PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 18 July 2006

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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.

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Mr E. N. BAILLIEU

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Tuesday, 18 July 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.02 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Snowy Hydro Ltd: prospectus

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Will the Premier confirm that there actually was a prospectus for the sale of Snowy Hydro Ltd and that he had seen that prospectus when he advised Victorians at the Public Accounts and Estimates Committee to 'look at the prospectus'?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. There was a draft prospectus. Obviously it was not finalised, because the prospectus had not been sent out for publication. In relation to the matter of whether that draft prospectus is available for public examination, it is a matter on which I have sought advice from the federal government and the New South Wales government, and their permission is sought for that release.

Council of Australian Governments: national reform agenda

Mr HUDSON (Bentleigh) — My question is to the Premier. I refer the Premier to the government's national reform agenda and ask the Premier to detail to the house how the outcomes from last week's Council of Australian Governments meeting will benefit Victorian families.

Mr BRACKS (Premier) — I thank the member for Bentleigh for his question. I congratulate the member for Bentleigh for the work he has done in developing policy over a long period of time. His contribution to policy debate in this state is second to none, and I congratulate him for that work. Of course he, alongside many members of Parliament, would be pleased to see that cooperative federalism is alive and well, and that is what was shown last Friday.

As each of the premiers and territory leaders indicated last Friday, for those who believe in centralism in Canberra, Friday was a bad day. This was a day on which the federation worked effectively on the basis of cooperation to seek to resolve some of the key issues facing the nation — in particular, the next wave of reform which will lead to productivity improvements and more competitive arrangements in Australia compared to the nations with which we will need to compete in the future.

The Council of Australian Governments (COAG) meeting agreed on a national reform agenda which includes 11 areas to drive productivity improvement in this country, of which 4 relate to the question that was asked by the member for Bentleigh, which was, 'What are the immediate steps which will assist working families in Victoria?'. They include areas which will obviously be developed now as part of the COAG agenda and the national reform agenda, including literacy and numeracy and an effort to increase opportunities for a larger number of Victorians to receive more support in the future; early childhood development, which is a focus of attention in the first four areas to be developed under the COAG reform agenda; child care; and a comprehensive attack around the nation, including Victoria, on diabetes as a disease.

These are four areas which are extremely important to the health and wellbeing and skills and abilities of Victorians. They are areas in which we will see funding and support from the commonwealth in relation to an independent assessment which will be undertaken through the COAG Reform Council. It will assess outcomes, determine the costs and how those costs are compensated for, and determine the gains developed by each jurisdiction — determining, therefore, the balancing of that and the funding that is required to assist in that process.

This was a big win for Victoria. We set out almost 12 months ago with a plan to have a third wave of national reform, building on the success, of course, of national competition policy and building on the success of opening up the economy and the financial markets more generally. The third wave is about the skills and abilities of our people and about looking at common regulation around the country to see that we are more competitive in the future. What we have indicated, of course, is that you cannot rely on the resources boom to sustain Australia in the long term. We need more productivity improvement. This plan will deliver that productivity improvement in the future.

This plan is further evidence that the federation is working effectively — on top of what we have achieved in counter-terrorism activities, which we have signed on to with the commonwealth; on top of what we have achieved with water reform and a funding base for national water projects; on top of what we have achieved through a cooperative effort to ensure that we have a combined funding resource for mental health in this country; and on top of what we achieved in putting on the agenda in February the need for more doctors,

more nurses and more medical professionals in clinical areas and the need to assist them to be trained. They are things that were achieved between February and the recent meeting of COAG.

There has been a great deal of support for the national reform agenda — from the Business Council of Australia, the Committee for Economic Development of Australia, the Victorian Employers Chamber of Commerce and Industry and the Australian Industry Group to, of course, all the jurisdictions in the commonwealth. There are not many people who oppose it. In fact I need to go back to 12 July last year to find one of the few groups in our community that opposes the national reform agenda. It was the shadow Treasurer, on behalf of the opposition, who said, and I will conclude on this, that:

> The Bracks government must not continue to hide its reform inaction behind a smokescreen of gratuitous advice to the commonwealth.

The commonwealth has accepted and adopted our proposal, so what is the plan of the opposition now?

Rural Ambulance Victoria: inquiry

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the State Services Authority's inquiry into Rural Ambulance Victoria. I also refer to the resignations of senior mangers and the long-term absence of the chief executive officer. I further refer to media reports that Rural Ambulance Victoria will now conduct its own internal review of serious allegations of bullying, sexual harassment and mismanagement. In fairness to RAVs committed staff of paramedics and to the broader country Victorian community served by this great organisation, will the Premier now direct that a full and independent judicial inquiry be conducted into the management of Rural Ambulance Victoria?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. The Minister for Health sought my support to recommend a State Services Authority inquiry into Rural Ambulance Victoria. I was pleased to give that support and a recommendation for that inquiry to occur. That inquiry has occurred. An interim report has been received by our government which will be released to this house, as we indicated it would be. A final report will be determined as soon as possible — early next year, as I understand it.

We believe it is appropriate that if you are talking about management issues within Rural Ambulance Victoria, the best body to assess what is required in the future to improve that management ability is the State Services Authority, which is charged with the responsibility of seeing that there is an effectively operating public sector in this state.

This comes on top of the work we have done in regional Victoria in improving the number of paramedics and ambulance stations in this state. In fact, if you look at the outcome, you see we have now 40 per cent more paramedics in country and regional Victoria, we have upgraded some 35 ambulance stations in regional Victoria and there are also five new ambulance services in regional Victoria. We are committed to seeing the best possible service in the future. We have invested a lot in it. The State Services Authority will assist in the management of building a capacity which will assist us in taking even further steps in the future.

Our Environment Our Future: renewable energy

Ms OVERINGTON (Ballarat West) — My question is to the Premier. I refer the Premier to the government's commitment to support renewable energy and ask the Premier to detail for the house the most recent example of that commitment.

Mr BRACKS (Premier) — Yesterday, with the Deputy Premier and the Minister for Energy Industries in the other place, who is also the Minister for Resources, I was very pleased to release the government's sustainability statement, which builds on the work we have done over the last six and a half years to ensure that we maintain an excellent lifestyle in Victoria for the majority of Victorians and to ensure that we have a sustainable environment in the future to achieve just that.

Yesterday we released a sustainability statement which has a plan for 150 different initiatives and an injection of some $200 million to make sure Victoria has a sustainable future. The major part of the statement was a plan to reduce greenhouse gas emissions in Victoria, including of course the one referred to by the member for Ballarat West, which is included in the renewable energy target of 10 per cent for electricity generation in this state by 2016. This backs up the commitment that we made as the government to make sure that we had renewables as part of the energy future in this state.

We recognise and acknowledge that Victoria has a significant and overwhelming electricity generation capacity from brown coal. That is why we are looking at cleaner coal technology; that is why we have invested some $100 million in demonstration projects; that is why we are joining with Queensland, which is also investing in these new technologies, to make sure

we can have cleaner coal technology in the future and, importantly, have those significant breakthroughs; and that is why we have put our money where our mouth is in looking at those new research opportunities. That is also why we recognise that, as the population grows and the economy grows, we must expand our available options for electricity generation. That is why renewables are so important.

What this does is create a market for renewables in Victoria, and Victoria will be the leader in Australia for renewable technologies because of the market we have created. With this announcement of 10 per cent renewable energy generated in Victoria by 2016, we expect in regional Victoria some $2 billion of new investment. We expect about 2200 new jobs will be injected into regional Victoria. Not only is this good for the environment, it is also good for the economy and for the regional communities which will benefit from these jobs.

Today in backing up the sustainability statement I was pleased to announce also that Acciona Energy, a Spanish company, has decided to invest in our state and is now the owner of the Waubra wind farm. It has decided to proceed with the Waubra wind farm, which will generate some 192 megawatts and will be the largest wind farm in this state and one of the largest in Australia. It will create about 200 new jobs in that region and invest about $400 million.

It will be part of what we will see in the future as renewables, with wind, biofuels, solar and some hydro projects. These are the projects which will come in as part of our 10 per cent renewable target. I am very pleased to see that this is up and running. The economic base case was not there when the 2 per cent national renewable target was fully met. Those projects are on hold, but this project will proceed now, and I am very pleased to say that the sustainability statement has already borne fruit with this new announcement of a renewable source of energy, which, I must say, is supported by our government but opposed by the opposition. Members of the opposition have no plan for the future. Our plan is a sustainable environment for Victorians, and our lifestyle will be enhanced as our environment is enhanced as well.

Our Environment Our Future: renewable energy

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier, and I ask: will any particular energy users be exempted from the cost impact of the government's proposed renewable energy scheme, and if so, which ones?

Mr BRACKS (Premier) — The 10 per cent renewable target will mean about $1 per month extra on electricity bills for both business and domestic consumers. That is at a time when real electricity prices are going down. Victoria is one of the few states in Australia where real electricity prices are reducing. There is no better time to bring in a system to ensure that we have a renewable future; the time when we are reducing electricity prices is the ideal time to bring it in. After this estimated $1 per month increase has occurred, we will still have real reductions in electricity prices compared to the consumer price index. Electricity prices are the most competitive they have been in this state. Not only that, at this opportune time we will also see this new generation capacity in Victoria.

Our Environment Our Future: sustainability initiatives

Ms DUNCAN (Macedon) — My question is to the Minister for Environment. I refer the minister to the government's commitment to ensuring a sustainable state for future generations of Victorians, and I ask the minister how the government's *Our Environment Our Future — Sustainability Action Statement 2006* delivers on that commitment.

Mr THWAITES (Minister for Environment) — I thank the member for Macedon for her question. It is certainly true that over the last six years Victorians have got behind the push for Victoria to be a sustainable state. You only have to look at recycling: we are now recycling more than 50 per cent of our waste. We have embraced water savings: people in Melbourne are now using about 22 per cent less water per head than they were using in the 1990s. We are seeing Victorians buying more green power than is being bought in any other state.

It is a good effort, but we want to do more to make Victoria an even more sustainable state. That is why the environment and sustainability action statement delivered yesterday is so important. It contains some 150 actions backed up by $200 million of government investment. The statement is comprehensive, and it will lead to outcomes that I would have thought all members would support — like the saving of 3.5 million tonnes of greenhouse gas emissions a year, the environmental equivalent of taking 800 000 cars off the road. It will also lead to business investment of some $2 billion and some 2200 jobs, mostly in regional Victoria.

The statement also announces funding to support business and industry totalling some $36 million. As

well as promoting renewable energy, it will also help business save energy and water and will help reduce waste. As well as helping businesses do the right thing by the environment it will help their bottom lines. As the Australian Industry Group said, the government has heeded the group's calls to assist business in its efforts to improve its environmental performance.

As well as helping business, this statement will also help households save energy, save water and reduce waste. Around the state we will be setting up 12 detox-your-home and byte-back centres — —

Honourable members interjecting.

Mr THWAITES — The other side laughs. The Leader of the Opposition would not have to worry about that sort of thing: he would have someone else to do that for him. There will be detox-your-home centres set up in places like Ballarat, Geelong and Bendigo where people can dispose of things like old paint or computers, which can cause damage if they are left in landfills. The statement will also help householders — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Manufacturing and Export! I ask members to be quiet to allow the minister to answer the question — and that includes the member for South-West Coast.

Mr THWAITES — The statement will also help householders by rolling out smart energy electricity meters that will allow people to see how much energy they are using in their homes at 30-minute intervals. This will allow people to save energy and save on their electricity bills.

There are huge environmental challenges that we are facing. Even the Prime Minister yesterday acknowledged the importance of climate change, but unlike the federal government, our government in Victoria is taking real action that is making a difference. As the Australian Conservation Foundation said yesterday, Victoria is leading national action on climate change. We are positioning the state as a hub of clean, renewable technology. As the head of the Australian Conservation Foundation, Don Henry, said yesterday:

> I would urge all Australian states and the federal government to follow suit.

Member for South Barwon: conduct

Mr MULDER (Polwarth) — My question without notice is to the Premier. Can the Premier confirm that the member for South Barwon again acted with contempt and arrogance — —

Honourable members interjecting.

The SPEAKER — Order! I ask members of the government to cease interjecting in that manner.

Mr MULDER — He again acted with contempt when he and the Minister for Sport and Recreation in the other place auctioned a signed copy of the front page of the *Geelong Advertiser* about the dead-end Geelong ring-road, with the headline 'Whoopy-do'.

The SPEAKER — Order! Perhaps the member for Polwarth could explain to me how that relates to Victorian government business.

Mr MULDER — The Minister for Sport and Recreation was in Geelong on government business; no. 2, the matter referred to the Geelong ring-road; and no. 3, the member for South Barwon endorsed his comments about the Geelong ring-road.

The SPEAKER — Order! If the question related to the minister it might be deemed to be within the scope of Victorian government business, but the question seemed to refer to the member for South Barwon, and therefore — —

An honourable member interjected.

The SPEAKER — Order! That is not quite how the question was asked. I will give the member for Polwarth an opportunity to rephrase the question.

Honourable members interjecting.

The SPEAKER — Order! I remind the Premier and other members that question time is a serious part of parliamentary proceedings, and I ask them to be quiet to allow the member for Polwarth an opportunity to rephrase his question.

Mr MULDER — Can the Premier confirm that the member for South Barwon again acted with contempt and arrogance when he and the Minister for Sport and Recreation in the other place while in Geelong on government business auctioned a signed copy of the front page of the *Geelong Advertiser* about the dead-end Geelong ring-road with the headline 'Whoopy-do'?

The SPEAKER — Order! The member has not rephrased the question in a way that makes it Victorian government business.

Our Environment Our Future: agriculture

Mr HOWARD (Ballarat East) — My question is for the Minister for Agriculture.

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition will not interject in that manner. He seeks to have silence when he asks a question. I ask him to show the same courtesy to other members.

Mr HOWARD — My question is to the Minister for Agriculture, and I ask the minister to detail for the house how the government's Our Environment Our Future announcement is delivering for the Victorian farm sector.

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Ballarat East for his question. If we can just go back to 2004, the then president of the National Farmers Federation, Peter Corish, nominated climate change as the biggest risk to farming, and he said that better efforts in defining the problems and the solutions had to be undertaken. With the announcement yesterday by the Premier and the Deputy Premier, that is exactly what the government is doing in leading the way.

An honourable member interjected.

Mr CAMERON — God, you are sad!

The SPEAKER — Order!

Mr CAMERON — I withdraw.

The SPEAKER — Order! The Minister for Agriculture will address his comments through the Chair.

Mr CAMERON — The $14.8 million announced yesterday for research into climate change impacts and adaptation strategies includes making agricultural systems resilient to climate change. That includes work for the Department of Primary Industries (DPI) on risk management tools to manage adaptation in vulnerable regions, especially in places like the Wimmera and the Mallee. That will mean there can be enhanced community engagement to build confidence and also allow long-term planning and investment decisions that will ultimately result in alternative farming methods being adopted and put into place.

The announcement of $4 million for the healthy soils initiative to help farmers better manage their soil and make it more productive is also very much welcomed by Victorian farmers. That is aimed to deliver not only in terms of the environment but also in terms of productivity through better paddock management systems to deal with biology, the structure of the soil, chemicals, fertilisers and all those things that increase productivity but also bring about environmental benefits.

The announcement of $600 000 for the Western Port alliance to help land-holders in the beef and dairy industry reduce greenhouse gas emissions has been well received, and that complements the work by the DPI on greenhouse research that is under way. Agriculture contributes 20 per cent of the nation's greenhouse gases, so certainly the work in that area has to continue, and the Bracks government is leading the way with this statement. The $4 million for dairy manufacturers to implement cleaner production to reduce water use and trade waste has been extremely well received by the dairy sector.

The announcement of $2.7 million to roll out the BushTender project across the state and $14 million to develop more market-based incentive schemes for ecosystem services is very positive, because we are going to see more of these types of things in the future. Here again the Bracks government is positioning itself as the leader in the nation. The $8 million announcement in relation to Landcare, to see it continue and to recruit more volunteers, is again very much welcomed by the farming sector.

It is pleasing to see support for key initiatives from the Victorian Farmers Federation, a great friend of Labor.

Honourable members interjecting.

Mr CAMERON — Certainly since last week, when The Nationals announced their policy to abolish the Victorian Farmers Federation!

The Victorian Farmers Federation put out a statement welcoming key initiatives which were announced yesterday. These initiatives are very important to the farming sector and, of course, that sector is very important to the Victorian economy.

Lake Mokoan: decommissioning

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to the planned decommissioning of Lake Mokoan and the rehabilitation of the wetlands and I ask: can the minister confirm that the cost of rehabilitation and ecotourism infrastructure has blown out to more than $20 million, some 20 times the initial budget allocation of about $1 million?

Mr THWAITES (Minister for Water) — I thank the Leader of The Nationals for his question in relation to Lake Mokoan. Of course Lake Mokoan is a very inefficient storage, which loses billions of litres of water every year through evaporation — water that we will be able to save as part of our plan to restore environmental flows to both the Murray and the Snowy, a plan which, I might say, at a national level is supported by The Nationals.

The local member up there, who has promised that he would not allow the decommissioning of Lake Mokoan and apparently single-handedly is going to prevent it, is no doubt spreading a whole lot of untruths and misstatements about Lake Mokoan.

Mr Ryan — On a point of order, Speaker, the minister is debating the question and I ask you to have him return to the question I asked him — about yet another government blow-out.

The SPEAKER — Order! I ask the minister to return to answering the question.

Mr THWAITES — These statements that have been made by the local Nationals member, as I say — —

The SPEAKER — Order! I ask the minister to return to answering the question. It is not an opportunity to attack the local member.

Mr THWAITES — I am trying to address the question. Statements have been made; I have to respond to them. I have been asked whether they are true.

The SPEAKER — Order! The Minister for Water has been asked a specific question. It does not involve making comments about the local member. I ask him to return to answering the question.

Mr THWAITES — The statements that have been made that I am being asked to comment about are not correct.

Government: regulation reform

Ms D'AMBROSIO (Mill Park) — My question is to the Treasurer. I refer the Treasurer to the government's leadership in regulation reform and ask him to detail for the house the most recent examples of this commitment to cut red tape.

Mr BRUMBY (Treasurer) — I thank the honourable member for her question. I think it is true that the Bracks government has provided national leadership in terms of regulation reform. Of course we have seen that recently with the national reform agenda, first released last year by the Premier under the title national reform initiative and now picked up as part of that national reform agenda and historic agreement between the commonwealth and the states.

If you look at Victoria's — the Bracks government's — record on regulation reform and cutting red tape, you find we have abolished more taxes than any other state government under the intergovernmental agreement. Secondly, we were the best performer under the national competition policy arrangements, and we were regularly recognised by the independent National Competition Council as the best performer. Thirdly, of course, we are the only state which has set up an independent regulatory commission, the Victorian Competition and Efficiency Commission.

Last week as part of our national reform agenda arrangements I announced further measures to cut red tape in this state. I released them at a function organised by the Victorian Employers Chamber of Commerce and Industry (VECCI). Firstly, our modelling shows that the Victorian government policy will increase Victorian gross state product by 0.2 per cent per annum, or around $500 million per year. Essentially we have established the target of administrative regulation cuts: 15 per cent over three years, and 25 per cent over five years. Secondly, to make sure that there is no net new burden going forward, any new regulation made will be met by an offsetting simplification in the same or related area. Thirdly, we are undertaking a program of reviews to identify the necessary actions to reduce compliance burdens.

Needless to say, the announcements which we have made have been welcomed by industry groups. The Housing Industry Association welcomes regulatory reform in Victoria. It said:

> The leadership being shown by the Victorian government in its attempts to reduce red tape and government intervention is commended.

VECCI said:

> … cuts in red tape will … drive … business growth —

and welcomed the boost in competitiveness from these cuts in red tape. This is a good policy.

I want to say that to kick-start this policy, yesterday, as part of Our Environment Our Future, released by the Premier and the Deputy Premier, we implemented a new initiative to cut environmental red tape through streamlining industry licensing and reporting. I want to advise the house that this change announced yesterday will generate total savings of around $15 million per annum to industry, and it will reduce the number of

Environment Protection Authority licences by 30 per cent. So who is delivering that? The Bracks government is delivering that.

I have seen — in contrast to the proven approach of the Bracks government, which has been applauded by industry groups — an alternative policy which says that a new independent body will be established whose job it will be:

> … to identify and then eliminate or reform cumbersome, ineffective, unnecessary or obsolete regulations …

I had a look at that, and I thought, 'identify and then eliminate', and I asked myself the question whether that was constitutional, because only one place can make and unmake laws, and that is the Parliament. Here is the Constitution Act, at page 23:

> The Parliament shall have power to make laws in and for Victoria in all cases whatsoever.

You cannot have an independent commission that can take away regulation.

Honourable members interjecting.

Mr BRUMBY — You do not even know what is in the constitution! You are a lazy, lazy, lazy opposition!

The SPEAKER — Order! I ask members to be quiet to allow the Treasurer to answer the question, and I ask the Treasurer to answer the question.

