayes, 22

Asher, Ms	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Ingram, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr
Kotsiras, Mr	Sykes, Dr
McIntosh, Mr	Thompson, Mr
Maughan, Mr	Walsh, Mr
Mulder, Mr	Wells, Mr

Noes, 53

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lobato, Ms
Bracks, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Green, Ms	Overington, Ms
Hardman, Mr	Perera, Mr
Harkness, Dr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr

Jenkins, Mr Wynne, Mr
Kosky, Ms

Amendment defeated.

Clause agreed to; clauses 2 to 8 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Valedictory statements

Mr BATCHELOR (Minister for Transport) — By leave, I move:

> That so much of standing orders be suspended on Wednesday, 4 October 2006, so as to allow —
>
> (1) Business to be interrupted immediately after completion of all items on the government business program or the conclusion of question time, whichever is the later, to enable retiring members to make valedictory statements with a time limit of up to 10 minutes each.
>
> (2) At the end of the statements, the Speaker to immediately propose the question 'That the house now adjourns' and the adjournment debate to proceed in accordance with SO 33.

Mr COOPER (Mornington) (*By leave*) — I know that members of the government side believe I am taking the opportunity to make a valedictory statement right now, but I am not. This motion has come about as a result of a meeting last night between the Leader of the House and me, the Speaker, the Clerk and the member for Rodney. I want to support the motion. This is the first time this house will be confronting a situation where it knows what its last sitting day will be, because we now have set sessions for Parliament. What we are about to agree to will be the rules established for future parliaments. I think it is appropriate that the house set those rules now so we have a logical and reasonable conclusion to each Parliament.

I note that in his motion the Leader of the House has said that the time allocated to retiring members who wish to make a valedictory statement will be up to 10 minutes. I know the Leader of the House will agree with me wholeheartedly when I say that the words 'up to' should be noted very carefully by all retiring members.

Mr Batchelor — And 'wish to'.

Mr COOPER — That is exactly right. Those members who wish to speak can speak for up to 10 minutes but one would hope that a degree of restraint would be shown and members would not simply occupy the time block.

An honourable member interjected.

Mr COOPER — The member will be happy to hear that I do not intend to use the 28 minutes I have left.

However, I believe there would be a need for this house to reconsider this matter should it come to a situation where a large amount of time on the last sitting day of a session, not necessarily this one but future ones, was taken up by members using every last second available to them for valedictory statements. This is an opportunity which has not been available to members of this house before. It is an opportunity which is welcomed, but it should not be abused. Therefore I hope we do not have a situation, on either this or future occasions when the house is reaching the last day of its sitting, where such an honour and such a compliment to retiring members is abused.

I urge all members on all sides of the house to ensure, because we have a significant number of members retiring this time, that we do not take up 2 hours of debate in this house on these valedictory statements.

Motion agreed to.

POLICE: ARMED OFFENDERS SQUAD

Mr WELLS (Scoresby) — I desire to move, by leave:

> That so much of standing orders be suspended as to allow the house to debate the crisis in confidence in police command that has been demonstrated by the extraordinary events surrounding the decision of the Chief Commissioner of Police to sack the armed offenders squad.

Leave refused.

JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr CAMERON (Minister for Agriculture).

Ms ASHER (Brighton) — I wish to make a contribution on the Justice Legislation (Further Amendment) Bill. Of course we have already indicated

that we will oppose this bill because there are a number of clauses in it which we find offensive. However, before I go on to the substance of the bill — I am delighted the Attorney-General is in the chamber — I note this bill amends some 30 acts. It is an omnibus bill and members of this government did not always hold the view that an omnibus bill amending 30 acts of Parliament was a good idea.

We can play a game here. Who said this on 12 November 1996:

> As I have said on a number of occasions, members of the opposition have some concerns about omnibus bills because they do not allow for a proper and reasoned consideration of all the amendments they contain. We are particularly concerned about this bill, because it affects 12 portfolio areas and proposes to amend 28 pieces of legislation.

This omnibus bill amends 30 pieces of legislation. The house might like to consider who said this on 23 April 1997:

> That is what this omnibus piece of legislation is all about. It is an attempt by the government to ram through in the shortest possible time substantial amendments to a number of acts of Parliament without any community consultation and to deny the opposition the appropriate time to consult a vast array of interested parties on the legislation.

That was the current Attorney-General making those observations about omnibus bills. He regularly called for a six-week adjournment in the interests of democracy. The current Deputy Premier said on 23 April 1997 in a request of the Speaker:

> I would ask you, Sir —

the Deputy Premier is a bit more respectful —

> in your role as Speaker, and having the responsibility to ensure that the house conducts itself properly, to do whatever you can within your power to stop the government repeatedly moving these omnibus bills that relate not only to one or two areas but, in this case, to at least six or seven different ministers and at least as many shadow ministers and numerous topics.

This is a consistent theme. Also on 23 April 1997 the now Treasurer said:

> The Law and Justice Legislation Amendment Bill affects dozens of pieces of substantial legislation involving different ministers, portfolios, government departments, constituencies, interest groups and issues, but they are all wrapped together in one bill. What has been happening is unprecedented.

He went on to say:

> This is a total abuse of Parliament.

That is what the Treasurer thought of omnibus bills in 1997. Who said on 20 May 1997:

> The bill is a typical example of why the opposition opposes such wide-ranging legislation. As anyone who has read the bill would realise, it relates to nine pieces of legislation, and although they are almost all within the Attorney-General's portfolio — with a couple of exceptions — they are unrelated.

Who said on 15 May 1998:

> This is a disgraceful bill because of its omnibus nature. The opposition is sick and tired of the government treating the democratic process with absolute and utter contempt. That is exactly what it does by introducing an omnibus bill that proposes alterations to 10 pieces of legislation, very few of which are related in any way, shape or form.