Mr BRUMBY — I studied very hard at commercial law at Melbourne University, but the — —

The SPEAKER — Order! I ask the Treasurer to draw to a conclusion.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BRUMBY — The proposal — it is actually Liberal Party policy — is, of course, unconstitutional. It is an extraordinary thing, after — what is it now? — nearly seven years in opposition that the opposition still cannot come up with a policy which is legal.

The SPEAKER — Order! Has the Treasurer concluded his answer? I remind the Treasurer that he should restrict his answers to Victorian government policy.

The time for questions has now expired.

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 165 to 168 inclusive and 350 to 352 inclusive 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 by 6.00 p.m. today.

NOTICES OF MOTION

Mr BAILLIEU commenced giving notice of motion:

The SPEAKER — Order! Has the Leader of the Opposition provided a copy of that to the clerks?

Mr Baillieu — No.

The SPEAKER — Under the rules the Leader of the Opposition will have to give his notice tomorrow. He is required to put in a notice earlier.

Notice of motion given.

Ms BEATTIE having given notice of motion:

The SPEAKER — Order! I believe the latter part of that motion is out of order.

Further notices of motion given.

Mr SEITZ commenced giving notice of motion:

The SPEAKER — Order! Has the member for Keilor given prior notice to the Clerk?

Mr Seitz — No.

The SPEAKER — Order! The member will have to defer it until tomorrow.

Further notices of motion given.

TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Transport Act 1983 to provide for the accreditation of certain participants in the taxicab industry, to enable the penalties for transport infringements and ticket

infringements to vary depending on how they are issued and to authorise certain public transport ticket conditions, to make minor amendments to the Transport Legislation (Further Amendment) Act 2006 and for other purposes.

Read first time.

CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) — I move:

> That I have leave to bring in a bill to amend the Catchment and Land Protection Act 1994 and for other purposes.

Mr WALSH (Swan Hill) — Would the minister give the house a brief explanation of the bill?

Mr THWAITES (Minister for Environment) — The purpose of the bill is to introduce a number of administrative enforcement mechanisms to enhance the management and eradication of weeds and pests.

Motion agreed to.

Read first time.

HERITAGE RIVERS (FURTHER PROTECTION) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) introduced a bill to amend the Heritage Rivers Act 1992 to prohibit the construction in heritage river areas of new impoundments, barriers and structures that impede the passage of water fauna, to amend the provisions relating to management plans for heritage river areas and natural catchment areas in that act and for other purposes.

Read first time.

VICTORIAN RENEWABLE ENERGY BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) introduced a bill to promote the development of renewable energy generation through the establishment of a scheme that provides for the creation and acquisition of renewable energy certificates and requires the surrender of renewable energy certificates and for other purposes.

Read first time.

ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

> That I have leave to bring in a bill to amend the Electricity Industry Act 2000, the Energy Safe Victoria Act 2005, the Gas Industry Act 2001 and the Pipelines Act 2005 and for other purposes.

Mr CLARK (Box Hill) — Would the Treasurer provide the house with a brief explanation of this bill?

Mr BRUMBY (Treasurer) — The bill embraces a number of measures, but the two principal elements addressed in these amendments are, firstly, in relation to the deployment of advanced metering infrastructure, and secondly, in relation to best-practice hardship policies and disconnection.

Motion agreed to.

Read first time.

COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to establish a corporate trustee for the Coptic Orthodox Church within the diocese of Melbourne and affiliated regions to hold property for the benefit of the Coptic Orthodox Church in that diocese, to provide for the vesting of certain property in the trustee, to cancel the incorporation of certain associations and for other purposes.

Read first time.

OWNERS CORPORATIONS BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to provide for the management, powers and functions of owners corporations and for appropriate mechanisms for the resolution of disputes relating to owners corporations, to amend the Subdivision Act

1988 in relation to the creation of owners corporations, to amend other acts and for other purposes.

Read first time.

CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Coroners Act 1985 and the Human Tissue Act 1982 and for other purposes.

Read first time.

MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) introduced a bill to amend the Mineral Resources Development Act 1990 and the Environment Protection Act 1970 and to make consequential amendments to other acts and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that:

1. Religious freedom essentially includes the freedom to teach, preach and propagate one's beliefs, and to express opinions about other world views. This applies to all religions, and certainly to the Christian religion where Christ commands His followers to propagate their faith — Matt 28:18–20

2. The Racial and Religious Tolerance Act 2001 aims to outlaw vilification, but its enforcement places 'an intolerable curb on religious freedom' and threatens free speech itself.

In any case, the legislation is unnecessary in a community that has always had effective mechanisms for correcting intemperate or offensive statements (whether on religion, race or any other topic) — namely public forums in newspapers, open debate and discussion, talkback radio etc.

In view of the fact that the Australian constitution

> forbids the making of any commonwealth law 'prohibiting the free exercise of any religion' (section 116), and
>
> decrees that 'when a state law is inconsistent with a law of the commonwealth, the latter shall prevail …' (section 109)

Your petitioners therefore request that the Racial and Religious Tolerance Act 2001 be repealed.

By Mr LOCKWOOD (Bayswater) (39 signatures)
Dr SYKES (Benalla) (15 signatures)

Benalla–Tatong–Tolmie road, Tatong: safety

To the Legislative Assembly of Victoria:

We, who drive in the Tatong region of Victoria, draw to the attention of the house the deficient width of seal on curves on the Benalla–Tatong–Tolmie road. This road is used by log trucks (including B-doubles), as well as farmers, residents and cyclists. The width of the road is inadequate, at the curves, to accommodate both a truck and a car, causing drivers to be in fear of their own safety. The gravel shoulders quickly break up under truck use, particularly in wet weather, as trucks and cars are forced onto them. These corners are extremely dangerous to inexperienced drivers. We request that corner-shoulders on the Tatong Road be sealed, most particularly the following corners, where many accidents and close shaves occur (see attached map).

A: Mokoan — 7.5 km from Sydney Road, Benalla

B: Whitegate, Smith's Road — 12 km

C: Whitegate; Knight Road — 13.5 km

D: McCauley's Crossing — 29.3 km

E: Dodd's Bridge South — 34.8 km

By Dr SYKES (Benalla) (8 signatures)

Lake Mokoan: decommissioning

To the Legislative Assembly of Victoria:

The petition of water users in the Broken Valley and concerned citizens draws to the attention of the house that the government has discontinued irrigator involvement in the decision making process regarding the decommissioning of Lake Mokoan.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to:

> Reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken system.
>
> Undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan.

> Ensure commitments given by the former and current ministers for water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full.
>
> Investigate the possibility of a permanent storage in the bed of the lake to ensure reliability of supply to water users.

By Dr SYKES (Benalla) (226 signatures)

Human rights: legislation

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the effect of the charter will be:

> to transfer decision making on moral issues from elected and accountable politicians to unelected and unaccountable judges
>
> to deny Christians the right to influence their community. This is contrary to Christ's command to all Christians — Matthew 5:13–16
>
> to prevent public debate on human rights issues
>
> to elevate the rights of vocal minorities above those of ordinary citizens
>
> to create an environment that encourages costly litigation
>
> to undermine the appropriate 'separation of powers' that has historically safeguarded the rights of all Victorian citizens

While the charter purports to protect individual rights, it does exactly the opposite. The charter eliminates the ability of individuals to influence the governing of their state (through their elected representatives), by moving issues of human rights and morality from the parliament to the courtroom.

We urge you to defeat the Charter of Human Rights and Responsibilities Bill 2006.

By Dr SYKES (Benalla) (46 signatures)
Mr STENSHOLT (Burwood) (14 signatures)
Mr HARDMAN (Seymour) (16 signatures)

Rail: Mornington–Baxter line

To the Legislative Assembly of Victoria:

The petition to the Legislative Assembly of Victoria to re-open passenger service to Mornington.

We, the undersigned petitioners call upon the state government to re-open Mornington–Baxter railway line and to reintroduce passenger services to Mornington.

By Dr HARKNESS (Frankston) (143 signatures)

Buses: Gembrook and Pakenham

To the Legislative Assembly of Victoria:

The petition of residents of Gembrook, Pakenham Upper and surrounding areas draws the attention of the house to the need for residents to access Pakenham and surrounding areas. The petitioners therefore request that the Legislative Assembly of Victoria establish a bus route between the two towns of Gembrook and Pakenham.

By Ms LOBATO (Gembrook) (159 signatures)

Preschools: accessibility

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house that preschool education in Victoria needs urgent reform to ensure every Victorian child can access high-quality preschool education.

The petitioners therefore request that the Legislative Assembly of Victoria recognise that preschool is the critical first step of education and move responsibility for preschools to the Department of Education and Training.

By Mr RYAN (Gippsland South) (247 signatures)

Princes Freeway: noise barriers

To the Legislative Assembly of Victoria:

This petition of residents of Victoria points out to the house that we the undersigned call on VicRoads and the department of transport, to urgently construct sound barriers along the stretch of the Princes Freeway between Clyde Road in Berwick and Brookvale Close in Beaconsfield.

In light of the increasing numbers of motor and heavy vehicle movements on this freeway, we demand that VicRoads act immediately.

The petitioners therefore request that the Legislative Assembly of Victoria seek the appropriate action.

By Mr MULDER (Polwarth) (51 signatures)

Rail: Cranbourne East station

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria, draws to the attention of the house, the insufficiency of public transport in the state district of Cranbourne, and neighbouring areas. The existing Cranbourne station is overcrowded and insufficient to cater for the public transport needs of residents of Cranbourne East and neighbouring areas, which are rapidly growing in population.

We the undersigned, pray that the department of transport will enact the 1999 and 2002 election promises of the Bracks Labor government, to build Cranbourne East station. And we the undersigned, state that the Bracks Labor government will be judged by its failure to build Cranbourne East station at the next election.

The petitioners therefore request that the Legislative Assembly of Victoria seeks the appropriate action.

By Mr MULDER (Polwarth) (150 signatures)

Casey: public transport

To the Legislative Assembly of Victoria:

The petition of residents of Victoria, points out to the house that we the undersigned, call on the department of transport to conduct a total review of all train and bus timetables in the city of Casey, to ensure that there is better connectivity between two forms of public transport.

We also respectively request that the minister of transport conducts a total review for the need for additional car parking at railway stations in Victoria's largest municipality the city of Casey. The existing 1510 car parking spaces is insufficient to cater for over 220 000 residents.

The petitioners therefore request that the Legislative Assembly of Victoria seek the appropriate action.

By Mr MULDER (Polwarth) (821 signatures)

Tabled.

STATE SERVICES AUTHORITY

Rural Ambulance Victoria

Ms PIKE (Minister for Health), by leave, presented interim report of review of governance and effectiveness of Rural Ambulance Victoria.

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulation review 2005

Mr LOCKWOOD (Bayswater) presented annual review, together with appendices.

Tabled.

Ordered to be printed.

PRIVILEGES COMMITTEE

Complaint by member for Preston

Mr NARDELLA (Melton) presented report, together with appendices.

Tabled.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 7

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 7 of 2006 on:

Charter of Human Rights and Responsibilities Bill
Children, Youth and Families (Consequential and Other Amendments) Bill
Corrections and Other Justice Legislation (Amendment) Bill
Courts Legislation (Jurisdiction) Bill
Courts Legislation (Neighbourhood Justice Centre) Bill
Health Services (Supported Residential Services) Bill
Melbourne University (Victorian College of the Arts) Bill
Snowy Hydro Corporatisation (Parliamentary Approval) Bill
Victims' Charter Bill
World Swimming Championships (Amendment) Bill

together with appendices.

Tabled.

Ordered to be printed.

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE

Regional telecommunications infrastructure for business

Mr HARDMAN (Seymour) presented report, together with appendices, minority reports, extracts from proceedings and minutes of evidence.

Tabled.

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

DOCUMENTS

Tabled by Clerk:

Auditor-General — Annual Plan 2006–07

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

Mentone and Mordialloc Beach Park Reserve

Point Leo Foreshore Reserve

Westerfolds Park Reserve

Interpretation of Legislation Act 1984:

Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 41, 59, 80

Notice under s 32(3)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials) (*Gazette G26*, 29 June 2006)

Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) (*Gazette G26*, 29 June 2006)

Financial Management Act 1994 — Report from the Minister for Sport and Recreation that he had not received the 2005–06 annual report of the Melbourne Cricket Ground Trust, together with an explanation for the delay in tabling

Murray-Darling Basin Act 1993 — Schedule H to the Murray-Darling Basin Agreement under s 28(b)

National Parks Act 1975 — Notice of consent from the Minister for Environment for petroleum exploration within the Lower Glenelg National Park

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

Ballarat Planning Scheme — Nos C94, C82, C91

Bass Coast Planning Scheme — Nos C27 Part 1, C45, C58

Baw Baw Planning Scheme — No C34

Bayside Planning Scheme — No C51

Benalla Planning Scheme — No C15

Boroondara Planning Scheme — Nos C51, C56, C57

Brimbank Planning Scheme — No C79

Campaspe Planning Scheme — Nos C37, C39

Cardinia Planning Scheme — Nos C58, C78

Casey Planning Scheme — No C81

Central Goldfields Planning Scheme — No C6

Corangamite Planning Scheme — No C14

Darebin Planning Scheme — No C65

Glen Eira Planning Scheme — No C51

Glenelg Planning Scheme — No C23

Greater Bendigo Planning Scheme — Nos C34, C72, C76

Greater Dandenong Planning Scheme — No C72

Greater Geelong Planning Scheme — Nos C91, C101 Part 1

Greater Shepparton Planning Scheme — No C27

Hume Planning Scheme — Nos C60, C63, C70

Indigo Planning Scheme — No C33

Kingston Planning Scheme — No C46 Part 2

Knox Planning Scheme — Nos C47, C51

Macedon Ranges Planning Scheme — No C28

Manningham Planning Scheme — Nos C56 Part 1, C56 Part 2

Maroondah Planning Scheme — No C47

Melbourne Planning Scheme — Nos C61, C107

Moonee Valley Planning Scheme — No C60

Mornington Peninsula Planning Scheme — Nos C74 Part 1, C72, C76

Nillumbik Planning Scheme — Nos C30, C45

Port Phillip Planning Scheme — Nos C23, C32

South Gippsland Planning Scheme — Nos C23, C38

Wangaratta Planning Scheme — No C23

Warrnambool Planning Scheme — Nos C21, C39

Yarra Planning Scheme — No C62

State Concessions Act 2004 — Orders under s 7 (five orders)

Statutory Rules under the following Acts:

Building Act 1993 — SR Nos 68, 79

Crimes (Assumed Identities) Act 2004 — SR No 74

Crimes (Family Violence) Act 1987 — SR No 78

Drugs, Poisons and Controlled Substances Act 1981 — SR No 70

Environment Protection Act 1970 — SR No 65

Evidence Act 1958 — SR No 77

Firearms Act 1996 — SR No 81

Fisheries Act 1995 — SR No 63

Gambling Regulation Act 2003 — SR No 71

Infringements Act 2006 — SR Nos 75, 76

Magistrates' Court Act 1989 — SR Nos 69, 72, 83, 87

Planning and Environment Act 1987 — SR No 85

Plant Health and Plant Products Act 1995 — SR No 62

Prostitution Control Act 1994 — SR No 64

Road Safety Act 1986 — SR No 82

Surveillance Devices Act 1999 — SR No 73

Sustainable Forests (Timber) Act 2004 — SR No 84

Terrorism (Community Protection) Act 2003 — SR No 80

Transfer of Land Act 1958 — SR Nos 66, 67

Transport Act 1983 — SR No 86

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 67, 69, 72, 79, 83, 85, 87

Ministers' exemption certificates in relation to Statutory Rule Nos 63, 65, 70, 71, 78, 80, 81, 82

Minister's infringement certificate under s 6A in relation to Statutory Rule No 86

The following proclamations fixing operative dates were tabled by the Clerk:

Crimes (Assumed Identities) Act 2004 — Whole Act on 1 July 2006 (*Gazette G26*, 29 June 2006)

Equal Opportunity and Tolerance Legislation (Amendment) Act 2006 — Remaining provisions on 30 June 2006 (*Gazette G26*, 29 June 2006)

Evidence (Witness Identity Protection) Act 2004 — Whole Act on 1 July 2006 (*Gazette G26*, 29 June 2006)

Firearms (Further Amendment) Act 2005 — Remaining provisions of Part 2 (other than ss 11, 15, 27, 33, 48, 54 and 59) and Part 5 on 1 July 2006 (*Gazette G26*, 29 June 2006)

Guardianship and Administration (Further Amendment) Act 2006 — Whole Act on 15 July 2006 (*Gazette G27*, 6 July 2006)

Infringements (Consequential and Other Amendments) Act 2006 — Remaining provisions on 1 July 2006 (*Gazette G26*, 29 June 2006)

Infringements Act 2006 — Whole Act on 1 July 2006 (*Gazette G26*, 29 June 2006)

Investigative, Enforcement and Police Powers Acts (Amendment) Act 2005 — Part 9 on 1 July 2006 (*Gazette G26*, 29 June 2006)

Major Crime Legislation (Office of Police Integrity) Act 2004 — Section 12 and Parts 6 and 7 on 1 July 2006 (*Gazette G26*, 29 June 2006)

Public Sector Employment (Award Entitlements) Act 2006 — Whole Act on 3 July 2006 (*Gazette G25*, 22 June 2006)

Surveillance Devices (Amendment) Act 2004 — Whole Act on 1 July 2006 (*Gazette G26*, 29 June 2006)

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Division 1 of Part 9 and s 34 on 31 July 2006 (*Gazette G27*, 6 July 2006).

ROYAL ASSENT

Message read advising royal assent on 20 June to:

Appropriation (2006/2007) Bill *(Presented to the Governor by the Speaker)*
Appropriation (Parliament 2006/2007) Bill *(Presented to the Governor by the Speaker)*
State Taxation (Reductions and Concessions) Bill
Transfer of Land (Alpine Resorts) Bill
Victoria Racing Club Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Victims' Charter Bill
World Swimming Championships (Amendment) Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 6.00 p.m. on Thursday, 20 July 2006:

Children, Youth and Families (Consequential and Other Amendments) Bill

Corrections and Other Justice Legislation (Amendment) Bill

Courts Legislation (Jurisdiction) Bill

Courts Legislation (Neighbourhood Justice Centre) Bill

Drugs, Poisons and Controlled Substances (Amendment) Bill

Evidence (Document Unavailability) Bill

Health Services (Supported Residential Services) Bill

National Parks and Crown Land (Reserves) Acts (Amendment) Bill

Snowy Hydro Corporatisation (Parliamentary Approval) Bill.

In moving this procedural motion for the government business program, I indicate to the house that the effect of this motion will be to place nine pieces of legislation before the Parliament this week for its consideration. The nature of those bills is such that it is the view of the government that with a little bit of extra sitting on Tuesday — that is, today — Wednesday and Thursday we should be able to deal with all those bills easily by 6.00 p.m. on Thursday. It is the intention of the government to go on the adjournment at 11.00 p.m. on Tuesday and Wednesday and of course, as foreshadowed as part of this motion, to go on the adjournment at 6.00 p.m. on Thursday.

Also, to assist the chamber in understanding the progression of those bills on the government business program, it is our intention today to start off dealing with the Evidence (Document Unavailability) Bill, which is no. 2 on today's notice paper, and then to proceed to item 3, the Drugs, Poisons and Controlled Substances (Amendment) Bill, and then to item 5, the Courts Legislation (Neighbourhood Justice Centre) Bill.

On Wednesday we plan to deal with the National Parks and Crown Land (Reserves) Acts (Amendment) Bill, and on Thursday the Snowy Hydro Corporatisation (Parliamentary Approval) Bill. The balance of the nine bills will be dealt with at appropriate stages on Tuesday, Wednesday and Thursday. We have had some requests in particular in relation to a desire to deal with the National Parks and Crown Land (Reserves) Acts (Amendment) Bill on Wednesday. We are happy to accommodate that.

Given the nature of the bills and the extra couple of hours being provided for second-reading debates, we think this is a manageable task for the Parliament in this parliamentary week. It is, after all, the only parliamentary week in July and continues the practice of this government of having a parliamentary sitting week in most months of the year. That is in stark contrast to the old traditions of having a parliamentary recess so you could catch a slow steamer back to the mother country, spend a summer in Europe, and then catch a slow steamer back to Australia.

This government is of the view that we should work regularly during the parliamentary year, and its determination to have a parliamentary sitting in June, and another one in July, is demonstration of that. In stark contrast to our federal colleagues, who are off on an extended parliamentary recess trying to sort out their leadership issues, we are here on a regular basis holding ourselves accountable and providing opportunities for scrutiny as we head towards the end of the parliamentary year. The program before us provides sufficient time to deal with the bills on the government business program this week.

Mr COOPER (Mornington) — I suppose one should say, 'Beware of Greeks bearing gifts', and in this case it is beware of the Leader of the House talking about the fact that a program — —

Mr Kotsiras interjected.

Mr COOPER — I apologise to the member for Bulleen; it is just an expression, of course. You have to be aware of the Leader of the House saying that a nine-bill program for the week can be easily accommodated. Of course it can be easily accommodated if you sit long hours and have no regard for the proper running of a business program and of the house.

Looking over the legislation on the business program I see that there are some bills of some moment, but again we will no doubt see debate truncated. I am reminded of the last sitting week when we were dealing with the Charter of Human Rights and Responsibilities Bill, when not every member who wanted to speak on that bill was able to because it was guillotined. That piece of legislation proudly proclaimed rights and responsibilities, but some of the rights of members in this house were trampled on when they were not able to make a contribution to the debate.

We are certainly not pleased with the business program. Again we see an extensive business program being brought into the house by the government; and having regard to what we just witnessed, with the Leader of the House standing to his feet with notices of new legislation, obviously in the next sitting week another massive legislation program will be presented to us as the government tries to clean out its desk prior to the November election.

The minister proudly proclaims and talks about stark contrast. The stark contrast is that this house will sit in this year, 2006, for a total of 38 days — 38 days is all that this house will sit. That is in stark contrast, all right — it is in stark contrast to every other Parliament in this country. It is certainly in stark contrast to the federal Parliament, which sits massively longer times, and it is in stark contrast to the parliamentary sitting programs of this house under the Kennett government.

This house now sits for less time than it ever has. The government deals with that by squeezing more and more legislation into a weekly program to try to overcome its weaknesses with its lack of sitting times and inability to manage the program. The minister went on to talk about how the government is patting itself on the back and helping itself. 'We are helping ourselves', he said — and they certainly are. The headlines in this week's newspapers about the Premier's trip overseas for a quarter of a million dollars — that junket — certainly shows who is helping themselves! What is not being helped is the proper running of this house. While the government is intent upon sitting less so that it can travel more, this house is being asked to work longer and longer hours and shovel more and more legislation through under the guillotine. The opposition is most unhappy about this program and will be voting accordingly on the matter.

In the remaining minute I have — and I will probably not occupy all of it — I again draw to the attention of the house the fact that two bills have been languishing on the notice paper — —

Mr Maughan interjected.

Mr COOPER — I think it must now set a world record. There is the Channel Deepening (Facilitation) Bill, which was brought in many, many moons ago — it probably has moss growing on it now — and the Courts Legislation (Judicial Pensions) Bill. I hope the judges are not hanging there waiting for their judicial pensions to go through, because they will be starving to death, the poor dears. The two bills are languishing there, and on behalf of opposition members I again say that we would like to debate them. If the minister is looking for something else to do in the next sitting week, instead of railroading through bills that have just been introduced, he might like to consider items 14 and 15 as items that this house could debate.

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

Mr MAUGHAN (Rodney) — The Nationals will be opposing the government business program for fairly obvious reasons. There are nine bills this week, plus the government matter of public importance, plus second readings and, as the member for Mornington has already indicated, there is simply not sufficient time to allow those who wish to speak on the various pieces of legislation to do so.

There are two very important pieces of legislation: the Snowy Hydro Corporatisation (Parliamentary Approval) Bill, which The Nationals will be seeking to amend, and the Corrections and Other Justice Legislation (Amendment) Bill, which I understand the Liberal Party will move some amendments to. You can bet your bottom dollar that the government will do whatever it can to avoid the consideration-in-detail stage to deny members the opportunity to properly debate the detail of those two very important pieces of legislation.

The government is always keen to avoid the consideration-in-detail stage, and I think we will see that again this week, because in the last hour we have been advised that the Snowy Hydro corporatisation bill will not be debated until Thursday. I wonder why. I would suggest it is so that that legislation gets caught up in the guillotine and we do not have the opportunity to have a full and frank debate on it.

Apart from the two bills that I have referred to there are another seven bills — three legal bills, one on drugs, poisons and controlled substances, and bills on national parks, corrections, health services, and children, youth and families. They are all important bills on which various members will want to express views on behalf of their constituents. The children, youth and families legislation was rushed through this house in a week when there was another very important piece of legislation to do with education. The bill was clearly rushed through without the community — those who have a real interest in this legislation — being given the opportunity to properly scrutinise the bill.

This time around some of the amendments that are coming in are necessary because the legislation was rushed through and there were mistakes. There are a whole range of amendments that are consequential amendments, and we accept that, and we accept that the minister did foreshadow that there would be amendments further down the track — that is accepted. But the point I make is that because this piece of legislation was rushed through to suit the government's business program, mistakes were made and we are now looking at correcting them this week.

As I have said, there are nine bills covering a range of subjects, and many members wish to speak. The government cannot organise its business program properly. If we think back to the earlier sitting weeks when we had four or five pieces of legislation, we were padding out to fill the time, and now — —

Mr Walsh — When we talked about the Commonwealth Games!

Mr MAUGHAN — And we talked about the Commonwealth Games, endlessly congratulating ourselves. We have spoken about that previously. The reality is that we are now in the final sitting weeks of this session, we are going to have eight or nine bills each week and we are going to be sitting late hours every sitting week from now on — and I notice the member for Yuroke is nodding. This is the party that, when it was in opposition, was talking about family-friendly hours. What on earth has happened to family-friendly hours and consideration for members getting home at a reasonable time?

We will be sitting until 11 o'clock tonight and tomorrow night and 6 o'clock on Thursday night. I have said time and again — —

Mr Haermeyer — Heaven forbid!

Honourable members interjecting.

The SPEAKER — Order! Without the assistance of the Minister for Manufacturing and Export! I ask the

members at the table to be quiet to allow the member for Rodney to continue his comments.

Mr MAUGHAN — It shows the contempt this government has for country members, many of whom — and I have said it before — have a 3 or 4-hour drive to get home. The member for Mildura, the poor lad, will have to go without his dinner on Thursday night because the Charlton Roadhouse will be closed before he is able to get there if he stays until the conclusion of Parliament. He will not be able to get a meal on the way home because we will be sitting until 6.00 p.m.

Whatever happened to this honest, open and accountable government and to adequate scrutiny of legislation? Why can the government not allow the opposition parties to know in advance what is going to be on the program a bit earlier than it does? This week, for example, I got an email — which I have here — at 3.21 p.m. on Thursday telling us what the program is. It should be earlier than that. There should be greater cooperation between the government and the opposition parties.

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

Mr ANDREWS (Mulgrave) — Very briefly, Speaker, because I think we ought to get on with debating these nine important bills, can I say that I am pleased to support the government business program as proposed by the Leader of the House. Nine bills this week, with an extra 4 hours of sitting — until 11.00 p.m. tonight, 11.00 p.m. tomorrow night and then 6.00 p.m. on Thursday in terms of the adjournment, which is 4 additional hours — is a substantial workload, but it is not an onerous workload.

The member for Mornington has made the point not only that nine bills are being debated this week but that, in terms of the introduction of government bills, notice has been given of a whole range of others. That is the work of a parliament: to introduce, debate and pass bills and actually improve the lives of ordinary Victorians. That is what we are here to do. This ought not be news to someone who has sat in this Parliament for more than 20 years. That is what this Parliament does. Nine bills with 4 extra hours of sitting is not an onerous workload, it is a substantial workload, and I think every member is up to that task. I am certain that in discussions between the parties, no doubt including the two Independent members, it will be possible for arrangements to be made to enable people who want to speak on bills to get up and speak on those bills.

We may see the sorts of filibustering tactics we saw last sitting week, when those opposite sought to hold up the house by debating bills they were actually voting for. They went on and on and were dragging members in from the car park to speak on bills. Nine bills is not an onerous workload. The member for Mornington made the point that this year the Parliament will sit for 38 weeks. There is an event at the end of that time — —

Mr Cooper — The Parliament will sit for 38 days!

Mr ANDREWS — I am sorry, 38 days — it sometimes feels like 38 weeks — but there is an event that runs for 25 days at the end of this year, and obviously the Parliament cannot sit while there is a formal election campaign on. This is not an ordinary year.

Mr Cooper interjected.

Mr ANDREWS — The member for Mornington is probably not too fussed about this, he is not going to be a candidate in that election, but still there are events at the end of this year that make it impossible for the Parliament to sit during those 25 days.

As I said, nine bills with an extra 4 hours of sitting is not an onerous workload. I am sure that all members who want to speak on bills will be able to do that. It is an appropriate workload. It is the business of this Parliament to introduce bills and to pass them and to put forward a whole series of positive plans to improve the lives and the lot of Victorian working people. That is what the Parliament is here for, so the notion that this is somehow a great burden on those opposite is perhaps a greater reflection on them than on the size of the workload.

With those few words, I commend the government business program as proposed by the Leader of the House. This is not an onerous program, and rather than having this debate we ought to get on with debating those important bills.

Ms ASHER (Brighton) — I wish to make a couple of brief observations in also opposing the government's business program. I point out that of course the Parliament is here to pass legislation, but the issue is: are we doing it under reasonable circumstances? I completely understand, and it is not as if I am naive and new to opposition. I completely understand the government's imperative to put its legislation through; however, there are two questions that the Parliament should consider and the government, quite frankly, should consider as well.

The first question is: are MPs given ample opportunity to participate in the particular program? There are examples here — —

Ms Beattie interjected.

Ms ASHER — Hang on, I was actually going to praise you, so don't get too excited!

There have been examples in previous weeks of members of Parliament not being given that opportunity to participate, and I will make the observation that the government certainly, when the opposition made some requests relating to the national parks bill, accommodated that, and I thank the Leader of the House. He has made an attempt to accommodate members by sitting longer hours.

The second question for the Parliament is: can MPs participate in reasonable circumstances? I always make reference to the reasonable sitting hours policy this government had when it was in opposition. Again, family-friendly hours will never be a realistic circumstance for Parliament because members of Parliament work at night. However, there is a question as to what is reasonable.

We on this side of the house do not think it is reasonable to have members leave work on Tuesday and Wednesday at about 11.30 p.m. or 11.45 p.m., which is the expected time. As to the Thursday night issue, a city-based member with a driver is being particularly insensitive. The house's adjourning at 6.00 p.m. on Thursday means that Parliament will not finish until 6.30 p.m. or 6.45 p.m. It is very important to be cognisant of the needs of members of Parliament who reside in the country and have very long treks to make.

I go back to making the same points that I nearly always make when I speak on these motions. The overall proposal for the sitting hours of Parliament is unreasonable, given that there will be nine additional second readings as well as the debates on bills. I imagine there will be a lot of speakers on the Snowy Hydro Corporatisation (Parliamentary Approval) Bill and quite a few speakers on the Courts Legislation (Neighbourhood Justice Centre) Bill.

The government needs to improve its capacity to manage the program and manage the flow of work. Time and again at the beginning of a session of Parliament we have limited numbers of bills because the government cannot manage the flow of business, and towards the end of the program we have work frameworks which, quite frankly, involve an unreasonable load by community standards. Whilst I acknowledge the desire of the government to accommodate members of Parliament this week — but not always — this is not the way to do it.

Mr Andrews interjected.

The SPEAKER — Order! The member for Mulgrave has had his turn.

Ms ASHER — The better way to accommodate members of Parliament and the parliamentary process — that is, scheduling additional sitting days — is unpalatable to the government. I make the observation, and I take up the comment made by the member for Mulgrave, that the writs for the election will not be issued until 31 October and that there are two sitting days scheduled for October. We would be more than happy to come back and have a few extra sitting days in October should the government like to. We would also be happy to come back in July, August and September. It is the government's call; we are available. We are quite happy to work extra days, but we are not all that keen on working into the middle of the night, when the scrutiny of this Parliament is reduced, to say the least.

The opposition opposes the government business program presented for this week. The government has a track record of foisting unreasonable hours on the opposition, and that is not in line with the expectation in this day and age that Parliament should sit reasonable hours. I suggest the government look at the sitting patterns of the federal Parliament, where times for rising are more reasonable and more in line with community standards. I propose that is what the government should look at in the future. We oppose the government's business program.

Mr HAERMEYER (Minister for Manufacturing and Export) — My, my, don't we have short memories! I can recall coming into this house at 10 o'clock on a Thursday morning and not leaving the house until 5 o'clock on the Friday morning, the then Speaker kindly indicating before we rose that the house would resume at midday. I returned to the house at midday on the Friday, and we did not leave until 5 o'clock on the Saturday afternoon! We are asking for 4 extra hours beyond the normal sitting times, yet we have these people coming in here and talking about unreasonable sitting hours and complaining about the amount of legislation. This is a legislature; that is why they call it the Legislative Assembly! It legislates; that is what we do here. I would have thought that after all these years the member for Brighton, of all people, would have understood that.

Ms Asher interjected.

The SPEAKER — Order! The member for Brighton has had her turn. I ask her to be quiet.

Mr HAERMEYER — These people come in here and whinge about unreasonable sitting hours, but this is a perfectly reasonable sitting program. There will be a bit of extra work to do compared with what we normally do, but it is a far cry from being unreasonable. What is unreasonable is what the opposition used to do when it sat on this side of the house. That was unreasonable.

People talk about the guillotining of bills. When I and many other members on this side were in opposition, how many times were we not given the opportunity to speak because of the use of the guillotine by the previous government? People talk about having an opportunity to speak. If I had an opportunity to speak on occasion, it was usually at 2 o'clock or 3 o'clock in the morning. What sort of legislature is that? We are running a reasonable legislative program. We are not having the big winter holiday.

Ms Asher interjected.

The SPEAKER — Order! The member for Brighton!

Mr HAERMEYER — We are not having the big winter holiday like the Kennett government used to; we are actually working through the winter. That is a sensible approach to running a legislative program.

Mr Cooper interjected.

Mr HAERMEYER — The member for Mornington talked about the legislation gathering moss. The only things gathering moss are the members on the opposition side. What we have here is a manifestation of laziness. I do not think there has been an opposition as lazy as this one, certainly not in my memory. Opposition members have no ideas, and when they get up they have absolutely nothing to say or contribute. All we ever hear from them is whingeing and whining. They come in and hold up the procedures of the house and then complain about not having an opportunity to speak. If they want the opportunity to speak, they should at least have something to say. I do not think they have anything to say at all.

Ms Asher — You are commenting on what we are saying.

Mr HAERMEYER — You have nothing to say — not one single novel idea or policy. There are no alternatives. This is a chamber of debate, yet all we get is whingeing and whining and moaning, if not about the government business program then about legislation — but not a single idea or single alternative is ever put forward. If opposition members want the opportunity to debate, they should come up with some ideas and put up alternative proposals. They should use the opportunities that are here — and there are a darned sight more than we ever had when we were sitting on that side of the house. They should use them and not be so lazy.

I have been in this house since 1992. The hours that this house is being asked to sit this week are a far cry from what we had to go through during the 1990s. This is an extremely reasonable program, and I suggest that members of the opposition get off their backsides, do some homework and get some ideas.

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

House divided on motion:

Ayes, 56

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

Noes, 24

Asher, Ms	Maughan, Mr
Baillieu, Mr	Mulder, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr

Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Industrial relations: WorkChoices

Ms ALLAN (Minister for Education Services) — Last weekend the member for Bendigo West and I visited workers at Empire Rubber, who are faced with losing their jobs with no access to the entitlements they have earned over many years of service.

Consider the impact on the husband and wife I spoke to. The two employees have seven children between the ages of 8 and 16. They are desperately worried about their future if they are denied access to the tens of thousands of dollars in entitlements they have worked hard for — and there are many hundreds more employees in the same situation.

Why are they in this situation? There are two reasons. The first is the asset stripping over recent months by the owners of Empire Rubber, Huon Corporation, which is nothing short of theft from the workers. The second reason is the federal Liberal-National government laws that allow this to happen. These anti-worker laws are endless. They make it harder to access the government's employee entitlement and redundancy scheme (GEERS). Under WorkChoices the situation faced by Empire Rubber workers is the future facing all Victorian working families.

I call on the federal minister to make good his comments today, give a firm time line on when the workers will get access to their GEERS entitlements and promise them that they will not have to languish, waiting years for their entitlements. I call on the Bendigo Liberals to explain to these workers why the Liberal Party is hell bent on punishing them through its anti-worker federal legislation.

We all knew that the future under WorkChoices would be bleak. Now the evidence is before us in the shape of these Bendigo workers, who just want — —

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

Freedom of information: government performance

Ms ASHER (Brighton) — I wish to draw the attention of the house to matters relating to the government's abysmal handling of freedom of information (FOI). I welcome yesterday's Victorian Civil and Administrative Tribunal decision which ordered the government to release certain documents, those being the quarterly reports on major projects.

The government argued that they were cabinet and draft documents. VCAT found that they were not cabinet documents and that it is very difficult to argue that a document is a draft when it is actually headed 'Final report'. Judge Davis said:

> … it is clear on the evidence before me that the disputed documents themselves were not submitted by DTF to the relevant quarterly ERC meetings but on each occasion DTF supplied a new and different document.

This is now the second case where the government has threatened me with having to pay costs. The government is exercising financial bullying tactics to get the opposition to withdraw appeals to VCAT, even though the government itself now acknowledges that it has been the practice of successive governments not to seek costs from applicants to VCAT on FOI matters. There has been clear financial intimidation on two occasions in the only two VCAT cases brought by me this year.

I call on the government to release the documents that VCAT has ordered be released within 28 days not to the media but to me. Furthermore, I call on the government not to appeal as it did in the Scoresby case to further intimidate and threaten financial retribution against the member who brought that appeal. The government's handling of FOI is a complete disgrace.

Mental health: *Out of the Shadows*

Mr ANDREWS (Mulgrave) — This morning I was very pleased to officially launch *Out of the Shadows*, which promotes the mental health and wellbeing of children and young people from families with parental mental illness. It is estimated that up to 1 million Australian children and adolescents live with a parent who either has or has had a mental illness. As is the case with serious physical illness or poor physical health, mental illness in a parent can have a dramatic effect on the relationship between parent and child.

No matter what the type of mental illness and its intensity, whether it be anxiety, depression, eating disorders or psychosis, the impact on family members

can be significant. Infants, children and young people living in these households are at increased risk of developing their own mental health issues for a variety of reasons. Experts now believe there are a range of factors that increase risk, including the genetic and/or environmental factors that are associated with mental illness.

Unfortunately families where parents have a mental illness are often also financially disadvantaged, which can arise from the disability associated with their illness. There are also issues to do with people being isolated and poorly serviced, and they may suffer from the stigma associated with mental illness. These are all important issues. That is why in 2002 the government funded, in partnership with VicHealth and beyondblue, two pilot projects — VicChamps and PATS (paying attention to self) — for three years. These projects have been evaluated, and in launching the findings today I was proud to note all the hard work that has gone into providing this better future for mental health clients, particularly children and their families. The government values this work. It has assisted us in setting future directions through a commitment of $2.4 million to build a better future for those who suffer mental illness, particularly young children.

Grampians Wimmera Mallee Water: charges

Mr WALSH (Swan Hill) — As members would know, the Wimmera Mallee is still desperately dry, despite the weekend rain. It is probable that many farmers south of the Waranga–Mallee channel will not receive a single dam fill this season unless substantial rain falls soon. The Nationals believe farmers should not have to pay for water they do not receive.

The Bracks government must get behind these farmers and support them in two ways. First, the government should compensate Grampians Wimmera Mallee Water for water rates so that farmers do not have to pay for a service they are not getting. Town water users, too, are facing draconian restrictions, yet Grampians Wimmera Mallee Water is paying a 2 per cent tax on water supplied to rural businesses and a 5 per cent tax on urban supplies, a charge on all customers that equates to about $1.25 million.

Given that almost none of the water being taxed is being delivered, this hidden charge, which is designed to funnel more dollars into the Bracks government's coffers, is an abomination. The second action the Bracks government must take, if it can make any claim to leadership and compassion, is to lift this secret water tax on all customers in the Wimmera Mallee until the water supply in the catchment improves significantly.

Eastern Transport Coalition

Ms MARSHALL (Forest Hill) — On 10 July I attended the launch of the Eastern Transport Coalition (ETC) at the Box Hill tram terminus. Covering the municipalities of Whitehorse, Greater Dandenong, Knox, Manningham, Maroondah and the Yarra Ranges, the ETC represents over 940 000 residents. With unprecedented collaboration between the ETC, local councils, the state government and private businesses there have been huge changes in communication between these groups, all of which have the common goal of providing a transport system which has even better buses, more rail services, effective coordination and better patronage. I would like to acknowledge the work that has been done so far, and I look forward to contributing and being involved in the future.

Beacon Foundation: No Dole charter

Ms MARSHALL — On 13 July I was a guest speaker at the Beacon Foundation's No Dole charter signing at Flinders Peak Secondary College and later at Newcomb Secondary College in Geelong, which was attended by the member for Bellarine and several hundred students. Like the member for Bellarine I know that reducing the number of dole applications in our local areas is a high priority, and the Beacon Foundation has a 97 per cent success rate. The signing of the No Dole charter outlines the students commitment to continuing full-time education, training or employment when they leave school. This is achieved through the diligent support of school staff, local community businesses and family. I look forward to following the success of these students in the future.