I make that point because this omnibus piece of legislation affects six portfolio areas across a whole super-department and amends 30 acts of Parliament. It may only be about a metre from this side of the house to that side of the house but how things change, particularly in relation to attitudes to omnibus bills.

Let me get on to the content of the bill.

Mr Hulls — About time!

Ms ASHER — It is always important to remind members of Parliament what they said in opposition and how different it is now.

One of our objections to this bill is the amendments it makes to the Equal Opportunity Act 1995. Under the current act — —

Honourable members interjecting.

Ms ASHER — I am quoting the current Treasurer, the current Attorney-General and the current Deputy Premier. We know how strong the view was when they were in opposition and were opposed to omnibus bills.

Mr Brumby interjected.

Ms ASHER — The Treasurer said it was an abuse of the democratic process, so I will prompt him.

In the Equal Opportunity Act at the moment discrimination is prohibited on the basis of industrial activity. What the bill seeks to do is expand the definition of 'industrial activity'. There are two definitions of industrial activity, and they are quite narrow. The two existing sections are retained, and four new subsections have been added to the definition. In essence, what the definition does is expand the protection available under the Equal Opportunity Act for activities described as industrial activities.

Further, the bill now allows third parties to bring a complaint. The Attorney-General has made the comment that there are circumstances where someone

might be intimidated or not want to bring a complaint or whatever, but this expands significantly the capacity of individuals to bring complaints under the Equal Opportunity Act under the category of 'industrial activity'.

I make the observation that the Equal Opportunity Act was initially brought into the Parliament by the Hamer government in the main to protect women from discrimination. It was brought in after the Deborah Lawrie case, where Ansett refused to give her a pilot's job on the basis that she was female. The act has progressively become broader. I have agreed with and spoken in favour of many of the changes that have broadened the act over the years, but we think this definition of industrial activity is taking things too far and, as always, is merely a sop to the government's union friends.

I note that the second-reading speech makes reference to the WorkChoices legislation, which probably reveals a lot about the ideology behind these amendments. I note also that the second-reading speech is described as cabinet in confidence, which just goes to show how that cabinet-in-confidence definition is bandied about by this government — in this case in a line on a public second-reading speech — in inappropriate circumstances.

The second reason the Liberal Party has some concerns about the bill involves the amendments to the Fair Trading Act. At present fair trading inspectors have to have a reasonable suspicion that the law is being broken before taking any action. The bill will allow inspectors to enter a range of business premises to monitor compliance as they see fit. They will no longer have to have a reasonable suspicion that the law is being broken but will be able to gain entry whenever they feel like it. These amendments apply to a whole range of small businesses, including motor car traders, estate agents and travel agents. We think that is extreme and is not something that we can support.

The bill also amends the Corrections and Sentencing Acts (Home Detention) Act by in effect repealing the sunset clause on home detention. I remember clearly when the government introduced home detention, which the opposition opposed and voted against. It was originally introduced as a trial — that is what the government told us — that was to sunset on 1 January 2007. Now the government is saying that it has done an analysis and decided that it is a great scheme. We on this side of the house have a policy to repeal home detention. We have never supported the idea of criminals not going to jail and instead remaining in their own homes. We regard it as offensive and oppose the government's desire in this omnibus bill, which amends 30 pieces of legislation, to remove the trial status of home detention and repeal the sunset clause.

In conclusion, while there are elements of the bill that are not offensive, there are three elements that are, which is why we are opposing it. These are the amendments to the Equal Opportunity Act, the amendments to the Fair Trading Act and the amendments to the Corrections and Sentencing Acts (Home Detention) Act. I again make the point that the Attorney-General when in opposition was an avid opponent of omnibus legislation. He regarded it as antidemocratic, and he was supported in that by the now Treasurer and now Deputy Premier. They all railed against it — I have only provided a selection of their opposition to it — and it is important to point that out. In the main there are three offensive clauses in the bill, and we oppose it.

Mr HULLS (Attorney-General) — I thank all members for their contributions to this bill. I have to take up the nonsense that has been peddled by the member for Brighton. Indeed, I recall those dark, dark days when we were in opposition when I made comments about omnibus bills, and I stand by those comments. The reason I stand by those comments, and the reason I made those comments in the first place, is that, almost on a weekly basis, the former government was bringing in omnibus bills to avoid scrutiny.

What the member for Brighton did not tell the house is the number of omnibus bills that have been brought in by this government compared with the number brought in by the former Kennett government. Of course, it would be foolhardy for anyone to say that there should never ever be omnibus bills, because there will always be occasions when, because of circumstances that arise, other matters have to be tacked on to a bill. To say that there should never ever be omnibus bills is nonsense. The fact is that, to avoid scrutiny, the former Kennett government regularly brought in bills of an omnibus nature that could quite easily have been separated.

I go now to the substance of the bill. In relation to the Equal Opportunity Act amendment, we already know there is a total difference in philosophy between those opposite and the government on industrial relations. We had a very interesting debate in this place a couple of weeks ago, when those differences in philosophy became pretty evident. The shadow Minister for Industrial Relations made it quite clear when he stood up in this place in the middle of the debate and said, and his exact words were, 'We stand shoulder to shoulder with John Howard on industrial relations'. I am very

pleased he said that, because I expect we will be hearing that — —

The ACTING SPEAKER (Mr Plowman) — Order! I ask the Attorney-General to come back to winding up the debate.

Mr HULLS — I expect we will be hearing that a lot more in the coming months. In relation to the Equal Opportunity Act, the bill makes a number of amendments to enable representative complaints to be made. We want the legislation to ensure that if individuals do not feel they can bring a complaint for a whole range of reasons, including intimidation and the like, a representative complaint can be brought on their behalf. We want to ensure that workers are not barred from complaining about unlawful discrimination because of technicalities or because they are intimidated by employers. Other bodies and groups can bring representative complaints as well. It may be a disability advocacy group, or it may be a mental health group. As long as it directly affects the body's interest or those of the people it advocates for or represents, we believe that is absolutely appropriate.