Make a Wish Foundation of Australia: ball

Ms MARSHALL — On Friday, 14 July, I attended and was a presenter at the Make a Wish Foundation of Australia Spectacular Wish Ball 2006 celebrating 21 years of wish granting. It was held at Crown Casino and was attended by 1200 Make a Wish supporters. I met with and interviewed a little eight-year-old girl, Dania, and her family. Dania had recently had her wish granted. She wanted to be a kid in the circus, so Make a Wish flew them all to Club Med in the Whitsundays, where there is a circus school. While still requiring regular medical attention, Dania and her family are a great example of the joy such a contribution can give.

Minister for Police and Emergency Services: comments

Mr WELLS (Scoresby) — This statement condemns the Minister for Police and Emergency

Services for his grubby politicisation of domestic violence when referring to an article in the *Yarra Ranges Journal*. The minister has a reputation for not reading memos, but I suggest he read this week's *Yarra Ranges Journal*, especially page 5, which says:

> The *Journal* last week quoted Mr Wells as saying he was concerned police were spending too much time dealing with domestic violence victims.
>
> The quote was taken out of context and should have read that Mr Wells was concerned that police were left searching for emergency housing and assistance after attending domestic violence incidents.
>
> Mr Wells, who has been a strong advocate for victims of domestic violence, said every reported incident of domestic violence must be attended by police.
>
> 'Any assault against any woman is a crime and must be dealt with harshly'.
>
> …
>
> A 24-hour hotline would enable … victims and police to link … with specialist advice …

The Liberal Party is calling for a 24-hour hotline to ensure that specialist advice is given to victims of domestic violence. This desperate minister has a reputation for saying anything to achieve publicity and for hiding in a bunker when he has committed another bungle.

Karingal Football Club: ground lighting

Dr HARKNESS (Frankston) — The Karingal Football Club will receive a $25 000 state government grant to install training lights at its football ground to cater for the growing number of footballers in the Karingal area. Accompanying me to the club at the end of last month was the Premier, who clearly recognises the importance of ensuring that local recreational facilities are adequate to encourage communities to take up healthy activities.

The Bracks government continues to upgrade local recreational facilities to encourage more Victorians to get active and involved. New lighting at the Karingal Football Club will create a safer environment for junior sport and help this local football club meet the rising demand for training facilities in the area. Despite a recent upgrade by Frankston council the oval is not being fully utilised in the dark winter months because the existing lighting is not sufficient for the players to train on the whole ground. The growing number of Auskick, junior and senior players will soon benefit from the installation of the new training lights.

Sporting clubs are the life blood of local communities, and clubs such as the Karingal Football Club bring people together and help strengthen communities. When people get involved in sport they become better connected and form stronger links to their local communities. The commitment and passion of club stalwart Max Greenbury, who worked tirelessly to secure funding for this lighting project, must be commended. Daniel Watts, the senior coach, and Paul Groves, the club president, also deserve commendation for their vigorous and effective efforts at the club.

Schools: sports equipment grants

Dr HARKNESS — Earlier in June I was very pleased to announce $40 000 worth of new sports equipment for schools in Frankston to encourage young people to be more physically active. These grants are part of a $3.7 million Go for Your Life program to provide schools with extra sports equipment. Getting involved in playing sport is a great way to stay healthy and active, and the Bracks government is committed to promoting healthier lifestyles.

Water: conservation initiatives

Dr NAPTHINE (South-West Coast) — I call on the government to take a great interest in testing and promoting good water-saving ideas and devices. Recent dry years have highlighted the need for all Australians to conserve precious water resources. One of the major areas of water loss in every household every day involves boundary water. This is the cold water which runs from hot taps in the shower, sink or bath until the warmer water flows. In most households this water, which amounts to millions of litres annually across all our cities every time the hot tap is turned on, is lost down the plug hole.

Glenn Finck of Portland has developed a water-saving device which captures this boundary water and then slowly remixes it with the hot flow to get the shower temperature just right, thereby using less cold water than usual. What is needed is a section of the Department of Sustainability and Environment or Sustainability Victoria to actually test this and other great water-saving ideas and inventions and to encourage the development and wider use of practical, low-cost water-saving systems in all Victorian homes and businesses.

While I recommend that the proposal put forward by Glenn Finck receive this sort of testing and evaluation, I also suggest that there ought to be an ongoing process whereby people throughout the length and breadth of Victoria who have good water-saving ideas and good inventions are able to have them tested and, where possible, implemented across Victoria.

Upper Ferntree Gully Primary School: Superstar Staff Day

Mr MERLINO (Monbulk) — On Friday, 14 July, I had the pleasure of attending a very special event at the Upper Ferntree Gully Primary School — Superstar Staff Day. This was an event in which all the teachers and staff at the school were personally acknowledged and thanked by the children and parent community. This terrific concept began with an idea from one of the parents, Lindy Holder, and quickly grew to mammoth proportions. The students dressed up as their favourite teacher, organised a special lunch and, with the help of the school's art teacher, Rhonda Nadasdy, created fantastic artwork to celebrate the day.

At the special assembly in the afternoon every teacher and staff member was personally presented with an award book created by the students. The teachers and staff, in particular the principal, David Rose, were clearly moved by the genuine appreciation, friendliness and sense of fun displayed by the students and parents. David talked about how the most important element in a school is how people work together — parents, teachers and students. He is absolutely right. The dedication and devotion of everyone associated with this school is second to none.

After the assembly David and the assistant principal, Stuart Edwards, took me on a tour of the soon-to-be-completed $3 million redevelopment of the school. The design is most impressive and it will be a wonderful environment for teachers, staff and students. The Bracks government has supported the school community with this major upgrade. However, it is the teachers, parents and students who will continue to make it a great place for children to learn and grow. Congratulations to all involved.

Harness racing: country meetings

Mr JASPER (Murray Valley) — I am concerned about the lack of appropriate consultation and evidence of progress in the investigation by Harness Racing Victoria into the closure or relocation of seven country clubs last year. The changes followed a report by Harness Racing Victoria that made a number of recommendations relating to the future of harness racing in country Victoria. Of particular concern to the Wangaratta Harness Racing Club and to myself as the local member was the relocation of meetings to Shepparton facilities from Wangaratta's Avian Park Raceway, which is a joint harness racing and greyhound racing facility.

Following a deputation with representation from the Wangaratta area, including myself, to the board of Harness Racing Victoria, the chairman, Mr Neil Busse, agreed to include Wangaratta in a two-year investigation into harness racing in north-eastern Victoria. I understand that consultants are investigating country harness racing. However, Wangaratta club members tell me that the process is a sham, with a lack of cooperation to allow the strongest submissions to be presented on behalf of Wangaratta. It is interesting to note that the board of Greyhound Racing Victoria has committed over $1 million to upgrading the greyhound facilities at the joint Wangaratta racetrack, including major improvements to the restaurant area.

The Minister for Racing has expressed concern with the lack of appropriate earlier consultation. However, it appears that Harness Racing Victoria members are not conducting an open, transparent and fully consultative process. I have now written to the board of Harness Racing Victoria and the Minister for Racing to ensure Wangaratta's just place as the centre for harness racing in north-eastern Victoria is re-established at Avian Park Raceway.

Family violence: Pakenham forum

Ms LOBATO (Gembrook) — Last Thursday I attended a community forum in Pakenham, organised jointly by the Cardinia Shire Council, the City of Casey and Victoria Police, to address appropriate responses to family violence. The aim of the forum was to enhance the whole-of-community and government commitment to responding to family violence incidences within the region and was appropriately titled 'Dignity, respect and self'.

I take this opportunity to condemn the shadow Minister for Police and Emergency Services, who said that police spend too much time dealing with domestic violence and that the role of police is to protect law and order, therefore claiming that violence against women is not a crime. The police officers I deal with are fully aware that family violence is a crime and they made their position very clear at the forum, even apologising for past injustices, whereby women were ignored — as the shadow minister suggests should still occur. The police realise that they are responsible for responding correctly and with professionalism to these crimes and ensuring that victims get appropriate support and offenders are held properly accountable.

Attending to crimes of domestic violence is where front-line policing is happening in the Casey-Cardinia region — and with justification. In 2004–05 in the city of Casey there were 1363 incidences of family violence

reported to police; in Cardinia there were 338. Although the rate of this crime per head of population is coming down, thanks to the state government's new policies and the police code of practice, the attitudes of the shadow minister may discourage more victims of this crime from seeking the police help that they need. I congratulate the police, who consider family violence an important law and order — —

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

Government: regulation reform

Mr CLARK (Box Hill) — In question time today the Treasurer tried to defend his latest hollow statement of last week about cutting red tape. The statement did not actually cut a single piece of red tape, even though there is plenty of Bracks government red tape it could cut, like the Child Employment Act, the Occupational Health and Safety Act or the Food (Amendment) Act. Instead, the Treasurer simply promised that his government would cut red tape at some time in the future.

He said the government would reduce existing administrative burdens, but he provided no means by which anyone can measure or check whether any reductions have occurred. He said the government would offset any new administrative burdens by eliminating existing burdens in the same area, but his new rules do not require the offsetting cut to be made public, and only cabinet need be told in confidence. He also said the government would review — a favourite Bracks government device — compliance burdens, but he made no commitment to reduce those burdens.

The Treasurer boasted that his changes were based on the Dutch model. However, the central element of the Dutch model is the creation of an independent gatekeeping body that scrutinises existing and proposed regulation and makes its findings public. For a government serious about cutting red tape, such a body creates a countervailing pressure against the political and bureaucratic pressures towards ever-increasing red tape. However, having an independent body like this means that governments must expose themselves to the risk of criticism by such a body, and it is clear that for a Bracks government focused on show rather than substance this was never part of the game plan.

In contrast, a Liberal government would replace the Victorian Competition and Efficiency Commission with a truly independent Victorian regulatory reform commission charged with identifying and eliminating or reforming all forms of cumbersome, ineffective, unnecessary or obsolete regulation — —

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

Victorian Animal Aid Trust

Ms ECKSTEIN (Ferntree Gully) — When I visited the Victorian Animal Aid Trust in Coldstream recently I was extremely impressed with the professionalism of the staff as well as their obvious dedication and compassion and love for the animals. Animal Aid operates on donations and the proceeds from the boarding kennels and cattery, several op shops, three local government pound contracts and the veterinary clinic, as well as with the help of a band of dedicated volunteers. I would like to congratulate Animal Aid and all its staff and volunteers for their ongoing commitment and dedication to caring for animals, particularly stray and unwanted cats and dogs, and for tackling the hard issues about pets and people in our community.

At the entrance to the adoption cattery I was checked out by the 'security' cats, who ensured that I was a fit and proper person to be visiting the facility! Cats waiting for adoption were mostly wandering about the cattery, mingling with staff and visitors, rather than being locked away in cages. I understand that cats are also used to retrain and socialise dogs for adoption. Volunteers exercise the dogs, and there is a post-adoption training program to help new owners integrate a shelter dog into their family.

Animal Aid has been caring for animals since 1948 and accepts any animal in need, regardless of age or lack of accompanying donation. It has a 90 per cent success rate for rehousing cats and dogs, pre-adoption screening and post-adoption follow-up and support. As a result, very, very few animals are returned as unsuitable.

It is one of the few shelters that accept animals in domestic violence situations where, for example, a woman and her children have to give up a much-loved family pet in order to go to a refuge. Families in such circumstances — —

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

Planning: Mornington Peninsula

Mr COOPER (Mornington) — On 8 July well over 350 residents of Mornington met at a public meeting to express their concerns about the impact that the Melbourne 2030 planning scheme will have on their

town. What worries Mornington residents is that the Bracks government sees the Mornington Peninsula as nothing more than another suburb of Melbourne. It has dumped the peninsula into its Melbourne 2030 scheme, despite the protests of those who live there and who proclaim that the area never has been and never should be seen as part of the metropolitan area. What must also be borne in mind is that the town of Mornington is not the only place on the peninsula which will be affected by these intentions of the Bracks government. Under the Melbourne 2030 scheme, Rosebud and Hastings and will also be subjected to inappropriate intensive residential development — and this will occur without any additional and highly necessary supporting infrastructure, such as major public transport improvements.

The 8 July public meeting made it quite clear that Mornington residents oppose the imposition of the Melbourne 2030 planning scheme on the peninsula and those at the meeting loudly welcomed the commitment by the Liberal Party to scrap that scheme and put in its place a separate planning scheme tailor made for the Mornington Peninsula. The only voice at the public meeting that was raised in support of the Bracks government's scheme was that of the Labor Party candidate for Mornington. This outsider to the area covered himself in disgrace by referring to Mornington as a city. He then lectured the audience about the need for them to just accept what the Bracks government intends to do. That Labor candidate is arrogant, he is ignorant and he is unelectable.

Kerrie Poole

Ms BEATTIE (Yuroke) — Kerrie Poole is one of those remarkable people who has been working tirelessly for her community for a great many years and her efforts have brought countless benefits to local residents. As coordinator of the Attwood community house, Kerrie is involved with and actively supportive of many of the fundamental services that families in our community rely upon. The Attwood neighbourhood house is a real epicentre within our community for learning, support, information and advice, and under Kerrie's coordination it has grown and thrived as a central hub of activity which residents can rely upon. I am delighted, therefore, with the significant increases in funding to neighbourhood houses announced by the Bracks government in the recent state budget and I am proud that by working together we have ensured that the great work of the Attwood neighbourhood house and many other similar centres out there will continue for many years.

Attwood neighbourhood house plays a vital role in building a stronger community and providing social and educational opportunities for residents in Yuroke. I applaud it for its work, and I will continue to offer my unequivocal support to both Kerrie and the team. I also urge Kerrie and her team to apply for some of the extra funding that I believe is going to be available. At the moment they are funded for 15 hours, and I am sure if extra funding can be obtained that will only boost the services they offer to the local community.

MonashLink Community Health Service

Ms BARKER (Oakleigh) — I was very pleased to recently attend the MonashLink Community Health Service's Hughesdale site with the Parliamentary Secretary for Health, who is also the member for Mulgrave, to announce further funding to assist Monash residents and ensure a coordinated approach to the management of chronic illnesses. MonashLink Community Health Service has certainly benefited under the Bracks government from increased funding over recent years, and this further increase of $400 000 per year will provide an additional 5000 hours of service and assist a further 400 chronically ill Monash residents.

Chronic conditions now place the greatest burden of disease on Victoria. The conditions are very complex and require intensive responses from a whole range of health professionals. People suffering from chronic illnesses should receive the right care at the right time, and in particular their care should be well coordinated. Without proper management of some conditions, people with chronic problems are more likely to have to attend hospital emergency and outpatient departments, and in many cases it is more likely that they will be admitted to hospital. It is most appropriate that our community health services provide this coordination, care and management to people with chronic conditions. They are very well placed in our communities not only to do this — that is, manage those chronic conditions — but also to promote and provide care and advice on healthier lifestyles.

The Bracks government is very serious about tackling the management of chronic conditions and also the complex health needs of older people. This extra $400 000 recurrent funding to MonashLink Community Health Service will ensure we continue to grow the work being done by this health service.

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

St Thomas the Apostle Primary School, Greensborough: achievements

Ms GREEN (Yan Yean) — Today I want to commend the wonderful students of St Thomas the Apostle Primary School in Greensborough. I was given a warm welcome by grade 1 and 2 students, and they listened intently as I read them *Where is the Green Sheep?*, which I left them as a gift. I was entertained by the year 1 and 2 song and dance team, comprising 30 to 40 students, who organised the performance — it was their own idea and they rehearsed at lunchtime. Well done to Megan Steller and Naomi Serratore, grade 6 girls who coordinated the song and dance team. Their parents should be very proud of them. Congratulations to Gail Smith, the newly appointed principal, and Peter Waldren, the assistant principal, for their educational leadership.

Ivanhoe Grammar School: Plenty campus

Ms GREEN — On 11 July I had the privilege of visiting junior students at the Plenty campus of Ivanhoe Grammar School. I read the students a story, and the students and I talked about our shared passion for reading. I was impressed with the confidence of students so young, and I want to commend the head of the primary section, Karen Griffiths, and campus principal Graeme Harder, and indeed the foresight of Ivanhoe Grammar in establishing the Plenty campus of this great school in anticipation of the educational needs of families now moving into the growth corridor.

Victorian Farmers Federation: conference

Ms GREEN — I also want to share with the house my pleasure in attending for the first time the Victorian Farmers Federation conference last week. I shared many ideas with the attendees there, and a number of my colleagues were also in attendance. It was good to see there the Whittlesea branch, which was the VFF branch of the year last year. I wish to commend the VFF for its support of the government's sustainability statement.

Parliament: 150th anniversary

Mr LANGDON (Ivanhoe) — On 1 July, Victoria's Proclamation Day, I was honoured to present to my local community certificates of appreciation to commemorate the 150th anniversary of the Parliament of Victoria. I am extremely pleased to advise that 95 people had been nominated by numerous community groups, including neighbourhood houses, schools, retirement villages and so on, from my local community. The occasion was an outstanding success, with over 200 people joining the nominees in the Ivanhoe civic centre. The Speaker joined with me to honour the recipients. Ms Lidia Argondizzo, a member for Templestowe Province in the other place, was also in attendance, as were three local councillors. I would like to thank the Banyule council and Ivanhoe East Primary School, whose choir sang the national anthem and closed the event with *I Am Australian*.

Budget: breakfast meeting

Mr LANGDON — The only sour note was the lack of an apology from the Honourable Bill Forwood, a member for Templestowe Province in the other place. Members will recall that in the other house on 30 May Mr Forwood challenged me to show where the proceeds of my budget breakfast would go towards the community. I can now advise this house and the Honourable Bill Forwood that the budget breakfast raised $1060. The cost of the function was $1057. Therefore there was a total profit of $3, but that does not include the certificates of appreciation, which I got printed, and the time and efforts of my office et cetera. It was an outstanding success. The community was truly honoured, and it was a great pleasure to do it all.

Jon Reader

Mr SEITZ (Keilor) — I would like to congratulate Senior Constable Jon Reader on all the work he is doing for the Brimbank community. Senior Constable Reader has been with Victoria Police for 25 years and is committed to the Brimbank community. He started the Street Surfer bus project, with one of its many trips being to transport elderly Brimbank residents to the Keilor cemetery to visit their spouses' graves. He has shaved his hair off to help raise money for children with cancer, and he started a project asking residents to donate Christmas gifts which were sent to Aboriginal children in remote areas. He is also committed to the youth in the area, and he is working hard to establish a proper youth facility that could have drama and indoor sporting activities within the Brimbank area.

Because of his work within the community Senior Constable Reader has also been commended by community organisations and presented with certificates of support from the various organisations, including the western suburbs gathering centre, which is a centre that operates to help indigenous people in our community. Jon Reader has been there supporting that community as well. In all aspects it is commendable to see a member of the police force who spends a lot of his own time with wayward teenagers, supporting them and being at evening functions with his Street Surfer bus.

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

J. J. Clancy Reserve, Kilmore: multipurpose centre

Mr HARDMAN (Seymour) — I rise to congratulate the J. J. Clancy Reserve committee of management, which has worked to improve local amenities at the reserve over the last few years. We have seen the football grounds and netball courts upgraded with local community fundraising efforts and support from Mitchell shire and the Bracks government. Now that great teamwork has led to $206 000 being granted from the Small Towns Development Fund — as well as contributions from the Mitchell shire and the local community again — to construct a multipurpose centre for Kilmore. This new centre will help provide a function room, changing rooms and toilets, an office, a storeroom, a kitchen and a kiosk at the J. J. Clancy Reserve.

The centre is going to be utilised by the Kilmore tennis and netball clubs, but it has also received great support from local residents and community groups who see a need for growing the infrastructure in Kilmore as the town grows. Those groups include the Kilmore Arts Society, the Pretty Sally Classic Truck Club, the Kilmore Dancing Group, Mitchell Community Health Services and the local Lions and Rotary clubs.

The Small Town Development Fund allows growing communities like Kilmore to meet the infrastructure needs of residents and also allows other communities to improve their infrastructure. I congratulate the shire officers and councillors. I congratulate the committee of management of the reserve as well and all those involved in bringing together this great project.

EVIDENCE (DOCUMENT UNAVAILABILITY) BILL

Second reading

Debate resumed from 31 May; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The opposition will support this bill. As the Attorney-General has noted in the second-reading speech, this is a further bill in the raft of legislation, led by the Crimes (Document Destruction) Bill that was brought into the house earlier this year, that has followed the Court of Appeal decision in the McCabe tobacco case.

What has to be said is that in that case the Court of Appeal found that the solicitor involved in the proceeding, while perhaps acting in a manner that was of concern, did not act in a way that amounted to any form of contumelious behaviour that would warrant the defence of the client being struck out, and accordingly the appeal was allowed. Given those facts, the government has moved to clarify much of the common law, certainly in relation to the first bill, which was the Crimes (Destruction of Documents) Bill, which deals, essentially, with creating a criminal offence of deliberately destroying documents in the lead-up to a court proceeding.

As I said at the time, that really took the common law a little bit further. It is a contempt of court for any party, but particularly a lawyer, to embark upon any course of conduct that would destroy documents when it is reasonably contemplated that those documents would be required in litigation. But to put the question beyond any doubt, this house passed the Crimes (Document Destruction) Bill, and this is a second piece of legislation that deals more with the aspects of the proceedings in relation to civil matters where there is an issue of a document that is no longer in existence.

A document can be unable to be used in court for a variety of reasons. The deliberate destruction of a document is certainly one of those reasons. A document could be lost, it could be rendered unintelligible or it could be no longer in the custody of a litigant, and there have been third-party procedures to get those sorts of relevant documents from a third party in relation to civil proceedings for a considerable time. As I said, the bill deals with documents that are no longer available for those proceedings. Some of those events might be deliberate, but they could go right through to being negligent or just inadvertent. But where the documents are not available, as the Attorney-General pointed out in relation to fairness to all of the parties, particularly when the documents are critical to the burden of proof or to prove a particular fact that is in issue between the parties, it can work a substantial unfairness for the relevant parties.

There is a common-law rule — or certainly a rule of equity — that the law has always recognised: it will never allow a statute to be used as an instrument of fraud, and indeed the common law has demonstrated a great flexibility over the years to deal with inherent unfairness between relevant parties.

This bill takes the next step, and the opposition supports the government in taking that next step in providing a court with a very wide discretion as to what can occur as a result of those documents being unavailable. There

are a number of considerations a court can take into account, such as whether or not that unavailability is a deliberate act on the part of one of the litigants or their legal advisers, through to mere inadvertence or right through to negligence or otherwise. All these matters can be taken into account, together with how critical those documents are in the proof of the particular case.

I remember when I was at the bar dealing with a case that involved a guarantee which appeared to have been deliberately destroyed by a relative of one of the parties. One of the parties, it was alleged, had been a party to the destruction of that guarantee document, and of course under the provisions of the relevant law in Victoria a guarantee needs to be in writing and a party seeking to enforce a guarantee has to produce that document in the court. But collateral evidence was able to be produced as to what was contained in that document and the reasons for the destruction and unavailability of any other documents, and there was a broad discussion, even a common law, there. But it is always worthwhile in these cases, particularly after the McCabe case, when these things came into sharp focus, that this Parliament should act responsibly to reflect the community's concerns about such a case and be prepared to set down and effectively — I cannot use the word 'codify', because certainly the intention is not to codify the law — provide statutory clarification as to what rights court have.

I think it is important to note in that regard that it is not a codification of the common law. It does not seek to exclude any other discretions a court may otherwise have in relation to documents, but merely extends that common law and provides some degree of sharper focus as to the considerations a court may take into account. As to the remedies that can be enforced as a result of a document being unavailable for the proceeding, depending on the factual circumstances the court can draw an adverse inference when a document is unavailable.

As you would realise, Acting Speaker, from your former life, an adverse inference in this context would be merely the fact that if you are the party that is not, for whatever reason, producing the document, there can be an inference that you are not producing that document for reasons that are nefarious. Therefore an adverse inference can be drawn from the unavailability of that document. That could mean presuming a fact in dispute between the parties to be true in the absence of evidence to the contrary, and if there is clear evidence that it existed — for example, in the case I just referred to, where there was a guarantee that was unable to be produced in court — in accordance with the law, then the parties are able to allege the truth of that particular document, notwithstanding the absence of any direct evidence by virtue of documents.

Preventing certain evidence from being led merely means it is an evidentiary step which means that neither party can adduce evidence in relation to some document or some fact that was contained in a document or not contained in a document, and that becomes inadmissible as evidence. Striking out all or part of a defence or statement of claim is a fairly draconian remedy, but certainly it is available. I would suggest it was always available, certainly in the case of contumelious behaviour, particularly when one of the parties to litigation rather than their legal advisers may have been directly involved in the destruction of a document that must have been available, as would also have been the reversing of the evidential burden of proof.

Normally a party that is asserting a particular fact bears the burden of proving it on the balance of probability, and this can reverse the onus. As I said, these are broad-ranging discretions. There are a number of factors that the court can take into account — the circumstances of the unavailability, the impact of the unavailability on a proceeding, the burden that a particular party has to endure and any other factors the court considers relevant.

In all the circumstances the opposition supports this legislation, as it focuses on matters which have been around in the common law for a long time. However, it certainly extends that common-law principle and gives it a sharp focus by way of legislation.

Mr RYAN (Leader of The Nationals) — The Nationals also support this bill. One of the basic precepts in pursuing civil litigation is to get hold of the other side's documents as quickly as you can by the process of discovery. It is an important aspect of conducting civil litigation, because it gives a good insight into the real depths of the facts which underpin the case being put by the party or parties concerned.

In the proceedings in which I was involved over the years I was invariably acting for the plaintiff, so it was important to get hold of the documents of the defendant, be it a company or an individual, particularly with regard to work-related accidents. It was not so important in relation to motor vehicle accidents and the claims arising from them, but certainly with regard to workplace accidents, obtaining those documents was an imperative. More particularly, when you were involved in civil litigation over commercial disputes of any sort, shape or kind, acquisition of the other side's documents was an imperative.

It was often the case that a factual situation which was being put, whether in the form of answers to interrogatories, the swearing of affidavits, preliminary hearings or the other many mechanisms available in pretrial hearings, could always be challenged if there was access to documents which could tell a tale contrary to that which was being outlined by way of evidence in court. Of course to be able to produce a document and put the content of that document to a witness in the course of cross-examination to make a point against their credit was of itself of enormous importance.

As an aspect of that style of approach and of the value of having access to documents one only has to have regard to the process now unfolding in the current environment effects statement panel hearing in Mildura. The documents which in this instance have been commissioned or developed by the government in trying to make its case that Nowingi is the proper site for the toxic waste dump in circumstances that are replete with evidence to show that the case made by the government has holes in it are an example of how important it is to get hold of the other side's documentation.

It is with all that in mind that this legislation is now before the house. It follows legislation of a similar intent — the Crimes (Document Destruction) Bill — which was passed by the Parliament in 2005 and received royal assent on 4 April 2006. This legislation is about similar sorts of issues, but against the setting of civil proceedings.

The essence of this legislation is that parties to a civil proceeding cannot conduct themselves in a manner whereby they unilaterally destroy documents that are relevant to that proceeding simply to deprive the opposition of the appropriate capacity to be able to view them, examine them in their totality and then use them at trial, should it be appropriate to do so. The general thrust of the legislation is to place a severe onus upon the party who is in possession of such documentation to produce it. In the event that the documentation cannot be produced without appropriate explanation, the court is empowered to draw all sorts of inferences against the interests of the party who is the wrongdoer, and the legislation sets out a range of outcomes which can occur as a result of those considerations being taken into account.

There are definitions which go to the meaning of the 'unavailability' of a document. It is an interesting expression to use in a legislative sense. I do not know that I have seen the expression 'unavailability' previously enshrined in legislation. Be that as it may, we have it now. What that clearly indicates is that the effect of the legislation is broad reaching, because it touches upon documentation that is or has been but is no longer in the possession, custody or power of a party to a legal proceeding. The definition also applies where a document has been destroyed, disposed of, lost, concealed or rendered illegible, undecipherable — I wonder whether that should be 'indecipherable' — or incapable of identification, whether it was before or after the commencement of the proceeding. So the breadth of the definition of 'unavailability' is extensive.

The legislation goes on to recite that a court can then make a ruling or an order, and there are graduated steps to be taken by the court if it so desires to effectively punish the party who is guilty of not complying with the usual rules governing the availability of documentation. In the end, appropriately, the party who is involved in any skulduggery is made completely culpable by the court. I think this will work very well by ensuring that anybody who wants to engage in this sort of nefarious activity is subject to the appropriate punishments.

If you are going to have a legal system in the civil jurisdiction that functions fairly for all the parties that are involved, then it is appropriate that the rules of court — including, very importantly, providing access to relevant documentation — are complied with. I do not think anybody is going to have any sympathy for a party that conducts itself — or in the case of an individual, conducts himself or herself — in a manner that leads to the deliberate destruction of documents that ought properly be the subject of consideration by the court and may potentially have a very significant influence upon the outcome of the proceeding which is being tried. Powers of a similar nature are being extended to the Victorian Civil and Administrative Tribunal.

I think the suite of measures in this legislation are very sensible and will serve the purpose of better ensuring that when parties come before the court they receive the appropriate treatment and fair trial which the cause of their claim requires.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Evidence (Document Unavailability) Bill. This bill follows on from the Crimes (Document Destruction) Bill, which was enacted in April this year. That legislation of course created a new criminal offence when documents are destroyed to prevent their use as evidence in judicial proceedings. This bill clarifies the powers of the courts and the Victorian Civil and Administrative Tribunal to

intervene in civil proceedings where relevant documents are unavailable.

It should be noted that both pieces of legislation have been introduced in response to the Rolah McCabe case. In that case Rolah McCabe brought a claim for damages against British American Tobacco. She had terminal lung cancer and claimed that this had been caused by smoking the cigarettes of that company.

In that case Justice Eames found that British American Tobacco had destroyed documents relevant to the case and as a consequence of that struck out BAT's defence, and the jury awarded Rolah McCabe damages of $700 000.

Unfortunately that was overturned by the Court of Appeal; hence this legislation today. This bill makes absolutely clear that judges have a broad judicial discretion to ensure there is a fair outcome between parties in civil proceedings. I should note in passing that judges have always had that discretion — the discretion to make sure that in trials the proceedings between parties are fair and that they can intervene where the conduct of either of the parties means there is likely to be an unfair outcome. That is reinforced by the rules of civil procedure. As an example I refer to the Rockwell Machine Tool case in 1968, in which Sir Robert Megarry, VC, said that solicitors must take positive steps:

> to ensure that their clients appreciate at an early stage of the litigation, promptly after writ issued, not only the duty of discovery and its width but also the importance of not destroying documents which might by any possibility have to be disclosed.

This bill clarifies the common-law powers of the courts and the possible consequences for parties who destroy or fail to produce documents relevant to civil litigation, whether that occurs prior to or after the commencement of the proceedings.

Clause 4 of this bill inserts new section 89A into the Evidence Act. It provides a broad definition of when a document is unavailable, both before and after the commencement of proceedings. To summarise, new section 89A provides that:

> … a document is unavailable in a civil proceeding if —
>
> (a) the document is, or has been but is no longer, in the possession, custody or power of a party to the civil proceeding; and
>
> (b) the document has been destroyed, disposed of, lost, concealed or rendered illegible, undecipherable or incapable of identification …

New section 89B inserted by the bill provides that when a document is unavailable in a civil proceeding the court or the Victorian Civil and Administrative Tribunal may make any ruling or order it considers necessary to ensure fairness to all parties, either on its own motion or on the application of a party. In effect the bill allows the court or VCAT to make an order or ruling which can do a number of things. As examples, it can draw an adverse inference from the unavailability of the document; it can presume that a fact in dispute between the parties is true in the absence of evidence to the contrary; it can prevent certain evidence from being led; it can strike out all or parts of a defence or a statement of claim; or, finally, it can reverse the burden of proof. Further on the bill outlines a range of considerations which the court or VCAT must take into account in exercising its judicial discretion.

We need to note that the bill essentially reinforces the role of our judges in ensuring a fair trial. It also sends a clear message to both plaintiffs and defendants in civil proceedings that by their conduct parties cannot do anything to prejudice a fair trial. That is a crucial point. If they go about destroying or concealing documents, there will be consequences for doing that. We can see that these consequences are being felt around the world. In the famous Enron case in the United States Arthur Andersen, the accounting firm, was found guilty of having obstructed the course of justice by shredding documents and deleting computer files. That had very severe consequences for Arthur Andersen because it went out of business in the United States.

The message from both that case and the Rolah McCabe case is very simple. Every organisation, every corporation in this state from this date forward will have to make sure that they have proper document management and retention policies to comply with the law. It will no longer be good enough to say that a document has been lost, it will no longer be good enough for a company to destroy documents in anticipation that they might be subject to litigation and that those documents might prejudice their case in a trial. Such documents will have to be preserved, be available to the opposition in a case, and be available to the court, and if they are not available to the court then the judge in the court or VCAT will have the power to make certain rulings on the unavailability of that evidence. That is entirely appropriate.

For those who might say that these requirements on corporations and organisations are unreasonable, I simply make the observation that both individuals and companies now under the Social Security Act, the Income Tax Assessment Act, and indeed the recently passed WorkChoices legislation have to keep

documents for up to seven years. Likewise, under this legislation they will have to develop proper document retention policies and make sure documents are available for the purpose of litigation if they want to avoid having adverse inferences drawn or rulings made by a judge on the unavailability of those documents.

We are setting some very high standards for parties to litigation to act in a way that does not prejudice a fair trial and a fair outcome. In passing I note that the actions of British American Tobacco and Clayton Utz ensured that in her lifetime Rolah McCabe did not get justice, which I think was a disgrace and does not reflect well on either of those parties. But I think that if she could see what was happening now, Rolah McCabe would see that in the end justice has been done, because this government has introduced legislation that will ensure that what happened to Rolah McCabe cannot be repeated in this state. I hope that even though they were denied justice and the damages that were due in that case, her family will draw some comfort from the fact that in the future similar plaintiffs will not be in a position where they are denied justice as a result of the absence of documents.

In passing I congratulate Professor Sallman for his excellent report, which paved the way for this legislation to be brought before the house. I also congratulate the Attorney-General for having the courage to introduce this legislation and to place the highest standards on those who are parties to litigation. I look forward to the commencement of this legislation, together with the original legislation passed in April which made it a criminal offence to destroy documents. That will mean that parties to litigation will get a much fairer trial in the future. I commend the bill to the house.

Ms D'AMBROSIO (Mill Park) — I wish to make a contribution to the Evidence (Document Unavailability) Bill. The bill, which amends the Evidence Act and the Victorian Civil and Administrative Tribunal Act, comes on the heels of the Crimes (Document Destruction) Bill which was passed earlier this year. It clarifies the powers of courts and tribunals to intervene in civil proceedings where documents that are pertinent to proceedings are not available.

Previous speakers explained fully the circumstances under which this bill has come before the house. I also wish to congratulate the Attorney-General for taking clear steps to redress the failures of the past in terms of the ability of certain corporations to avoid fair justice before the courts. This is certainly a bill that puts paid to that situation.

The bill will enhance the ability of the courts to deal more fairly and fully with the matters before them by giving discretionary powers to judicial officers to address the unavailability of documents in the lead-up to and after the commencement of proceedings. It is certainly intended to provide discretion that can be exercised where an adverse inference can be drawn as a result of certain documents being unavailable or where a fact in dispute can be presumed where evidence to the contrary is not presented. Quite clearly this is in response to the most tragic of cases surrounding Rolah McCabe. This bill hopefully will see that that situation never repeats itself in a court in Victoria.

These discretionary powers have been designed with the intention of upholding the vital function of our courts to deal with proceedings fairly and fully. Above all else this will ensure that the public's confidence in our judicial courts and in our laws is maintained and that people whose sole intention is to avoid a fair outcome by causing the absence of materials or documentation which can be used as evidence are not successful. I wish this bill a speedy passage through Parliament.

Ms BUCHANAN (Hastings) — I also rise to make a contribution in support of the Evidence (Document Unavailability) Bill. I had the honour and privilege of speaking on a previous, related bill, the Crimes (Document Destruction) Act, in April, and I will just reinforce something I said back then. When the ruling awarding costs to the McCabe family as plaintiffs was overturned by a higher court, there was absolute devastation across most of the Victorian community because of the total unfairness of that decision, given the issues involved in the destruction and subsequent unavailability of documents.

I wholeheartedly support this bill, and I have talked about it with many constituents across the Hastings electorate. What it does, in conjunction with the other legislation I mentioned, is to bring into focus the need to ensure that all the relevant acts we have — in this case the Evidence Act and the Victorian Civil and Administrative Tribunal Act — have powers to look at the issue of intervening in civil proceedings where relevant documents are unavailable, whether before or after the commencement of proceedings.

The discretionary powers given to VCAT in this instance, enabling it to draw the best inference from the unavailability of a document, presume a fact in dispute between the parties to be true in the absence of evidence to the contrary, prevent certain evidence from being led, strike out all or parts of a defence or a statement of claim, or reverse the burden of proof, are

about making sure that when it comes to a case like this the absence of documents where it is seen that the documentation has been removed will not impact on it. I wish this bill a speedy passage through the house.

Ms DUNCAN (Macedon) — I am also pleased to speak in support of the Evidence (Document Unavailability) Bill 2006. As we have seen this bill complements a piece of legislation which was introduced during the spring session in 2005 and passed earlier this year and which created a new criminal offence relating to the destruction of documents to prevent their use as evidence in any judicial proceedings. This bill extends that to incorporate civil actions in courts. It basically seeks to do the same thing as the previous piece of legislation, which is to ensure that our judicial system is fair and transparent for all Victorians.

As has been stated, this has arisen as a result of the Rolah McCabe tobacco case. Unfortunately Rolah did not live long enough to see these two pieces of legislation introduced into Parliament, but I am sure she would be very pleased to see that what happened to her could not happen to anybody else.

I will also give a bit of a plug to the firm of Slater and Gordon. It spent many years on this case, and I am not sure that it received any funding for it. It was involved in it from the beginning. It stuck with that family and with the principles that were involved in the case. I think all the parties involved, including the McCabe family, were incredibly resilient throughout all of this.

I also pay tribute to the Attorney-General for introducing this legislation. I think as a government we have passed some very strong legislation, all with the intention of strengthening the judicial system in this state. I commend the bill to the house.

Mr WYNNE (Richmond) — I rise to support the Evidence (Document Unavailability) Bill 2006. In doing so I recall the speech I made in February in support of a bill with a similar genesis to this, that of course being the Crimes (Document Destruction) Bill, which the government introduced in response to the McCabe tobacco case.

Members are well aware of and well versed in the details of that tragic case, which I do not need to canvass today. However, following the conclusion of that case it was clear to many people, including members of this house, that there were a number of deficiencies in the law relating to the destruction of documents by civil litigants. In response, in June 2004 the parliamentary Law Reform Committee handed down its report on its inquiry into the administration of justice offences. The report recommended the introduction of an offence of document destruction and the introduction of a criminal penalty for this behaviour.

That advice was further reinforced by eminent legal counsel, Professor Peter Sallman, who gave a similar recommendation in May 2004. The Parliament has now passed the Crimes (Document Destruction) Bill, and it received royal assent on 4 April. However, as an adjunct to the introduction of the criminal offence of document destruction Crown Counsel Peter Sallman also recommended the introduction of a new statutory provision to apply in civil litigation to provide judicial officers with the discretionary powers to ensure that litigants are not disadvantaged by document destruction.

This legislation gives effect to the recommendation of Professor Sallman and will operate to ameliorate the effects of criminal document destruction. When a document is ruled as having been made unavailable a court or the Victorian Civil and Administrative Tribunal may make any ruling or order considered necessary to restore fairness to the parties. Without limiting the court's existing powers, the bill provides additional powers whereby a court may draw an adverse inference from the unavailability of the document, presume a fact in the absence of evidence to the contrary, prevent certain evidence from being led, strike out all or part of a defence or statement of claim and indeed even reverse the burden of proof.

These are obviously significant and far-reaching powers. However, in the community's view document destruction is a very serious issue, and we should bear in mind that these discretionary powers only come into play when document destruction has occurred. It is not the government's expectation that the measures in this bill will lead to litigants, particularly large corporations, undertaking wholesale or detrimental changes to their document retention policies. It is our understanding that modern corporations — indeed I would argue it is their responsibility if they are to operate effectively — already need exemplary document-retention policies. If we look to the extraordinary provisions of the WorkChoices legislation, we can see the very onerous recordkeeping and management procedures required under that act.

Under WorkChoices employers are required to keep daily attendance records, including starting and stopping times, for all employees, including the chief executive officer, for up to seven years. I would argue that that is quite an extraordinary requirement. By contrast, the approach contained in this bill and its

criminal counterpart, the Crimes (Document Destruction) Act, is reasonable and measured but robust enough to send a very clear and unambiguous message about what the view of this Parliament is in relation to this form of activity.

As the tragedy of the McCabe case has demonstrated, cases will always emerge that put our legal system to the test. However, we can assure the people of Victoria that they can have confidence that the Bracks government, in particular the Attorney-General, is committed to the ongoing reform of our legal system. I acknowledge that there is bipartisan support for this bill. This bill and the Crimes (Document Destruction) Act send a very clear message to individuals and corporations — simply put, you cannot destroy evidence in either criminal or civil trials. These two bills bring to fruition a very important reform that arose from that very, very tragic case of Rolah McCabe. This brings to a close a loophole that was quite inappropriately exploited by a major corporation to the detriment of an individual.

Mr HULLS (Attorney-General) — I thank all members for their support of this very important piece of legislation. As the member for Richmond has said, this legislation combined with the Crimes (Document Destruction) Act, which was introduced in the spring sitting last year, forms a package response to the Court of Appeal decision in the McCabe tobacco case. Anyone who followed that case would know it was quite tragic, and there are some ramifications in relation to that taking place right around the world.