In relation to the Fair Trading Act, I also note that the amendments are being opposed by the opposition. In fact the opposition is opposing the entire legislation but has pointed specifically to equal opportunity and fair trading. To brand, as the shadow Attorney-General did, consumer affairs inspectors as jackbooters — I think that was the term he used — is outrageous and bears no resemblance to reality. It has to be remembered that this bill will ensure that consumer affairs inspectors are able to protect Victorian consumers before anything goes wrong, and that includes preventing harmful conduct. Currently fair trading inspectors are being hampered because they do not have the monitoring powers they need to check whether traders are complying with the law. This bill will enable our fair trading inspectors to check proactively that traders are complying. Fair trading inspectors in New South Wales, Queensland, South Australia and the Northern Territory and the Australian Capital Territory already have these powers.

We believe that home detention is a sensible addition to the sentencing and correction options for low-level, low-risk prisoners and brings Victoria into line with other jurisdictions.

The program has been successful. I notice the member for Brighton said that opposition members oppose home detention, but they have not put forward any alternative except to say they believe in mandatory sentencing. They say, 'We oppose home detention; we are not really going to have a policy for low-level, low-risk offenders, but we are going to have mandatory detention, where we will take away discretion from the judiciary and, as politicians, will act as judge, juror and, if you like, executioner'. Theirs really is a vacuous proposal.

It is important to be clear that home detention is only open to offenders who pose a low risk of reoffending and who have no history of serious violence offences, family abuse or sex offences. This program has been evaluated by the University of Melbourne. Indeed the evidence and data from the evaluation supports our decision to continue with this sentencing option.

I believe that in opposing this legislation opposition members have shown they are only interested in window-dressing law and order issues. They are not interested in innovative approaches which attack the causes of crime and reduce the rates of reoffending. They are into simplistic policies, which are basically, 'Lock them up and throw away the key', and do not look at things like restorative and therapeutic justice. That is evidenced by a whole range of comments that have been made in this place by spokespersons for the opposition.

I have to say I never thought people like the shadow Attorney-General or indeed the member for Brighton, being two of the more conscientious and more civil libertarian of those members opposite, would be advocating mandatory sentencing and calling neighbourhood justice centres 'apartheid justice', when this is about — —

Ms Asher interjected.

Mr HULLS — To be fair, the shadow Attorney-General did not, but it was outrageous that the member for South-West Coast should have used those types of terminologies when we are dealing with very important therapeutic and restorative justice programs. We will continue to be innovative and to think outside the square when it comes to law and order and sentencing issues. This bill is sensible, and we believe the three aspects that have been opposed by the opposition are appropriate and get the balance right.

House divided on motion:

Ayes, 56

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lobato, Ms
Bracks, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr

Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Eckstein, Ms
Garbutt, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Jenkins, Mr
Kosky, Ms
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 22

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Dixon, Mr
Doyle, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Second reading

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

Ms MARSHALL (Forest Hill) — I am very proud to be able to make a contribution to debate on the Crimes (Sexual Offences) (Further Amendment) Bill, which is being introduced in response to the Victorian Law Reform Commission's *Sexual Offences — Final Report*, which found there was a high incidence of sexual assault, a low disclosure rate, serious health consequences for victims, relatively low prosecution and conviction rates, and a criminal justice response that may very well have caused further trauma to victims.

Whilst the commission's recommendations were extensive, half were legislative; therefore this bill addresses those, with the end result expected to be a criminal justice system that is fairer and can function in a way that does not retraumatise victims.

Like the Crimes (Sexual Offences) Act, which was passed earlier this year, this bill is yet again evidence of the Bracks government's commitment to the creation of a modern justice system that responds to victims' needs, treats victims with compassion and respect and respect, and provides them with the necessary support to make an incredibly difficult time in their lives no more so due to the evidence they are required to provide as complainants.

All of this aims at lifting the confidence of complainants and encouraging victims of sexual assault to report to police and not be penalised or disadvantaged if they did not make their report immediately following their attack.

The Bracks government has worked hard continuously to implement the commission's recommendations and transform the way the criminal justice system responds to sexual assault. I commend the bill to the house.

Mr HULLS (Attorney-General) — I thank all members for their contribution and support of this important piece of legislation. I am very proud of this legislation, as are all members of the government.

The bill ensures that victims of sexual assault will have the right to give evidence via closed-circuit television, it provides strict guidance for judges on warnings to juries where there has been a delay in the reporting of a sexual offence, and it contains a whole range of other reforms. It has widespread support right across the community and continues to implement other reforms that will bring our justice system further into the 21st century. I hope it will encourage victims of sexual assault to report the crimes that have been perpetrated against them. The last thing we as a community want is to re-traumatise victims through the judicial process. I am extremely hopeful that this, together with other cultural changes that are taking place in our justice system in relation to sexual offences, will encourage victims to come forward. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr HULLS (Attorney-General) — I move:

1. Clause 1, page 2, line 8, omit "List." and insert "List; and".

2. Clause 1, page 2, after line 8 insert —

"( ) the **Crimes (Sexual Offences) Act 2006** to provide for transitional arrangements relating to that Act.".

Amendments agreed to; amended clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Mr HULLS (Attorney-General) — I move:

3. Clause 4, line 6, omit "606" and insert "606A".

Amendment agreed to; amended clause agreed to; clauses 5 to 7 agreed to.

Clause 8

Mr HULLS (Attorney-General) — I move:

4. Clause 8, line 18, omit "158" and insert "158A".

Amendment agreed to; amended clause agreed to.

Clause 9

Mr HULLS (Attorney-General) — I move:

5. Clause 9, after line 20 insert —

"_____

PART 5 — AMENDMENT OF CRIMES (SEXUAL OFFENCES) ACT 2006".

Amendment agreed to; amended clause agreed to.