An article on whistleblower Fred Gulson and the steps he took to challenge one of the world's largest tobacco giants appeared in the *Australian Financial Review* in June. There are cases taking place; proceedings have been initiated right around the world in relation to big tobacco companies. People are taking action against those companies for the harm that has been caused by their product. It is also true to say that those tobacco companies have in the past used, and I expect still continue to use, every legal avenue open to them, technical or otherwise, to either hide or refuse to release documents, and we also know of a so-called 'document-retention policy' which was really a document-destruction policy aimed at ensuring that documents were not discoverable, thereby cheating particular plaintiffs out of a fair trial. It has been a sad and sorry saga in our legal history, not just in Victoria but also in other parts of the world, in particular in the United States of America.

The legislation that we have introduced here in Victoria will certainly clarify the powers of the courts and the Victorian Civil and Administrative Tribunal to intervene in civil proceedings where relevant documents are unavailable, whether before or after the commencement of those proceedings. Both this bill and the new criminal offence will commence on 1 September.

As I said with the Crimes (Document Destruction) Bill, destroying relevant evidence seriously undermines the fairness of court proceedings. This legislation marks an important step in further enhancing public confidence in the administration of justice in Victoria. I am very pleased to be sponsoring this legislation through the house. I am also pleased that it has received bipartisan support. It is an important piece of legislation.

I also want to take this opportunity to congratulate the members of Rolah McCabe's family for their guts and determination in pursuing this matter on her behalf. No doubt it was a very traumatic and costly experience for them. I also want to take the opportunity to congratulate the law firm that took up the cudgels on behalf of Rolah McCabe, Slater and Gordon. I believe Peter Gordon went through an enormous amount of angst in relation to this matter. He followed it through to its legal conclusion here in Victoria and then he sought leave to appeal to the High Court of Australia. I know it caused him personally an enormous amount of angst, frustration and, no doubt, heartache as well. I hope this legislation, together with the Crimes (Document Destruction) Bill, go some way towards addressing what he and Rolah McCabe's family saw as substantial injustices along their very painful path, which ultimately led to the tragic death of Rolah McCabe. With those few words I thank all members for supporting this bill, and I certainly wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL

Second reading

Debate resumed from 1 June; motion of Mr HOLDING (Minister for Police and Emergency Services).

Mr WELLS (Scoresby) — I rise to join the debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill. First I would like to thank the Minister for Police and Emergency Services for organising the briefing and the staff who put it together. From the outset I say that the Liberal Party will be supporting this legislation. It is important, and we welcome it.

The purpose of the bill is to enhance the legislative provisions to deter and reduce illicit drug manufacture, supply and use in Victoria. The types of illicit substances being manufactured and supplied in quantities are increasingly sophisticated synthetic designer drugs. As a result legislation requires constant review and amendment to ensure our laws remain relevant and effective to properly deal with the illicit drug trade in Victoria.

The background to this bill is that the illicit drug trade operates in an ever-evolving marketplace, particularly since the introduction and widespread supply and use of amphetamine and methamphetamine-based designer drugs such as ecstasy. Technological advances now allow the manufacture of such designer drugs on a small, fragmented scale, and this has led to the rapid growth of clandestine backyard laboratories largely producing amphetamines and ecstasy in tablet form. A major requirement of these clandestine drug manufacturing laboratories is the use of pill presses that turn powdered substances into tablets, thereby allowing easier and wider distribution. One of the main purposes of this bill is to deal with the issue of pill presses.

All the ministers for police met in October 2005. This bill connects with legislation in other states to try to make sure we have a fully united front with the commonwealth to control the importation and sale of pill presses. The bill makes it an offence to possess a pill press without lawful excuse. It establishes an offence of possessing a tablet or pill press without lawful excuse. Use in the legitimate pharmaceutical, chemical and food industries will be regulated. In other words, we are not stopping manufacturers who in the normal process of their business bring in pill presses so that they can produce their products legally. I will come back and detail one of the problems we have with the second-hand pill presses that are going to be disposed of by pharmaceutical or food companies.

The bill creates an offence of possessing a prescribed precursor chemical, which is what are used to create drugs such as ecstasy. The exact range of precursor chemicals will be determined by regulation in consultation with industry stakeholders to reduce the impact on the legitimate use of such chemicals. We have accepted in good faith that the minister and the Department of Justice will work with industry to ensure that the level of what is an acceptable range of precursor chemicals is fair.

The bill explicitly creates the offence of an adult supplying drugs to a child for the purpose of that child trafficking to an adult. Currently it is an offence to supply drugs to a child for sale on to another child but not to an adult. That is a small loophole that the department felt needed to be addressed. We have no problems with that; we think that is good.

Schedule eleven of the Drugs, Poisons and Controlled Substances Act 1981, which lists the types and quantities of illegal drugs for personal use, trafficking and commercial supply, is amended to include newly developed drugs and the relevant quantities in which they are traded. In particular a new class of designer drugs is introduced. The bill specifies the large commercial quantities in which they are supplied.

The threshold possession quantity of pseudoephedrine, used in over-the-counter, non-prescription cold and flu tablets such as Codral, is reduced to 10 grams or the equivalent of 14 packs of such medication. I will come back to that point too. The members for Benalla and Mornington and I were on the Drugs and Crime Prevention Committee. We brought down a report in May 2004 about this issue, and I want to come back to it.

The main provisions also cover the number of plants that can be used as an alternative to weight for determining the quantity of opium poppies in an individual's possession. The bill allows for multiple quantities of illicit drugs in diluted form to be aggregated to determine that an offender is in possession of a commercial quantity, which is currently the case for illicit drugs in a pure form.

The bill amends the principal act to take into account the increased incidence of the hydroponic cultivation of cannabis. It also allows unsworn police to possess drugs in their job, including for transport, storage, analysis and destruction thereby, freeing up valuable sworn police resources for front-line police duties. Police will be able to immediately destroy illicit drugs or substances which are deemed to be volatile and potentially explosive. That was always an interesting problem for Victoria Police.

Police will be provided with the power to destroy clandestine amphetamine laboratories which are deemed to pose a serious health risk to the community. Drugs can be destroyed or disposed of without a court

warrant where an expert analyst or botanist determines this to be required for health and safety reasons. The possession of poppy seeds will be decriminalised, due to their extensive use as a food substance or ingredient. The commencement of provisions in relation to precursor chemicals will be October 2007 to allow for consultation in the development of the relevant regulations, which I referred to earlier.

The only concern we raised in our briefing — and we have been given assurances that the states and the ministers will address this — was that the regulation of possession by way of licence or permission to import a pill press will apply only to new pill presses. We understand that, but we are concerned about what happens to the second-hand pill press once it has outlived its usefulness or it may have been damaged in some way at the plant. It can be on-sold to someone else, and we ask the government to consider introducing a regulation on how to get rid of that pill press. If it is being sold to another company which is caught up by the regulations, that is fine, but if it is being sold to a smaller operator that may have reasons for using that pill press apart from a legitimate pharmaceutical reason, then we would ask questions about the use of that pill press. Some people may argue that we are going overboard with red tape with regard to pill presses, but I suspect that it is something we need to be very mindful of, so we are supporting it.

I mentioned earlier that in May 2004 the government's Drugs and Crime Prevention Committee conducted an inquiry into amphetamine and party drug use in Victoria. The members for Mornington and Benalla were involved in that inquiry. The member for Mornington and I were very concerned about a report that was provided by Victoria Police. We wanted Victoria Police to give us information about how it sees party drugs and about what was actually happening in Victoria. We felt that it was important for Victoria Police to give us this information without fear or favour. Unfortunately this turned out to be a political issue because the secretary of the Department of Premier and Cabinet, Mr Terry Moran, prevented all government departments from directly making submissions to joint parliamentary committees of the Victorian Parliament. That directive instructed departments to first provide their submissions to their minister for vetting and approval before sending them to the Department of Premier and Cabinet for further vetting and approval.

In issuing this directive Mr Moran claimed that he was simply following a precedent established by the Kennett government, but we dispute that. What particularly disturbed us was that although we wanted the information from Victoria Police to be full and frank, the directive that Terry Moran handed down included Victoria Police and not just the Department of Justice, the Department of Primary Industries and the Department of Education and Training. We thought the inclusion of Victoria Police was a ridiculous interpretation of the protocols. What happened was that there was political intervention by the government in the response Victoria Police was to give to the committee. What was of real concern was an email that actually confirmed this political interference and that Victoria Police had had to change its original submission before it came to our committee. We obtained the information under freedom of information, and there was a difference between what was handed into the committee and what had actually been proposed in the first case.

The committee's inquiry was into amphetamine and party drug use in Victoria, so it was important that we had that information. I note in the minority report that Mr Cooper asked Superintendent Ditchburn whether the Victoria Police submission had been changed in any way from the original. Superintendent Ditchburn said that it had not. As the member for Scoresby, I then asked Superintendent Ditchburn why certain answers had been removed from the draft response which had been prepared. Unfortunately the situation deteriorated to the point where the committee used its numbers to rule a number of our requests out of order.

But this committee was important, and it brought down a number of important recommendations, including a recommendation:

> … to insert a new offence of possession without lawful excuse of an amount to be specified of precursor chemicals and associated apparatus/equipment used for the manufacture of illicit drugs.

We see that has now been brought into the legislation, and we welcome it. Another recommendation was an amendment to:

> … the Drugs, Poisons and Controlled Substances Act 1981 to reduce the dilute quantities for pseudoephedrine to be in line with the current amphetamine and methylamphetamine commercial quantities. This would assist in combating pseudoephedrine diversion from pharmacies.

When we talk to the police, we hear that one of the real issues they face every day is with younger people who go around chemist shopping. They buy Codral and flu tablets and are then able to sell them for more than they purchased them for. These tablets are then used for cooking up illegal drugs which are then sold.

The New South Wales experience is very similar to that in Victoria. An article in the *Daily Telegraph* reports that when a pill press is purchased it is capable of making up to 3000 ecstasy tablets in an hour. These pill presses can be bought on the Internet or imported without any questions asked by federal authorities. Police say that the machinery brought in from the United States and China for as little as US$4000, or AU$5322, is resold in Australia on eBay or through the *Trading Post* at up to eight times its original price. Someone brings in a pill press from China or the United States for $5000; it can then be sold locally for $40 0000. That is why the minister in this case is right to bring in this legislation so that we can get greater control over these pill presses being brought into Victoria.

There are people who specialise in making a profit just out of bringing these pill presses into this country. It provides easy access to these pill presses which feeds the growing Australian MDMA manufacturing market with decreasing illegal imports from the Netherlands and Belgium. That is also one of the reasons for a drop in the number of methylamphetamine seed labs, with more manufacturers moving to the MDMA market. Some of these drug dealers now find it more profitable and easier to make the drugs here in Victoria, rather than risk being caught at a port or airport when they bring them in from the Netherlands or Belgium.

I noticed with interest that a report that came out in early April stated that over the past 18 months Victoria Police had busted nearly 50 drug laboratories in Victoria and that the use of amphetamine-based drugs was out of control. The new regulations brought in on 1 April restrict the sale of tablets containing pseudoephedrine, and that restriction has again been picked up in the bill. It is disappointing to find that children are found in the vicinity of so many of those labs. It is quite extraordinary that people can put a family into a rented house and use the garage or shed at the back. They are cheap and nasty issues. A report of the Australian Crime Commission shows that in 2004–05 a total of almost 7000 kilograms of cannabis was seized by Australian law enforcement officers and that it remains the most widely used illicit drug of cultivation and is prolific in all states.

The member for Benalla will be most interested to hear that in country Victoria in the past 18 months more than 50 illegal drug laboratories have been uncovered. It is a clear message that it does not matter which part of Victoria you are in. Labs have been uncovered at Benalla, Ballarat, Christmas Hills, Cranbourne, Foster North, Golden Square, the Grampians, Horsham, Macedon, Mildura, Moe, Numurkah, Ocean Grove and Robinvale. So it is not something that is based just in the city; it is a statewide activity. It makes the policing very hard when there is such a widespread problem.

I guess the one that was more concerning to me was the clandestine drug laboratory which was capable of producing about $1 million worth of amphetamines per week which was uncovered near a suburban school. When police were involved in the underworld war that was going on, they came across that lab. It just makes you wonder. Any rented house and any shop that is not being used is a place they can be used for producing those drugs.

On that note, as I said, the Liberal Party is supporting this legislation. It has agreement right around the state. It is good to see that the states are working cooperatively with the commonwealth to ensure that when pill presses are coming in from overseas they are strictly regulated and that the laws are enforced. We just ask that the sale of second-hand pill presses be taken into consideration.

Dr SYKES (Benalla) — I rise to speak on the Drugs, Poisons and Controlled Substances (Amendment) Bill and start by thanking the Minister for Police and Emergency Services for organising a briefing for me and the staff of the department for providing that briefing. Like the member for Scoresby I would like to draw on my experience as a member of the Drugs and Crime Prevention Committee and our work on the inquiry into amphetamines and so-called party drugs in particular because it provides a firm basis on which to understand the background to some of the components of the bill.

A number of components of the bill arise directly from the recommendations of the committee's 2004 report, *Inquiry into Amphetamine and 'Party Drug' Use in Victoria*. As the member for Scoresby mentioned, that inquiry was particularly demanding for the staff and researchers in putting together the information. The report ended up with over 1400 pages of information and 89 recommendations. Those recommendations cover a range of categories, including not only the law, policing, law enforcement and supply control but also education and training, information provision, harm minimisation and harm reduction, as well as a number of other issues in rural and regional Victoria in particular, which I will come back to.

Like the members for Scoresby and Mornington I had a problem with the restriction on information coming from Victoria Police. The member for Scoresby has detailed that concern. I put in a separate minority report expressing my concern on that matter.

Looking at the bill per se, as has been mentioned by the member for Scoresby, it is a bill:

> … to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to definitions and offences … in Part V of that Act, the scheduling of drugs in Schedule Eleven to that Act, search warrants, the disposal or destruction of drugs of dependence and other things in certain circumstances and to provide for authorised police employees to perform specified functions under the Act and for other purposes.

There are particular aspects of the bill that I wish to summarise. First I highlight that the bill makes it a criminal offence to possess a tablet press without lawful excuse. Again, the member for Scoresby has detailed that component of the bill. It focuses on attempting to give greater legal powers to the police to be able to shut down and prevent the operation of clandestine labs. That particular component of the bill relates to recommendations 20 and 27 of the committee's inquiry into amphetamines and party drugs.

Another component of the bill, relating to the possession of a prescribed precursor chemical at or above a prescribed quantity, is included in recommendation 20 of the report of the inquiry into amphetamines and party drugs. The other key component where a criminal offence will exist is in supplying a drug to a child for the purposes of that child trafficking it to an adult. It covers a loophole. Previously it was illegal to sell or give a drug to a child to give or sell to another child, but for some reason giving or providing drugs to children to sell on to adults was not covered. So that is fixing a loophole.

Schedule eleven prescribes drugs and classes of drugs that are illegal and lists quantities which are deemed to be for personal use, trafficking and commercial use. As noted previously, in the example of pseudoephedrine the threshold now specified has been reduced from 20 grams to 10 grams, which is the equivalent of 14 packets of off-the-shelf pseudoephedrine.

The bill covers another loophole by ensuring the inclusion of hydroponically grown cannabis, with the definition of narcotic plants including cuttings with or without roots. The bill also enables unsworn police employees in the course of their duty to possess drugs for transport or for examination and storage. I will come back to that in a moment in relation to the consultation that we had with the Police Association on that.

Another key component of the bill is the extension of the circumstances in which drugs and equipment can be destroyed in situ, to cover the extremely dangerous situations under which clandestine drug laboratories often operate. Finally, there is an element of commonsense in this bill in that it decriminalises the possession of poppy seeds. So all of us who like poppy seeds on our lunchtime bread rolls can breathe easy, knowing that we are not committing a criminal offence any more.

In relation to the consultation that I had in preparing for this bill, I spoke particularly with the Police Association, which has indicated its support. Paul Mullett, the secretary of the Police Association, spoke to me recently when we were at the opening of the Myrtleford police station. I should say that having the police station opened by the Minister for Police and Emergency Services and the Chief Commissioner of Police was a great thing for Myrtleford. We welcomed that and the following day we also welcomed the opening of the police station at Mount Hotham.

I ask the Minister for Police and Emergency Services not to stop there but to be aware that if we are going to have effective policing in places where there can be problems with drug abuse and drug trafficking, which unfortunately includes the snowfields, then we should look at the provision of a more appropriate police station at Mount Buller, which, according to local police who man Mount Buller, is totally unsatisfactory and therefore impinges on their ability to effectively control the illegal trafficking of drugs.

The support from the Police Association for the use of unsworn police employees was conditional. In its letter the Police Association said that it supports:

> … the notion of unsworn police employees being authorised to possess drugs for the purposes of performing certain administrative functions that are being performed by sworn police personnel … we need to be assured that this authority does not, through legislative amendment, extend to other core functions undertaken by sworn police personnel.

So the association's support is conditional, and I know that the background to that conditional support from Paul Mullett is that the association has concerns about understaffing and a lack of police on the beat out there keeping an eye on the drug traffickers and gathering the evidence to bring them to justice. There is a concern that a quick fix for that shortage of police on the beat is to use more unsworn police personnel.

The other feedback I had was from the Crime Victims Support Association. It is supportive of the contents of the bill:

> … we agree with the principle that any type of machinery, press and chemicals and so on that are found in Victoria with people who have no lawful means of use for such should be severely prosecuted.

The association's view is, though, that the penalties of up to 600 penalty units and five years in jail are grossly inadequate for criminals who ruin the lives of many younger and older people in our society. So the contents of the bill have the support — albeit with comments and conditions — of the people I have consulted with.

I return to the experience I have gained on the Drugs and Crime Prevention Committee. It has become clear to me that there is no illicit drug that is safe. Even in their purest form, drugs that are perceived by many to be safe, such as ecstasy, are not. That came up in our inquiry. It came from world-renowned research scientists who made the comment that upon the taking of a drug such as ecstasy there is immediate rewiring of the brain. People who think that a drug such as ecstasy is safe, even in its purest form, are wrong. Equally with cannabis there is mounting evidence that it can cause mental and emotional damage, particularly if there are predisposing mental health problems in those people.

The other thing about drugs, and particularly the drugs that are being put together in clandestine labs, is that they are often not pure: there is contamination that is either intentional or unintentional. Other serious drugs like GBH and ketamines may be included in what are notionally perceived to be the relatively soft drugs such as ecstasy. The message is that there are no safe drugs, and therefore everything we can do to toughen up on the traffickers and the providers and producers of these drugs must be supported. I would challenge anyone in the community or in the Parliament to say to me that they, their friends, their family or friends of their family have not been touched at some stage by drugs and that they could not comment on the terrible consequences for people exposed to drugs.

The Nationals support all tough measures against drug traffickers and pushers. We believe that in addition to implementing the changes in this bill the government must continue to implement other recommendations put forward by the committee when it inquired into amphetamines and party drugs. In particular, from a rural perspective, there were 9 or 10 recommendations that sought to have increased support for dealing with drug problems in rural Victoria. Those recommendations included having an overall strategy.

Secondly there was a recommendation that there should be a separate strategy for rural and regional Victoria and that rural and regional people should be involved in the development of that strategy. There were also recommendations that specific drug withdrawal and rehabilitation services should be established in country Victoria. I know we have one at Benalla — Odyssey House, which is very helpful — but it is under pressure funding-wise. We must continue to support the establishment of more of those premises to help people who have taken the risk of taking drugs and have paid a price.

Another series of recommendations was aimed at making it easier to recruit trained people and retain them in country Victoria, recognising that since it is often difficult for professionals to live and stay in country Victoria — whether they be professionals with drug treatment experience or general health experience or professionals in any area — they need to be supported and encouraged.

The Nationals recognise the importance of the intentions of this legislation and the clauses that will enable the police to more effectively administer the legislation and bring traffickers and drug pushers to justice. The Nationals will not be opposing the bill.

Mr MILDENHALL (Footscray) — It is a pleasure for me to join this debate as another former member of the Drugs and Crime Prevention Committee of the Parliament. It is a fairly exclusive club, and it looks as if the majority of the speakers on this bill will be members of it. I also note the support of the Liberal Party for this legislation and the indication from The Nationals that they will not be opposing it.

It is very clear that one of the hallmark legislative and program strengths of this government is its multifaceted attack on the scourge of drugs. One of its successes has been the impact that the combination of improved enforcement, education programs, deterrence and rehabilitation has had on so-called hot-spot areas. Certainly my electorate of Footscray is testimony to that. We have seen a progressive reduction in the number of drug offences over successive years, increased resources going to community-based programs and clear indications that the number of users, the severity of issues and the community impact are reducing all the time. However, we are dealing with an issue that changes as drug habits and consumption patterns, if you like, change and as offenders seek different ways to avoid apprehension.

It has been pointed out to the government that Australia wide there are approximately 57 000 daily or weekly users of methamphetamines, 35 000 daily or weekly users of ecstasy and 25 000 daily or weekly users of heroin. So heroin is steadily reducing in terms of its prominence as an illicit drug and is being progressively replaced by ecstasy and methamphetamines, which obviously requires a different policy and different legislative setting.