New clauses

Mr HULLS (Attorney-General) — I move:

6. Insert the following New Clauses to follow clause 9 and the heading proposed by Amendment No. 5 —

"AA. New sections 19A and 19B inserted

After section 19 of the **Crimes (Sexual Offences) Act 2006 insert** —

'19A. New section 606A inserted

After section 606 of the **Crimes Act 1958 insert** —

"606A. Transitional provision — Crimes (Sexual Offences) Act 2006

(1) An amendment made to this Act by a provision of section 4 or 5 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.

(2) An amendment made to this Act by a provision of section 6, 8, 9, 10, 11, 12 or 17(4) or (5) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.

(3) For the purposes of sub-section (1), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III.

(4) For the purposes of sub-section (2), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision.".

19B. Schedule 8 amended

After clause 12 of Schedule 8 to the **Crimes Act 1958 insert** —

"12A. An offence that, at the time it was committed, was a forensic sample offence.".'.

BB. New section 23A inserted

After section 23 of the **Crimes (Sexual Offences) Act 2006 insert** —

'23A. New section 33A inserted

After section 33 of the **Crimes (Criminal Trials) Act 1999 insert** —

"33A. Transitional provision — Crimes (Sexual Offences) Act 2006

(1) An amendment made to this Act by a provision of section 21 (other than sub-section (3)) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.

(2) An amendment made to this Act by a provision of section 21(3) or 22 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.

(3) For the purposes of sub-section (1), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision.

(4) For the purposes of sub-section (2), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III.".'.

CC. New section 38A inserted

After section 38 of the **Crimes (Sexual Offences) Act 2006** insert —

'38A. New section 158A inserted

After section 158 of the **Evidence Act 1958 insert** —

"158A. Transitional provision — Crimes (Sexual Offences) Act 2006

(1) An amendment made to this Act by a provision of section 25, 29, 30, 33 or 37 of the **Crimes (Sexual Offences) Act 2006** applies to —

(a) any legal proceeding commenced before the commencement of that provision if at the commencement of that provision —

(i) the hearing of the proceeding had not commenced; or

(ii) no evidence had been given on the hearing of the proceeding; and

(b) any legal proceeding that commences on or after the commencement of that provision.

(2) An amendment made to this Act by a provision of section 27, 34 or 38 of the **Crimes (Sexual Offences) Act 2006** applies to any legal proceeding that commences on or after the commencement of that provision.".'.

DD. New section 41A inserted

After section 41 of the **Crimes (Sexual Offences) Act 2006 insert** —

'41A. New clause 35A inserted in Schedule 8

After clause 35 of Schedule 8 to the **Magistrates' Court Act 1989 insert** —

"35A. An amendment made to this Act by a provision of section 40 or 41 of the **Crimes (Sexual Offences) Act 2006** applies only to a criminal proceeding commenced on or after the commencement of that provision.".'.

EE. Amendment of Sentencing Act 1991

(1) For section 43(1) of the **Crimes (Sexual Offences) Act 2006 substitute** —

'(1) In section 3(1) of the **Sentencing Act 1991**, in the definition of "serious offence"—

(a) in paragraph (c)(viii), for "(sexual relationship with" **substitute** "(persistent sexual abuse of";

(b) after paragraph (d) **insert** —

"(da) an offence that, at the time it was committed, was a serious offence; or";

(c) in paragraph (f), for "paragraph (a), (b), (c), (d) or (e)" **substitute** "any of the preceding paragraphs".'.

(2) In section 43(2) of the **Crimes (Sexual Offences) Act 2006** —

(a) in paragraph (e), for ' "a child".' **substitute** ' "a child";';

(b) after paragraph (e) **insert** —

'(f) after clause 1(df) **insert** —

"(dg) an offence that, at the time it was committed, was an offence to which this clause applied;";'.

FF. Amendment of Serious Sex Offenders Monitoring Act 2005

In section 44 of the **Crimes (Sexual Offences) Act 2006** —

(a) in paragraph (h), for "**repealed**." **substitute** "**repealed**;";

(b) after paragraph (h) **insert** —

'(i) after item 39 **insert** —

"39A. An offence that, at the time it was committed, was an offence listed in this Schedule.".'.".

I thank members of the opposition for their support of this matter. The matter was raised previously, and it deals with some transitional arrangements in relation to the Crimes (Sexual Offences) Act.

New clauses agreed to.

Long title

Mr HULLS (Attorney-General) — I move:

7. Long title, omit "and the" and insert ", the".

8. Long title, after "List" insert "and the **Crimes (Sexual Offences) Act 2006** in relation to transitional arrangements".

Amendments agreed to; amended long title agreed to.

Bill agreed to with amendments, including amended long title.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

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

That the house do now adjourn.

Metropolitan Fire and Emergency Services Board: police checks

Mr WELLS (Scoresby) — I raise a matter of grave concern for the attention of the Minister for Police and Emergency Services. I ask him to take immediate action to make the changes to regulations that were requested by the Metropolitan Fire and Emergency Services Board almost 14 months ago.

The current situation, where the MFESB cannot conduct ongoing criminal checks of firefighters, is simply wrong. A leaked memo sent by the senior legal policy officer from the Office of the Emergency Services Commissioner refers to regulation 12, and on regulation 12 the response back to the MFESB states:

DoJ —

that is, the Department of Justice —

considers that the regulation enabling MFESB to consider or to conduct criminal record searches at any time is unnecessary.

It then goes on to talk about regulation 14:

DoJ considers that it is unnecessary, as it places the onus on the staff member to notify in relation to a criminal offence.

It goes on to say:

It is considered that this will be met with considerable union resistance and fallout.

Here we have a situation where the MFESB has asked, in good faith, for regulations to be changed so that it can check to make sure its firefighters do not have criminal records.

The minister got up today and said there were criminal checks made prior to firefighters being employed, and we accept that, but what happens in the case where a firefighter is charged with an offence whilst he is a firefighter? As we have outlined, there was a case where on 1 January this year a firefighter received a summons on charges relating to child-sex offences. Because the union blocked and overrode the Bracks government, the Department of Justice and the Office of the Emergency Services Commissioner, this firefighter was able to work, unrestricted — unrestricted! — between 1 January and mid-August.

I cannot understand how the spokesman for the minister got up and said yesterday, in response to some comments made by the media, that what the MFESB was asking for was illegal. What they are now saying is that it is okay for the firefighter in this particular case to continue working without restriction because the union will not allow any changes. This is a deplorable situation, and we ask the minister to take immediate action to fix it.

Summerhill Residential Park, Reservoir: leases

Mr LEIGHTON (Preston) — I wish to raise a matter for the attention of the Minister for Consumer Affairs in the other place that concerns the sale of residential units at the Summerhill Residential Park in my electorate. I ask the minister to instruct her department to investigate the practices of the owner of the park, Stephen Wellard, in blocking or hindering the sale of units by residents and their families. I believe this is against the spirit and intent of the Residential Tenancies Act 1997 and could be in breach of its provisions. I ask the minister to refer her department to section 195, which gives residents the right to transfer the remainder of their leases to a new purchaser, and to section 198, which makes it an offence for a caravan park owner to hinder or obstruct the sale of caravans in a residential park.

I have had two residents and their families come to me with their concerns after trying to sell their units on the open market through an estate agent. Previously Stephen Wellard used to block the sale of units on the open market and insist that residents had to sell their units through him. A number of residents have now succeeded in placing their units with estate agents.

I will provide the residents' details directly to the minister, but in one case the resident selling her unit has about 93 years of a 99-year lease to go, so she will be able to sign those 93 years over to the purchaser. In the second case there is about 88 years remaining on the lease. But in each case Stephen Wellard, through the estate agent, has been prepared to offer only eight-year leases.

In my view that is unconscionable behaviour, because in each case it is either hindering or blocking the sale of the unit or talking the price down to an unrealistic level. Any member of the public buying one of those units would in fact be purchasing security of tenure, because they could actually locate the unit on Summerhill. Whereas previously units have gone for $120 000 or so, why would anyone pay that much if they could only be guaranteed eight years of residency? People are now making offers as low as $50 000. That is unconscionable behaviour. As I said, it is against the spirit and intent of the Residential Tenancies Act and in fact could be in breach of the provisions. I would be grateful if that could be investigated.

Whitehorse: financial management

Mr CLARK (Box Hill) — I raise for the attention of the Minister for Local Government in the other place the financial position of Whitehorse City Council. I ask the minister to draw to the attention of Whitehorse councillors the importance of using the council's standard financial statements to ensure the sustainability and transparency of council finances.

I was most disturbed when some weeks ago I was at a presentation given on Whitehorse council's finances and a finance officer from the council put up on the screen the council's budgeted income statement in the standard form required by the legislation. This statement showed that in 2006–07 Whitehorse council is budgeting for a deficit of $5.6 million and that the projected deficits for the following three years are $6.6 million, $5.9 million and $4.9 million.

The 2006–07 deficit represents almost 5 per cent of the council's total budget expenses. It is the equivalent of a state government running an annual deficit of over $1.5 billion. If that happened at a state level it would be rightly regarded as taking the state back to the disastrous days of the Cain-Kirner era. This huge deficit comes despite the fact that Whitehorse council rates increased by 11.5 per cent this year and despite the fact that the council is budgeting to raise rate revenue by a further 20 per cent over the next three years, bringing in an additional $11.3 million a year by 2009–10.

Clearly deficits of $5 million a year or more mean that the council is living off its assets or increasing its liabilities, or both, and this is what is happening. Cash and cash equivalents are budgeted to fall by over $3 million over the forward estimates period, current liabilities are expected to rise by $2 million, and non-current liabilities are expected to rise by more than $3 million. The accumulated surplus is set to fall by $11.5 million, and other reserves are set to fall by $6 million.

To make matters worse, many Whitehorse councillors seem to be blissfully ignorant of or in denial about what is going on. Instead of relying on the standard income statement specified in the legislation, councillors continue to say the council has no deficit, relying for that claim on a form of budget presentation that uses loan receipts, asset sale proceeds and transfers from reserves and the accumulated surplus to make it look as though there is no deficit.

However, ignorance of such matters is not an excuse. In some senses it makes the offence worse for councillors to continue to blithely run down the council's assets, increase its liabilities and pass on to someone else the task of doing the hard work to restore the council's finances, having made that job all the more difficult because it has been delayed for so long.

In 2003 the present government introduced the requirement that council budget documents include financial statements in a standard form, similar to the core statements used in the state budget. The minister said, in introducing this change:

> Budget documents are to be substantially upgraded to include standard financial statements on an accrual basis to support financial viability but also to include a description of the activities that are being funded in the budget. This will significantly improve the transparency of councils' budget funding.

I ask the minister to encourage Whitehorse councillors to make greater use of those standard statements and to recognise and be accountable to Whitehorse residents and ratepayers for the deficit they are running. The future wellbeing of residents and ratepayers requires that the true financial situation of Whitehorse council, including its chronic and ongoing deficit, be exposed and acted on.

Boroondara: maternal and child health centres

Mr STENSHOLT (Burwood) — I direct my contribution to the attention of the Minister for Children, and the action I seek from her is a review of and advice on the preferred models for maternal and child health centres or services.

Under its early years program the state government is providing nearly $70 million this year for community-based maternal and child health services for families with children aged from 0 to 6 years, as well as a school nursing service. This provides about 58 000 children and their families with developmental health surveillance, early intervention and parental support, advice and counselling. Funding for maternal and child health services is shared with local councils, as happens in my electorate. Some councils top up the shared costs with additional local services.