The Drugs, Poisons and Controlled Substances (Amendment) Bill 2006 contains a range of measures that are aimed at preventing and retarding the production of these prevalent substances and at making the job of law enforcers easier and clearer in terms of their never-ending task of bringing perpetrators to justice. Other speakers have gone through the bill in some detail, so I will not add to that other than to say that it is alarming to see the number of factories or workshops that have been detected by police around the suburbs — and as the member for Benalla was saying, in country areas. It is also alarming to see the extreme dangers they pose not only for the community but also for law enforcement officers as they come across some very hazardous sites. As we have heard these factories or workshops can often be hidden in garages and other places.

The government's attack on this issue has been substantial. In addition to the 48 per cent growth in the law enforcement budget through the addition of 1500 police officers across the state, the government has increased drug and alcohol services by 50 per cent since coming to office, with 85 per cent more treatment beds, waiting times for counselling decreasing from 7 days in 2000 to less than 1 day in 2006, and waiting times for community withdrawal remaining under 10 days and falling by over 72 per cent since 1999. The previous government talked a lot about the issue, but this government has taken the steps and put in the resources which have had a real impact.

I thought the member for Scoresby made some fairly tawdry comments about the so-called gagging of the individuals and agencies making submissions to parliamentary committees on these matters. To suggest that the distribution of circulars by public servants to other public servants amounts to political gagging shows that memories are fairly short. I would have thought it fairly reasonable for the head of a department to suggest to agencies across the service that, rather than putting 50 policy positions on portfolio areas, they put well-researched, consolidated and supported views to parliamentary committees. I would have thought that to be an eminently reasonable proposition and a far cry from teaching service order 140 and the climate of fear and intimidation that prevailed across the public sector in the days when the member for Mornington, for instance, was a minister in this place. It is not good form to come in here and make allegations that are clearly untrue. Administrative tidying up is an eminently reasonable thing to do, but the suggestions of gagging are simply not true.

This is strong legislation which is supported across the board by those in the difficult business of enforcement who are trying to prevent a proliferation of the illicit manufacture of tablets by regulating and controlling tablet presses. It will put much tighter controls on the volume and nature of the substances being trafficked or made available in pure or pre-production form. It contains a series of measures that will strengthen the hand of the Chief Commissioner of Police by amending search warrant conditions to remove the inconsistencies between particular forms and section 81 of the act.

It is strong legislation which deserves the support it is getting from the house. This debate ought not serve as some sort of opportunity for members of the opposition to make inflammatory statements which are plainly not true and which stand as evidence of rank hypocrisy when compared to their performance when they were in government. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — In rising to support the legislation I want to address a couple of issues within it. I immediately refer to clause 11, which I think is the most significant part of the legislation. It inserts a new offence of being in possession of a tablet press. People who are not authorised or licensed under the principal act or regulations will find it is an offence to possess a tablet press, which I think is a very significant step forward in the battle against the curse of drugs in our society.

As members are aware, tablet presses are an essential part of the equipment used to make some of the newer forms of drugs which are now popular in the community. Tragically they are dangerous drugs which cause death and serious ill health, and they are drugs that we should seek to stamp out in our community. If introducing legislation to make it illegal to inappropriately have a tablet press makes it easier for the police to prosecute the people involved in the illicit drug trade and in the production of designer drugs including ecstasy and the like, then that is a move in the right direction.

I reiterate the words of the member for Scoresby, who in his contribution suggested that we need to go further on this matter and have better controls over what happens with regard to second-hand presses so that there is control down the line and throughout the system. We need to ensure that tablet presses are imported into Australia for legitimate purposes only and that when they cease to be used in the legitimate production of medications they are appropriately destroyed or re-exported rather than finding their way into the illicit drug trade.

Clause 11 leads me to another issue which I believe should be included in this legislation. We welcome the

new offence of possessing a tablet press without authorisation or licence, but it is strange to me that we can walk down the streets of many parts of Melbourne, and indeed in my own electorate in Warrnambool, and see in the shop windows devices whose only use is the taking of drugs, such as the smoking of marijuana. I believe we should be introducing as part of this legislation some provisions which ban the exhibition and sale of bongs. We should ban the bong. I fail to see any legitimate use for bongs in our society. They can hardly be used as a decorative item on the mantelpiece; they are inappropriate as a flower vase. I cannot imagine that there is any other appropriate, legal use for a bong. The reason they are for sale, on exhibition and sold throughout the suburbs and the central business district of Melbourne is for people who are involved in the illegal smoking of marijuana, or cannabis.

As the member for Scoresby said, marijuana, or cannabis, is still the most widely used illicit drug in our community. I believe we should take firm action to try to reduce the use of that drug. If this means introducing legislation to ban the sale of bongs, ban the exhibition in shop windows of bongs and make it illegal to possess bongs, then we should do so. I urge the government to take up that challenge. Just as in clause 11 we are taking firm action with regard to pill presses to deal with that category of drugs, we should do everything in our power to take similar action to deal with bongs, which are widely on sale in our community.

If you look at clause 13 you see that we are changing the law to recognise the emergence of hydroponic marijuana, or cannabis, as a new source of this drug in our community. There is certainly a degree of scientific and other circumstantial evidence that indicates that the marijuana available today is more potent and dangerous than the marijuana in the past. We should be very careful with regard to marijuana. Some 5 to 10 years ago there was a perception that it was a soft drug and a less dangerous drug, but that is absolutely wrong, wrong, wrong! It is a dangerous drug, it should be an illegal drug and we should do everything we can to try to stop people becoming involved with it. It clearly is linked to mental health problems and higher rates of suicide and it has long-term effects on people, particularly those who are heavy users and particularly those who partake of marijuana using bongs. I would urge that we ban the bong!

I would also like to make some passing comments about some of the directions of drugs policies. I read with real concern in the *Age* today about the Greens drugs policy, which the Attorney-General described as loopy. The article states:

> Heroin would be imported into Australia and prescribed to long-time addicts, while criminal penalties would be abolished for illicit drug users under the Victorian Greens drugs policy.

Today's *Herald Sun* reports:

> Hardcore heroin addicts would be given taxpayer-funded drugs under a controversial policy unveiled by the Greens.

It further states that free heroin would be provided to long-term users and injecting rooms would open across Victoria.

Injecting rooms should not be opened across Victoria. We had that debate in this Parliament. The Bracks Labor government proposed injecting rooms, but that was defeated by this Parliament, and I think in retrospect people would say that that was the right decision. The issue of drugs in our society has been addressed, as the member for Footscray has said in relation to his electorate, which is unfortunately an area renowned for drugs, and there has been a significant effect created by better policing and more community action — without injecting rooms. It is interesting, though, that the Premier has rejected the absolutely stupid Greens drugs policy. I urge all voters in November this year to reject the Greens drugs policy; when they cast their votes and preferences they must give the Greens a very low score because of their drugs policy.

Interestingly the Premier is reported in the *Herald Sun* as saying that while he rejects the Greens drugs policy — this is the same Premier who wanted to introduce injecting rooms — he would not rule out doing a preference deal with the Greens. The people of Victoria need to be concerned about the direction of both the Greens and the Labor Party with respect to drugs policies.

In South Australia we have seen the Democrats in action. South Australian MP Sandra Kanck said in state Parliament that ecstasy was not dangerous. She said that she had been to a rave party and there was no evidence that the drug ecstasy was dangerous. She went on to say that after attending a dance party she preferred a rave to a hotel front bar. It is interesting that the national president of the Australian Democrats has quit over those comments. The Democrats, clearly, have a confused position with respect to their drugs policy. The Greens have an absolutely crazy, loopy position on drugs, and I am concerned that these parties, which are going to stand candidates in the state election coming up towards the end of this year, will be putting forward candidates with policies that are dangerous with respect to drugs.

I come back to the issue that is very clear: drugs are dangerous. Drugs are a major cause of death and ill health. They are a major cause of mental health problems, and we as a Parliament and as community leaders must do everything we can to stamp out drugs in our community.

I support this legislation, but I would urge the government to give serious consideration to introducing legislation to ban the bong — to ban the sale, display and possession of bongs in our community.

Mr LEIGHTON (Preston) — I am pleased to support another Bracks Labor government bill which is tough on crime. We have introduced a number of bills dealing with drugs. We have introduced random drug testing of drivers for cannabis and methylamphetamine; we have prohibited the display and sale of cocaine kits; we have allowed police to detain persons under 18 years to protect them and others from inhaling volatile substances; and we have created new offences for trafficking in a commercial quantity of a drug of dependence.

As a former health professional, I have always favoured treating substance abuse under a health model. I have supported harm minimisation, but at the same time I have had a very strong view that the manufacturing of illicit drugs, the trafficking in those drugs and dealing in them should be treated as a crime and that those involved should be treated harshly and severely, and this legislation is consistent with that. During my time as a health professional, I firmed up a view of the damage that drugs can do. It is a pity that the Greens with their whacky policies have not had a look — —

Dr Napthine interjected.

Mr LEIGHTON — The member for South-West Coast talks about the Labor Party giving Greens preferences. That is exactly what his party did in Melbourne and Richmond at the last state election — gave them preferences ahead of us. I hope that indicates that the Liberal Party in November will direct its preferences to us ahead of the Greens.

Mr Cooper interjected.

Mr LEIGHTON — I did not quite hear that undertaking, but I want to make the point that the Greens have put forward some pretty whacky, loopy policies when it comes to substance abuse. It is a pity that some of their people have not worked in clinical settings to see the damage that drugs can do. When I first started my training at the Royal Park Psychiatric Hospital, which was an acute psychiatric hospital, we always had a question at the back of our minds as we admitted an acutely psychotic patient — that was, what was their underlying drug problem? Was it a drug-induced psychosis? These days, when I talk to my former colleagues, that is quite prevalent.

The member for South-West Coast mentioned the harm that marijuana can do. That is increasingly the case because of the strength of the drug involved. With any of those drugs it is not as simple as saying that using that drug leads to psychosis. I suspect there has to be some sort of underlying predisposition, but for those of us who have worked in a clinical setting, it is frightening to see the damage that those drugs can do, not only the psychosis but the ongoing mental health status of the individual.

Instead of putting forward loopy and whacky policies, the Greens political party would have been much better served to put the emphasis on treatment and rehabilitation, as we have. We have, as a government, a proud record. Since 1999 we have put forward $176 million for the Victorian drugs strategy; $3.5 million for the Bridging the Gap program; $4 million to reduce drug-related harm to prisoners; $20.7 million for the court referral and evaluation for drug intervention and treatment, or CREDIT, diversion strategy; $2.6 million for increased forensic drug treatments; $8 million for the FReeZA program; $77 million for the Saving Lives drug strategy; $81 million for a range of problems aiming to tackle death and disease caused by heroin.

We have built a new 12-bed adult residential withdrawal unit in Fitzroy and a new 8-bed residential facility for Aboriginal youth with alcohol or drug difficulties; and $6.9 million to improve the treatment of dual diagnosis patients suffering from mental illness and drug and alcohol problems. With respect to treatment initiatives, we have increased state funding for drug and alcohol services by 50 per cent since coming to office in 1999. There are 85 per cent more treatment beds. Waiting times for counselling have decreased from seven days in the year 2000 to less than one day in 2006; and waiting times for community withdrawal remain under 10 days and have reduced by over 72 per cent since 1999.

As a government we have been tough on crime, including the manufacturing, trafficking and dealing with drugs, but at the same time we have put additional services into rehabilitation and treatment. That is the way it should be. Drugs have a devastating long-term effect on the mental and physical health of those who use them, and we have a comprehensive approach, which is much preferred to the whacky and loopy policies of the Greens. I am pleased to support this bill.

Mr COOPER (Mornington) — Like the three previous speakers, I am a member of the Drugs and Crime Prevention Committee, so I am the fourth member or ex-member of that committee to speak on this legislation. Like the member for South-West Coast, I stand to support the bill because it takes some significant steps forward in the way in which we deal with the plague of drugs that is affecting our community and doing so much damage within our community.

I have listened to all the speeches on the bill and I have been interested in the contributions that have been made. I note that the member for Footscray — an ex-member of the Drugs and Crime Prevention Committee — is very happy that drug peddling in his electorate of Footscray has diminished, and I am happy that he is happy that that has occurred. However, I think recent publicity has shown that there is a bit of displacement policing going on out at Footscray and, whilst the member for Footscray might be happy, some members in neighbouring electorates might not be too happy about the fact that the drug pedlars from Footscray are perhaps now doing their business somewhere else. I think the member for Footscray was being perhaps a touch too naive in saying that because peddling drugs on the streets of Footscray has diminished, that means some significant advances have been made.

The reality is that drug peddling throughout Victoria has expanded, as the member for Scoresby said earlier, to cover the whole of the state. Once upon a time when you were talking about drug peddling, it was always going to be in the Melbourne metropolitan area and perhaps in some smaller parts of provincial cities, but not in the townships around rural and regional Victoria. The reality now is that drug peddling goes on virtually everywhere, and the steps that are contained here are going to assist in developing the fight against those drugs, particularly the designer drugs, because they are the ones that are easy to manufacture and easy to peddle.

I also want to comment on the statement made by the upper house Democrat in South Australia who said that she had been to a rave party and it was her view that the ecstasy drug was not a problem, that it was not as dangerous as the stuff that is peddled in the front bar of a hotel. She needs to start getting out a bit more and having a look, as the member for Preston said, at the significant and long-term damage that is done by these drugs. Members of the Drugs and Crime Prevention Committee have been privy to not only hearing from expert witnesses when the committee reported into amphetamines and party drug use in Victoria, but there were also drug addicts and ex-drug addicts who came in and spoke to us. There were many moving moments when we listened to people telling us how they have kicked the habit and got away from these drugs and of the permanent damage that has been done to them by their use of those drugs.

Amphetamines are certainly very popular, if I can use that phrase, at an international level, and in Australia they are the second most commonly used illicit drug after cannabis.

We are looking at a huge problem because cannabis is a big problem, but amphetamines are out there and doing an enormous amount of damage. In terms of the harmful consequences of drug use, far more damage is done to people by licit drugs such as alcohol and tobacco. However, we should never try to hide behind that statement and try to minimise what is done to people through illicit drugs.

The steps to which people will go to obtain the precursors are quite phenomenal. Apart from either stealing or bribing people to provide large quantities of these precursors, there are also gangs of people who have been going around pharmacies and buying enormous quantities of tablets such as Codral and others that can then be used in the manufacture of these designer drugs. That has created situations where the pharmacy industry has had to take steps, with the encouragement of the government, to ensure that people just cannot come in and buy something like 300 packets of Codral. That opportunity has been eliminated. All of these things in this chain of events have had to occur in order to try to limit the availability of these base materials to the people who are manufacturing these designer drugs in some of the most appalling circumstances.

When the police came to the Drugs and Crime Prevention Committee and showed us photographs of some of the drug factories, you literally would not feed your dog off the floor of some of these places, and yet here they are manufacturing drugs with heaven knows what kinds of other constituents in them that are then being sold to unsuspecting people on the street, at rave parties or elsewhere. Is it any wonder that we sometimes pick up our newspapers and read in the morning of somebody who has either died or has had a significant health event because they have taken a drug that they bought from a peddler on the street and then found that it contained substances that were very damaging indeed?

The report of the Drugs and Crime Prevention Committee into amphetamines and party drug use in

Victoria made some disturbing observations in regard to drug use. One of those is that it is very rare for either amphetamines or party drugs such as ecstasy to be used exclusively; that people who are out there are poly drug users and quite often they will use designer drugs along with cannabis or with alcohol, or all three. As a result, the damage they are doing to themselves in that regard is quite awful. It is very common among drug users, whether through the use of several drugs in succession over a period of time or a wide repertoire of drugs, that they are ending up in hospital or at the morgue.

I want to briefly touch on the issue that was raised by the member for Scoresby and again by the member for Footscray in regard to the evidence that was presented during that inquiry by Victoria Police to the Drugs and Crime Prevention Committee. I was not going to raise this issue — I thought it had been raised and was very factually dealt with by the member for Scoresby — but the member for Footscray attempted to denigrate what was said by the member for Scoresby and say that it just was not true.

The reality is that what he said is true — that is, the police evidence was vetted; the police were gagged and were unable to give their unvetted views to the Drugs and Crime Prevention Committee. The member for Footscray has described the approach to be — I wrote it down — 'a consolidated whole-of-government view', which is another way of saying, 'We are going to gag people from giving their honest and unvetted views'. We were horrified at the fact that we could not get police to come along and talk to us without having first to get the approval of the government as to the content of what they wanted to tell the committee.

Joint parliamentary committees in this place play a very important role, one of which is to be able to get to the heart of the particular subjects they are investigating. To do that, we as members of those committees require witnesses before the committees to give evidence that is frank and fearless. In this particular case, that opportunity was not available to Victoria Police.

Ms BUCHANAN (Hastings) — It gives me great pleasure to make a brief contribution on the Drugs, Poisons and Controlled Substances (Amendment) Bill. I certainly support the bill. Its intent is very clear. By amending the legislation — I shall go into some of the details in a moment — it will certainly make sure we have effective drug enforcement and investigative parameters in place to ensure that the opportunities for risk-taking behaviour, predominantly by young people, are reduced because the risk is taken away.

Some of the details within the bill include making it a crime to have in your possession a tablet press without a lawful excuse. It also goes on to amend, in schedule eleven, specific quantities of illicit drugs, so that the amounts and quantities of different illicit drugs are reduced; by reducing those thresholds it means people will be subject to legal prosecution for possession of smaller amounts.

One of the other important aspects is that the bill also enables the Chief Commissioner of Police to authorise unsworn police personnel to possess drugs in the course of their duties for purposes such as the transport, storage, examination, analysis and destruction of drugs. It is part of the issue of making sure that what the police are doing in the course of their normal activities is legal as well when it comes to the issue of illicit drugs.

I wanted to take up very quickly one of the comments made by one of the opposition members — and I do acknowledge this bill has bipartisan support — in relation to the issue of banning bongs. I am very glad to see that the opposition's policy of the 1990s, when it was more like 'Bring on the bong', is being overturned, and I hope they stick to their guns in relation to that policy.

I remember very clearly the previous Premier going around saying that the use of marijuana was not harmful. I think he subsequently found with his involvement with beyondblue, the depression organisation, that if you have a predisposition towards psychosis, certainly the use of marijuana and other illicit drugs can put you in a scenario where you do not have control of your mental health any more and you will become a future client in a mental health institution.

I think the important thing to note is that this bill is not introduced in isolation from the other policies that the Bracks Labor government has brought in. In our A Fairer Victoria package we look at what we are doing to reduce the risk-taking behaviour, predominantly of our young people, which goes to the issue of illicit drugs, which have incredibly bad side effects, as we all know.

We have brought in programs that deal with the issue of self-esteem. We tackle the issue in terms of why young people, or older people for that matter, actually participate in illegal drug use. We are addressing and tackling those issues of taking away the reason to participate in this risk-taking behaviour. I am certainly proud to be part of a government doing that.

I am also proud to be part of a government that has pioneered dual diagnosis, acknowledging that taking illicit drugs hastens or increases your predisposition to having major mental health issues; and through the dual-diagnosis process we certainly look at addressing both those drug-taking issues and those mental health issues at the same time. That relates to tackling the cause in terms of the taking of illicit drugs, also prevention and reducing the risk taking through more appropriate policing, and making sure that our laws reflect the new and varied types of illicit drugs that are coming onto the market.

Our illegal drug dealers always try to stay one step ahead in relation to the sorts of drugs they bring out, and we know that some of them are absolutely lethal. Many of us have seen the devastating effects on our community of people taking illicit drugs. It impacts on their capacity to drive and it impacts on their capacity to socialise — and the ultimate impact is death.

I commend the bill to the house. The amendments will enhance the opportunities for this government to increase community safety via improved prevention, detection and prosecution of illicit drug offences in this state. I wish the bill a speedy passage through the house.

Ms DUNCAN (Macedon) — I am also pleased to speak on the Drugs, Poisons and Controlled Substances (Amendment) Bill 2006. The history to these amendments and previous amendments demonstrates that the legislative process is evolving, and it needs to continue to evolve in order to respond to changing circumstances and new ways of doing things. Unfortunately, given the way drugs are produced and distributed, there is a need for constant consideration and to make changes as necessary.

The bill does quite a few things, and I will speak briefly about some of its major aspects. It ensures that the current legislative framework remains relevant to the contemporary challenges posed by the illicit drug trade. For example, one of the changes it provides for is the creation of a new offence of possessing a tablet press without being authorised or licensed to do so. It also creates the offence of possessing a precursor chemical without being authorised or licensed to do so. Precursor chemicals are used to create other illicit drugs such as amphetamines and ecstasy. We know that legitimate reasons or lawful excuses exist for people having tablet presses or some of those chemicals in their possession, which is why the legislation includes a lawful excuse defence to ensure that legitimate users are not captured by the new offences.