My request to the Minister for Children stems from representations from my constituents in the city of Boroondara, who are concerned over actual and possible closures of local neighbourhood maternal and child health service centres. The young mums and dads from the Save Our Centres group recently collected over 1300 signatures while fighting against the closure of the maternal and child health centre in Auburn. I supported their campaign, and I agree with them that the 80-year-old system of locally accessible centres staffed by local nurses is a good one.

Interestingly enough, twice as many young mums with babies went to that centre as went to the alternative centre, but they lost the battle, and it is being combined with the smaller one. However, in Boroondara the question remains: what will happen to the other centres? Will the others, such as the one in Trent Street, be closed? Will the maternal and child health centre in High Street, Glen Iris, be closed? Will any of the other centres in Boroondara be closed? There were 14 maternal and child health centres in Boroondara, but I understand that consideration is being given to reducing the number of centres to 10.

It is amazing what you find out when you go around doorknocking. This is in the context of a stated City of Boroondara objective to make all centres two-nurse facilities. Logically that would mean either a reduction in the days or hours of service at many or all of the centres, or the closure of some centres. I understand that there is no state government policy favouring two-nurse centres over any other model. I assume that the single-nurse centres that have stood the test of time for 80 years are still a good way of delivering services, including in Boroondara, especially as such centres are local and accessible. Why do we need to have a continual loss of local services and a move to super-centres, whether in this area or in other areas?

Young mums value having maternal and child health centres and kinders where they can easily access them. It is especially important for young mums who have had caesarean deliveries and are unable to drive for six weeks, because it may mean they can walk to a local centre. I support the young mums from the Save Our Centres group in Boroondara and oppose any further closures of maternal and child health centres in Boroondara, especially those in Trent and High streets, Glen Iris. I ask the minister to take action in terms of reviewing the models of maternal and child health centres and providing advice and support to the Save Our Centres group in Boroondara.

Fishing: abalone

Mr SMITH (Bass) — I wish to draw a matter to the attention of the Minister for Primary Industries in his role as the minister responsible for fisheries. I seek his and his department's full cooperation in providing assistance to some world-renowned experts who are coming to Portland this weekend to look at the virus that is going through the abalone stock both on farms and in the wild in the Portland and Port Fairy areas.

Last week I happened to go to Portland with my colleague the member for South-West Coast to talk to the fishermen down there about the fisheries policy that we had only just released. Can I say that that policy has been widely acclaimed by recreational and commercial fishermen, who think it is great. I must say I was disappointed with the minister. He seemed to be critical of the policy, saying that we were talking about opening up Mallacoota and Lake Tyers to commercial fishermen. That has never entered our minds. We certainly would not be considering it, and the minister should not be spreading those sorts of lies around. I was very disappointed with him. In fact those same fishermen were saying that the government is in fact looking at expanding marine parks around the state of Victoria. The fishermen should really be concerned about that, I can tell you.

We went down to have a look at the problems they have been experiencing with this virus, which appears to have started at two of the abalone farms. Let me say that I think this government has generally treated the abalone and aquaculture industries very poorly throughout the state of Victoria. We only produce about 3 per cent of Australia's aquaculture catch, and we should be doing far better than that. I assured them that our policy says we will be doing better than that.

Nevertheless the abalone affected escaped from the farm. The department took water samples, but it was more than six weeks before it identified that there was a problem. Of course by then the virus had escaped into the wild, although the department had told the owners that there was not a problem and that the virus would not survive out in the wild. The department put up two

containment areas and said that people could not catch the abalone or fish from there, but the virus has gone through those two containment lines. This is a big threat to the abalone industry here in Victoria, and it is important that the minister give great assistance to these people.

The wild-catch abalone people are paying for these experts to come out — it is costing them tens of thousands of dollars — because of their concerns for the industry. I hope the minister has exactly the same concerns, and if he has I am sure he will try to act on them. I ask that he instruct his department — I am hoping that his department will not need instruction — to offer the greatest of assistance and provide as quickly as it can all the documentation it has gathered since this outbreak occurred to the experts when they arrive.

Monash: multipurpose community facility

Ms MORAND (Mount Waverley) — I raise a matter for the attention of the Minister for Sport and Recreation in the other place. I seek the minister's support for the application by the City of Monash for funding assistance under Sport and Recreation Victoria's community facility funding program.

The proposal from the City of Monash is for a $2.25 million multipurpose venue to be developed at Electra Reserve in Ashwood. The proposal would provide a permanent home for the Waverley Bridge Club and Ceres Callisthenics as well as space for the Monash Croquet Club and the Doberman and Dog Obedience Club. This would be a great facility not only for these clubs but also for other community groups. The council is seeking $500 000 from the Bracks government under our community facility funding program for major facilities.

Monash council has recently agreed in principle to contribute up to $1 million to the project. The Waverley Bridge Club and Ceres Callisthenics are also contributing substantial funds to this project and have put a lot of time and effort into bringing the proposal together. Waverley Bridge Club is a great local club with around 600 members — and it is growing. The club will contribute $500 000 towards the project, which is a very significant contribution and a fantastic fundraising effort. I congratulate the committee and members of Waverley Bridge Club on the hard work they have put towards funding a new facility for the club.

Ceres Callisthenics is contributing $250 000 towards the project, again after many years of fundraising and saving for a permanent home. I know that Ceres Callisthenics Club has been looking for a permanent home for 9 or 10 years. It has been operating for 21 years, first starting with a fitness group of 18 girls. It now has 120 girls and 50 associate members. I remember being contacted by Julie Jellis, the principal and president of Ceres, soon after I was elected, and I was impressed with her and with the club's dedication to finding a home. Currently the club practises at three different locations. It will be great for the club to have a permanent home where it can consolidate and grow what is an already strong club.

I know that the committee members of both the Waverley Bridge Club and Ceres Callisthenics have worked very hard and very well, together with council officers and local councillors, to bring the project to this stage. A purpose-built, purpose-designed facility would be a fantastic asset for the Monash community. Funding support from the Department of Sport and Recreation will allow this project to proceed and allow the clubs to consolidate and expand their memberships and further develop these valuable recreational activities in Monash.

I am an enthusiastic supporter of this project, as I know are the members for Burwood and Oakleigh. I ask the minister to favourably support the funding application from the City of Monash.

Albert Park College: future

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Education Services regarding the future of Albert Park College. I ask the minister to guarantee that Albert Park College will remain open next year and hopefully into the future as well. There are a few issues at Albert Park College. One is that enrolments at the school have been falling. I understand that there are just over 200 students enrolled at the moment. It is quite some years since a major amount of money has been spent on the facilities at the school. They are badly in need of upgrading, and the place looks the worse for wear.

There have also been issues with educational standards and behavioural standards at the school. That mix has given the school somewhat of a bad reputation, but that is not a reason for the school not to continue. There are certainly mitigating circumstances, and every school needs to be looked at in its own context. For example, there is a new principal at Albert Park, who is really turning the school around. I have been a school principal before, and I know that turning around a school is not something you can do overnight. It takes a lot of work and a lot of time, and you have to take a lot of people with you as you do it. My understanding is

that the new principal has certainly started to do that, and they should be given time and be allowed to see out their contract to do that.

The demographics indicate that there is certainly a need for secondary schooling in the area. Those demographics come from local council figures, which I always rely on — more so than departmental figures. They show that there is quite a strong need — —

An honourable member interjected.

Mr DIXON — I take up the interjection: the council has a lot of sources, and it uses the department as one source. The demographics indicate that there is a need, given the population, to sustain a secondary college into the future. There are not a lot of secondary colleges in the area, and one less would make a real difference. It is very important that parents have the choice of sending their children to a government school within a reasonable distance of where they live. Even though there might be good transport in their area, they still need to have a reasonable choice of local government schools.

The school has wonderful support from the local primary schools that feed it. I have met a few of the school principals in the local area, and they are very keen for the school to continue. I also understand that the school has been involved in discussions with the William Angliss Institute of TAFE, which wants to set up some sort of partnership with it, which would be of great mutual benefit. There have been a number of community meetings, which hopefully are not leading to some sort of self-fulfilling prophecy for the school. Leadership is required from the government through the department to turn this school around and give it an opportunity to flourish and grow into the future.

Emergency services: Whittlesea

Mr HARDMAN (Seymour) — I raise a matter for the attention of the Minister for Health. The action I wish the minister to take is to establish an ambulance station in Whittlesea, which will provide an ambulance service closer to the Kinglake area, therefore cutting down waiting times, especially in emergency situations.

The Bracks government understands the isolation problems in the Kinglake area. That is why we built a police station there to provide a new police service. The Liberals rejected that idea when they were in government. We have also upgraded the State Emergency Service vehicles in the area and introduced a new community emergency response team, which both rely on volunteers. This issue is as important in the Kinglake area as it is in Whittlesea. Over 6000 people signed a petition, which the member for Yan Yean and I presented to the house. The code 1 emergency response time in Whittlesea is 25.4 minutes on average, but in Kinglake it is 37.2 minutes. It is quite a long way away: the closest ambulance station to Kinglake is 30 kilometres away.

I have to congratulate Simone Giulliani, Jane Szepe and Tracey James on the great campaign they have run for this new service and on bringing it right up to the government, because we need to fix it. While population density is important when decisions are made, it is also important that distance and travel time be taken into consideration as well. Members might know Jane Szepe's story. She is a critical care nurse who chose to drive her child rather than wait for the inevitable time I mentioned, as she feared the worst for her daughter in that emergency. Beveridge and Upper Plenty in my electorate would also benefit from this service.

Another important issue in the area is the high road accident rate. We have beautiful touring roads in the area, but if they are not treated with respect by drivers and riders, they can also be treacherous, and many ambulance call-outs occur because of that. I urge the minister to continue the fine tradition of the Bracks government, which understands issues in rural areas, and put in place an appropriate service like the new Kinglake police service and the new community emergency response team and provide a new ambulance service in Whittlesea.

Gippsland: flood levels

Mr RYAN (Leader of The Nationals) — I wish to raise an issue for the consideration of the Minister for Water that relates to decisions which have been taken by the West Gippsland Catchment Management Authority which in turn are reflected in decisions subsequently taken by the East Gippsland Catchment Management Authority. They relate specifically to determinations initially made by the West Gippsland authority earlier this year to raise the flood levels applicable to various towns around the border of the lake system in Gippsland.

In particular the original flood level in the township of Loch Sport was 1.5 metres, but it has now been lifted to 1.9 metres. In Lakes Entrance the level was 1.5 metres, but it has now been lifted to 1.8 metres. The essence of the difficulty is that, with the authority having now declared these new increased flood levels for the towns, there are consequent problems for those who own land in those areas and who may want to build on it or

extend facilities already established on it. The particular problem is that the increased flood levels will mean that the capacity to do either of those things may be detrimentally affected.

I ask the minister to examine the process the West Gippsland Catchment Management Authority went through to achieve the increased flood levels. Although it was advertised in or about January, it was done on a pretty minimalist basis, with some advertisements simply being placed in local papers, as I understand it. I would have thought that when there is a prospective impact of the nature I am now referring to, individual landowners should be advised individually to allow them the opportunity for comment.

Apart from the issue of process, I ask the minister to examine the outcomes that are arising from the determinations made initially by the West Gippsland Catchment Management Authority and now applied by the East Gippsland Catchment Management Authority. Local estate agents, particularly Henry Geraeds at Foster O'Brien Real Estate, have outlined to me that, as a worst case scenario, there is the prospect of literally millions of dollars of value being wiped off land because of these new flood levels. These are significant issues for the development of our region, not only around the area that I represent but also throughout the totality of Gippsland East. I therefore ask for the minister's assistance.

Emergency services: Whittlesea

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is that he fund an emergency services complex for Whittlesea to house police, the Country Fire Authority (CFA) and the ambulance service.

This government has a great record of funding and resourcing emergency services. Servicing my electorate are new police stations at Mill Park, Kinglake and Eltham; there are renovations taking place at Epping; and there are new stations currently being built and nearing completion at Hurstbridge and Warrandyte. New CFA stations have been built at Yarrambat, Doreen, South Morang, Hurstbridge and Kalkallo, as well as extensions to Wollert; and the Arthurs Creek station is currently being built. New vehicles have been provided to Diamond Creek, Eltham, Research, Wollert, Yarrambat, Plenty, St Andrews and Panton Hill, and Doreen's new vehicle is on the way.

But the jewel in the crown is the $6 million emergency services complex in Diamond Creek, which was opened by the Premier this year. As a CFA volunteer at Diamond Creek I have seen first hand how well this complex works. The complex has gained attention from across the state, and the cooperation between the three services came into its own on Australia Day with the Kinglake fires raging nearby.

I urge the minister to fund a similarly excellent facility in Whittlesea. I invite the minister to visit Whittlesea and see first hand the need for better facilities for our police and also the substandard and small CFA station where our great volunteers operate in cramped conditions. The minister will see that the police station, police house and CFA station are located next door to each other, providing a unique opportunity to build an excellent shared facility, which I believe would also have room to house a much-needed ambulance for the town. I and the member for Seymour have been talking on the record for some time about the need for an ambulance for the town. I fully endorse the remarks made a few minutes ago by the member of the Seymour.

The Leader of the Opposition was in Whittlesea last week, where he made a half-baked, poorly thought out and underfunded promise for an ambulance for the town. His promise was $400 000 to $500 000 under what would actually be needed. What he was talking about was an ambulance station with no staff, or an ambulance with staff and no vehicles, or perhaps half an ambulance station. The opposition is not serious, and it needs to get serious. We as a government are very serious about looking after our emergency services and the community's need for them. Not only does the community deserve better in Whittlesea, but all emergency services in Whittlesea deserve better.

The minister has been a great supporter of emergency services in my electorate. In the short time since he became minister he has visited my electorate on six occasions. He has spoken to the local community and has seen first hand what its needs are. He has also opened new facilities, including turning the sod at Arthurs Creek. There is always something good happening with emergency services in my area. I look forward to him visiting Whittlesea to see the great opportunity that exists in the town for a magnificent emergency services complex, which would mean that every police station in my electorate would have been upgraded and improved. The CFA has also been greatly resourced. I look forward to the minister visiting Whittlesea.

Responses

Ms ALLAN (Minister for Education Services) — Firstly, I will respond to the matter raised by the member for Nepean for my attention as Minister for Education Services regarding the future of Albert Park College. He requested that we keep the college open. I think the member for Nepean knows the process pretty well, but I will go through it once more for his benefit and for the benefit of the other members of the house.

In terms of this government's position, we put decisions on the future of a school in the hands of the school and the school's community. This is not a decision that is to be taken lightly or easily. It is a difficult decision that has to be made by the school community. As the member acknowledged, over recent years Albert Park College has had declining enrolments. There have been some issues at the school, which have been acknowledged, and the school community is working hard on these. There are also people in the community who are looking at the future of this school.

The process that this government has clearly followed in all these matters has involved consultation at the community level with parents and the local community members. Then a recommendation is made by the local school council about whether the school should remain open. That recommendation is put to the department, and then the department puts that recommendation to the Minister for Education and Training. I will certainly raise the comments of the member for Nepean with the Minister for Education and Training.

That is the clear process that this government has followed, which is in stark contrast to the slash-and-burn process we saw when, to quote the member for Nepean, at the stroke of a pen 'over 300 schools were closed in the 1990s'. The member for Nepean has exposed in this house tonight the clear agenda that the Liberal Party has in place. It has a hit list of schools that it wants to see closed in this state. The reason why it has a hit list of schools is that it knows it has to fund $2 billion worth of promises that it has committed to before we even get close to 25 November. The shadow Treasurer is in the house. He knows there are already $2 billion worth of commitments, before we even see the supposed big ticket items in education and health and even before we see some of the Liberals supposed big-ticket items in infrastructure.

The only reason that the Liberal Party is talking about school closures is that it has an agenda to return to the policies of the past. We have already heard the Leader of the Opposition say that he supports the decision by the Kennett government to close schools. Members read in the *Age* last week that he supported the decision to close over 300 schools. He thought it was right to close them. We know, once again, that that is how the Liberal Party will fund these $2 billion worth of promises: it will close more schools. That is the agenda that has been exposed in this house tonight by the member for Nepean.

The member for Scoresby raised a matter with the Minister for Police and Emergency Services, and I will refer that matter to the minister for his attention.

A matter was raised by the member for Preston for the attention of the Minister for Consumer Affairs in the other place.

The member for Box Hill raised a matter for the attention of the Minister for Local Government in the other place.

The member for Mount Waverley raised a matter for the attention of the Minister for Sport and Recreation in the other place. All those matters will be referred to those ministers for their consideration.

The matter raised by the member for Burwood for the attention of the Minister for Children will be referred to her for her attention.

The member for Bass raised a matter for the attention of the Minister for Agriculture because of his responsibilities for fisheries, which he will respond to.

The Leader of The Nationals referred a matter to the Minister for Water, which will be passed on for the minister's attention.

Finally, the members for Seymour and Yan Yean raised matters for the attention of the Minister for Health and the Minister for Police and Emergency Services regarding the establishment of a joint police and ambulance facility in Whittlesea. Those members are great representatives of the Whittlesea area. They have worked hard for their local communities. I am sure those ministers look forward to responding to the matters raised by the local members.

The ACTING SPEAKER (Mr Languiller) — Order! The house is now adjourned.

House adjourned 4.39 p.m. until Tuesday, 3 October.