The bill includes changes relating to drug trafficking involving children. The amendments will reduce the supply of drugs for use by children and deter and punish those who exploit or seek to exploit and endanger children through their recruitment as street-level drug dealers. The bill also contains an amendment that changes the way opium poppies are quantified by allowing plant numbers to be referred to as an alternative to weight. That is already done with cannabis; it will now be extended to apply to opium poppies. The bill will also make changes in relation to quantities of drugs. It will allow multiple quantities of drugs of dependence in a diluted form to be aggregated for the purposes of deeming an offender to be in possession of a commercial or large commercial quantity of drugs. It is really about updating the legislation and removing loopholes as they are discovered.

The bill also seeks to reform and improve the investigative efficiency and effectiveness of Victoria Police. In that regard it makes changes to the way drugs can be destroyed. Victoria Police discovers about 45 clandestine drug laboratories under search warrant each year, and in the vast majority of cases there is a need to immediately destroy the dangerous chemicals. But often there are cases where drugs are discovered by means other than a search warrant — for example, through the discovery by police of a clandestine laboratory in their response to an explosion or a fire, or when police are invited onto premises by an owner, such as when payments are not made on a lease and the landlord subsequently discovers equipment or chemicals, or when a marijuana crop is discovered on Crown land. The bill extends the circumstances in which illegal drugs may be destroyed in situ. There are a number of other technical amendments.

One other provision I will refer to allows the Chief Commissioner of Police to authorise unsworn members of Victoria Police to transport, carry or otherwise handle drugs of dependence for the purposes of assisting authorised officers in the performance of their powers, duties and functions. This amendment will relieve sworn members of the need to carry out largely administrative functions so that they can continue to focus on core policing duties.

This is a good bill that is part of the evolutionary process of dealing with drugs in this state. I commend the bill to the house.

Mr SEITZ (Keilor) — I rise to support the Drugs, Poisons and Controlled Substances (Amendment) Bill. In doing so I commend the Bracks government, because since it has been in power it has increased

services for youth workers and social workers and outreach programs for people who succumb to drugs by 50 per cent.

A major part of the bill specifically deals with pill presses and passing drugs on to minors and children for them to sell to others. We know that a lot of criminals have no conscience whatsoever and that they use under-age children as runners for the delivery of drugs so that if they are caught they finish up only in the Children's Court and in many cases have no convictions recorded against them. That means the dealers, the ones who profit from such ill-gotten gains, get away and do not get caught up in it. Exploiting young children in such a manner is appalling, and it is a most outrageous position for human beings in our society to be put in.

We have heard a lot about pill presses. It is indicative of our modern society, with its access to the Internet and with the world becoming smaller through communication, that they are not only available for purchase cheaply from overseas but can also be bought second hand through the processes that apply here. One thing I know is that in my days in industry it was standard policy for companies that had patents for machinery that was used for tooling up, as it is called in the trade, to cut that machinery up with oxy cutters and welders to make it unusable rather than selling it on to other manufacturers. One of the things that should be considered here is the effective destruction of presses that are registered, once they are no longer needed by the various companies that have used them, so that they cannot be sold on and used by others. An owner who has a licence to hold a pill press should be required to effectively destroy it so that it is not able to be restored or sold on for somebody else to use in years to come.

I support the legislation. Particularly commendable are the increased penalties for those who entice young children into the racket of selling drugs. I will finish at this point by saying that I welcome the support that the bill has from both sides, and I wish it a speedy passage through the house.

Mr LIM (Clayton) — There is no doubt that the Bracks government has done a great deal since it took office to tackle the menace of illegal drugs. I am very pleased to welcome this important bill, which will further control the supply and sale of these damaging substances.

One of the problems with legislating to control illegal drugs is that it is rather like painting the Sydney Harbour Bridge — it is seemingly a never-ending task! As soon as one drug is controlled, a new drug or a whole new class of drugs pops up on the scene. I think that we have pretty well got on top of the classic drugs of addiction such as heroin, but as the minister said in his second-reading speech, we must ensure that both the drugs and quantities prescribed in the act remain relevant to recent developments in the illicit drug trade.

The big growth in illegal drug usage in recent years has been in the so-called designer drugs — the sort of feel-good drugs that are trafficked at rave parties. Many of the people who attend such parties would be horrified at the thought of taking heroin or other opiates. We have got the message across pretty clearly that that is the path to degradation and death, but the problem with the newer drugs is that the message is not quite out there yet.

The first thing we have got to do is to control these drugs at source. If they are not available they cannot be trafficked. This bill adds considerably to the armoury of legislation designed to combat illegal drugs by closing off many of the loopholes through which manufacturers and traffickers have been slipping, and by controlling the precursor substances and manufacturing equipment as well as the drugs themselves.

Thus this bill will make the possession of a tablet-pressing machine an offence unless the possessor can show good and legitimate reason why he or she needs to have the machine. There should be no need to elaborately specify the range of reasons why a person might legitimately own such a piece of equipment, as we have that well-known gentleman of common law, the man on the Clapham omnibus, to provide us with guidance as to what might be deemed a reasonable excuse. Similarly, the bill will make the possession of precursor chemicals above a prescribed quantity illegal. Again, we have the test of reasonableness — the limit of pseudoephedrine is set at 10 grams, which is equivalent to about 14 packets of cold remedy. But of course, the proprietor of a pharmacy would be authorised to possess more than this quantity, as might a hospital or doctor's surgery.

One of the things I never realised until I read this legislation last weekend was that the sale of poppy seed is technically illegal. Given the widespread usage of poppy seeds in bread making and for other culinary purposes, this bill quite properly removes poppy seeds from legislative control.

The bill makes a range of other changes to the Drugs, Poisons and Controlled Substances Act 1981 which will allow, for example, for the destruction of dangerous substances used in drug-making laboratories without prejudicing the outcome of any prosecutions. It

also changes a number of key definitions, allowing cuttings of marijuana plants that have not yet developed roots to be deemed a narcotic plant, for example. These changes will further strengthen the fight against illegal drugs. I commend the bill to the house.

Ms MORAND (Mount Waverley) — I am pleased to make a contribution to the Drugs, Poisons and Controlled Substances (Amendment) Bill. Illicit drug use is a major threat to our community and particularly to young people. Thankfully there are fewer people using heroin in the community today, but research is indicating that more people are using amphetamines and other synthetic illicit drugs. With more people using these drugs it is necessary for the government to respond by introducing these important changes that will address the manufacture, trafficking and use of these drugs.

As I said, the profile of drug use is changing. The 2004 National Drug Strategy Household Survey indicates that around 7 per cent of respondents had the opportunity to use speed in the last 12 months compared to less than 1 per cent exposed to heroin. More alarming is that 51 per cent of those who had the opportunity to use speed, did so — half the people exposed to speed actually tried it. Likewise, 8 per cent of the population aged 14 and over had the opportunity to use ecstasy and 47 per cent of people did so.

I think these are really scary numbers, and as I have two teenage children these statistics really worry me. We need to reduce the general exposure and in particular the exposure of teenagers to these drugs and to reduce the temptation to try them. If there are a lot of drugs in the community and a lot of drugs where children and young people go, the temptation is of course greater. There are some very sad stories of young people trying drugs and ending up in very precarious situations in our emergency departments or much worse.

It is pleasing these measures are going to be introduced to reduce the availability of drugs in our community. Specifically the bill is going to create an offence of possessing a tablet press. If you are not a legitimate manufacturer in the pharmaceutical industry, or not operating or working in the chemical or food industry, you have no legitimate purpose for having a tablet press, and it will be an offence to possess one. This amendment is a recommendation from the Drugs and Crime Prevention Committee's inquiry of May 2004, and it also realises a resolution of the Australasian Police Ministers Council of 2005.

The bill also creates an offence of possessing chemicals used to create drugs such as ecstasy. Again, there are legitimate purposes for the possession of these chemicals and those uses will be exempt. Very importantly, the bill criminalises the supply of drugs to a child for the purpose of that child trafficking the drugs to adults. The government wants to reduce the exploitation of children and to punish those who seek to exploit and endanger children by recruiting them as drug dealers. These people must be low life, and they deserve the harshest treatment.

I am very happy to support these amendments to extend the offence of trafficking involving children, and I also want to congratulate the police minister for the introduction of other drug-related initiatives, including the random drug testing of drivers. All the measures in this bill will contribute to the effort to reduce the availability of illicit drugs in our community and to reduce the use and the tragic consequences of these drugs in our community. I commend the bill to the house.

Mr HOLDING (Minister for Police and Emergency Services) — Firstly, I thank all honourable members who have contributed to the debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill. I particularly acknowledge the members for Scoresby, Benalla, Footscray, South-West Coast, Mornington, Hastings, Macedon, Keilor, Clayton and Mount Waverley. This is a bill which, by its passage through this Parliament, will improve the administration of drug laws in Victoria. It will also ensure that our laws continue to be as consistent as possible with those of other jurisdictions, which is important in terms of making sure that police across Australia have effective mechanisms for what is increasingly a set of criminal activities that do not observe state or territory boundaries.

I want to clarify one matter raised by the member for Scoresby in relation to tablet presses. I understood the member for Scoresby to be saying that he was concerned that whilst new tablet presses were regulated by the act, the sale of second-hand tablet presses would not give rise to the elements of the offence created under clause 11. I want to assure all honourable members and the Parliament that the clause as it is constructed will capture unlawful, unauthorised or unlicensed possession of a tablet press regardless of whether it is new or second hand.

If possession of that tablet press is unlicensed, not authorised or held without a lawful excuse, then it will offend against clause 11 and police action will be able to brought. I reassure all honourable members, including the member for Scoresby, on that point. Finally, I thank all of those within the Department of

Justice, particularly the police section, which has worked very hard to develop this legislation in what is a very specialised and rapidly changing area. This is a good piece of legislation, and I appreciate that it has the support of all honourable members.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL

Second reading

Debate resumed from 7 June; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The neighbourhood justice centre is a trial project which will be governed by this bill and will operate for a period of three years and conclude on 31 December 2009. Importantly, it is to be based in the city of Yarra at the old Northern TAFE building. The project has had a considerable gestation period. I am certainly aware of at least one meeting which the Attorney-General attended with members of the local community to discuss the implementation of the neighbourhood justice centre.

Essentially it will be a multijurisdictional court which will cover the jurisdictions of a number of different courts, principally the Magistrates Court and the County Court, but it is also mentioned in both the second-reading speech and the explanatory memorandum that the Victorian Civil and Administrative Tribunal and the Victims of Crime Assistance Tribunal will form part of the jurisdiction. Importantly VCAT is not mentioned in the bill. There is no reference to any specific jurisdiction being given to the neighbourhood justice centre. However, we were told at a briefing by the department that it does not require any legislative amendment because VCAT can sit anywhere it likes.

That lacks some degree of clarity, because we have the position where a person presiding at a neighbourhood justice centre will be a magistrate but may not necessarily be a member of VCAT. I would have thought it would have required either a special piece of legislation enabling that person to be a member of VCAT or some arrangement being entered into or deal being done between the government and the president of VCAT to make that person a member of VCAT. The Attorney-General may provide to the house an explanation as to how and why VCAT will be incorporated into the jurisdiction of the neighbourhood justice centre.

The jurisdiction of the neighbourhood justice centre will relate to all crimes that would normally be dealt with in the Magistrates Court, except committals in relation to indictable offences and sex-related offences. It is curious that sex-related offences have been removed from the neighbourhood justice centre given the fact that sex offences at a low level can be dealt with in the Magistrates Court. One would expect that a considerable number of sex offences would normally be dealt with in the County Court as indictable offences, but some can be dealt with in the Magistrates Court.

I am a bit curious as to why they were excluded from the operation of the neighbourhood justice centre, save and except that, as we know, there is a lot of community concern about sentencing in relation to sex-related offences, suspended sentences and those sorts of matters, and presumably the government has determined that, if it put sex offences into such a centre, the community would consider it to be a soft option and that the government was soft on crime. Other crimes of violence, including serious assaults, burglaries and even robberies can be dealt with summarily in the Magistrates Court. I would have thought they would be sufficiently serious to warrant appropriate consideration, but the government in its wisdom has decided that sex offences should be excluded. Perhaps the Attorney-General can clarify precisely why sex offences have been taken away from the jurisdiction of the neighbourhood justice centre, save and except the reason that the community would not accept it as being a reasonable disposition.

As I said, the centre will deal with all criminal offences that can normally be heard in the Magistrates Court, except for committals and sex-related offences. The centre will deal with crimes that are committed in the city of Yarra or those committed by a defendant who is a resident of the city of Yarra, which means that the neighbourhood justice centre will have jurisdiction in relation to a crime committed by a resident of the city of Yarra even if it was committed elsewhere in the state of Victoria. This also holds in relation to the jurisdiction which provides for all civil matters that would normally be dealt with by the Magistrates Court.

I will not go into too much detail, but another piece of legislation before the house will increase the

jurisdiction in civil proceedings up to $100 000. Most importantly, the civil proceedings can now be dealt with in the neighbourhood justice centre when the cause of action occurred in the city of Yarra, which is the usual traditional connection with a local Magistrates Court in any event, or when one of the parties lives in the city of Yarra. It also applies to homeless people and people of Aboriginal descent if they can demonstrate some connection, which is not my term, with the city of Yarra. There is a qualification in relation to jurisdiction which is either residency or connection, or the cause of action of the crime was committed in the city of Yarra.

There is a curious rule-making power that, notwithstanding the act of Parliament, bestows jurisdiction on the neighbourhood justice centre. There is a provision particularly in relation to civil proceedings and rules made in the Magistrates Court — and only in the Magistrates Court — which can presumably revoke some of that jurisdiction. So complicated commercial disputes between two large corporations, for example, may not be heard — and I am now just thinking off the top of my head.

There has been no indication as to precisely what areas of civil jurisdiction would be dealt with in the neighbourhood justice centre. If not all of them, which ones would? We are told that disputes between neighbours over such matters as fencing could be dealt with by the neighbourhood justice centre, but certainly there is no clarity in the legislation. It seems to be given to the Magistrates Court to provide some clarity in its rule-making power. That is a matter of profound concern to me.

I would have thought there needed to be clarity in this particular bill. On my reading of it there is inconsistency between the jurisdiction which is granted absolutely by a clear and unequivocal statement in the bill, that all civil proceedings can be dealt with in the neighbourhood justice centre if one party resides in the city of Yarra or the cause of action arose there. This rule-making power seems to be standing in stark and inconsistent contrast to the general grant of jurisdiction which is clearly the intent of the legislature in this regard.

The Children's Court is also given jurisdiction in relation to the neighbourhood justice centre along the same lines as the criminal proceedings — that is, that the offence occurred in city of Yarra or one of the defendants is a resident or has a connection with it based upon being homeless or of Aboriginal descent. Most importantly, this is certainly a worthwhile qualification. It is only in this situation that a child who has been involved and has been presented at the Children's Court actually consents to the jurisdiction.

There is absolutely no indication in the legislation as to precisely which parts, if any, of the jurisdiction of the Victorian Civil and Administrative Tribunal will be transferred to the neighbourhood justice centre. Given the fact that the intentions only have one magistrate who would be presiding in relation to all of those matters — criminal, civil, children's and VCAT — there is still no clarity as to how that person will be appointed given that the magistrate will be appointed in the usual way by the Chief Magistrate in consultation with the president of the Children's Court.

The Attorney-General has made very strong statements that the community will be involved in the selection of the magistrate. It is very unclear — certainly there is nothing in the legislation — as to how precisely the views of the community will be properly divined by the Chief Magistrate. I am concerned that the Chief Magistrate who is given this power should have to go out there and somehow divine the intentions and will of the community in the appointment of its magistrate.

Most importantly, people who have a significant interest and some participation in the process, going by the numbers of people I have seen attending these sorts of committees, are only a very small microcosm of the community. Many of them represent large bodies, including the City of Yarra itself. The way of divining which person is to be the appropriate presiding magistrate is very unclear. I am concerned that it smacks to a large extent of the government interfering in the process of determining in which jurisdiction magistrates will sit.

One of the great cornerstones of an independent judiciary is that the chief justice, judge or magistrate is given the absolute power to determine in which court and location judges will preside. That is one of the residual powers of a presiding officer. It is certainly one of the powers that is given to the president of VCAT who can determine absolutely in which jurisdiction people will sit without any interference from or reference to the government. Deciding who will be located where seems to me to smack very much of interfering with independent judicial discretion residing in the presiding officer.

There is one qualification. The Chief Magistrate has to make his selection on the basis that a person is experienced in therapeutic and restorative justice principles. It is referred to in the bill but it is a very nebulous concept at best. It creates a burden as to how those qualifications will be divined and determined

rather than giving the Chief Magistrate the absolute power in relation to other courts and tribunals associated with the Magistrates Court, the Children's Court and VCAT.

It is one of the cornerstones of an independent judiciary. The decision is to be based on some demonstrable expertise in relation to therapeutic or restorative justice taking into account the humanising of the law, the concern with human emotions and feelings as well as the criminal justice process. All of those matters will now be rolled into it. As I said, it is a very nebulous process.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr McINTOSH — Just before the dinner break I was talking about the new neighbourhood justice centre dealing with the issue of therapeutic justice and trying to find some intimate resolution of problems facing those people coming before our courts. Of course this will depend very much on properly resourcing such a court. I have not had the opportunity of watching the Koori court in — —

Mr Wynne interjected.

Mr McINTOSH — My friend from Richmond is having some difficulty hearing!

As I was saying, with respect to dispensing therapeutic justice I have certainly seen the Nunga court operate in South Australia and spoken to magistrates, the police and members of the local community in Shepparton in relation to the Koori court in those jurisdictions. What I witnessed in the Nunga court was its ability to bring a large number of support agencies to bear to reach a solution to a particular problem that occurred in that court in South Australia. From all the evidence I have been able to hear directly from magistrates, the police and members of the community in Shepparton, the system is working effectively and well there, but finding those sorts of solutions to dispensing therapeutic justice really depends on providing appropriate resources.

I am somewhat concerned that we are taking away the court's traditional role, which is to determine a particular issue, make a finding of fact on guilt or innocence and then provide a solution. That is when the court actually ends its jurisdiction. In modern therapeutic justice I understand that a court will have a greater and more intimate role, notwithstanding my concerns about the independence of that judiciary, and ultimately it really depends on the government being able to provide the appropriate level of resources.

The Attorney-General made a very valid point about the overrepresentation of people who suffer from a mental illness in our criminal justice system and indeed our prison population. An article in the *Age* of 7 July says that a report prepared by the Boston Consulting Group estimates that 700 000 Victorians will suffer some form of mental illness each year, yet only half that number will receive an appropriate level of treatment. This happens for a variety of reasons, but often simply because the resources are not being made available in appropriate locations for them. What concerns me is that although the Attorney-General talks about people suffering from mental illness being overrepresented in our criminal justice system, I would hope the government would be prepared to devote those resources to the criminal justice system. If resources are devoted to a neighbourhood justice centre, that would be an appropriate outcome, but I sincerely hope that those extra resources are not being diverted from elsewhere in the state, because that would cause significant problems.

We know very well that mental health has been put on the national agenda, and hopefully something may come of the trial in the city of Yarra, but I am very concerned about this issue. As we have also seen, there are real concerns about crisis and treatment (CAT) teams being despatched to deal with people who are suffering from mental disorders and about those teams having to deal with issues of violence. Of course in normal circumstances they are able to deal with the matters they are called on to attend, but when someone suffering from a mental disorder has committed an offence and is being violent, police intervention is required. There should be at least some attempt to provide the appropriate level of resources for CAT teams. These teams seem to be under-resourced and unable to deal with violent situations, so ultimately it devolves to Victoria Police to resolve those matters, so again it is a matter of resourcing.

We have also seen circumstances in the criminal justice system right across this state where the government's rhetoric on therapeutic justice and providing outcomes in these areas does not match its actions. In this state, despite all the noble words of the Attorney-General and the government, we still have profound delays in our County Court, and they seem to be getting longer. For example, in the County Court you cannot get a trial date inside 12 months.

A constituent came to see me about a particularly devastating case of culpable driving. I do not want to go into the details, but they attended court in June after having been told of the trial date in about April last year. They waited in the County Court for two whole

days, only to be told that their case would not be reached. They went back before the court and the trial was adjourned until July next year — a 12-month delay compounded by its not being reached on the first occasion. I think that is unacceptable. It is standard practice that you cannot get before the County Court for at least 12 months. Those delays can be evidenced in both the Supreme Court and the County Court, and despite all the rhetoric of this government the delays seem to be getting longer. It begs the question of whether, while we are making all these noble statements about a neighbourhood justice centre, we are going to be able to resource this particular court properly to enable it to provide the therapeutic justice so lauded by the Attorney-General. The evidence would suggest that we will not.

Issues have arisen about forensic testing, which is a valuable tool that is used in matters ranging from drug-related cases right through to identifying criminals who commit sexually related offences, murder and serious assaults. In this state there is still an 18-month delay in much of our forensic testing. It is cause for profound concern that as a result a senior magistrate in the Melbourne Magistrates Court can provide bail for show-cause offences such as trafficking in a commercial quantity of drugs. The delays in the police forensic testing laboratory are chronic and systemic. As I said in my contribution to the budget debate a few weeks ago, while we are grateful that extra resources have been provided, forensic testing is about providing scientists and other resources in that laboratory, and again I do not see any commitment from the government to deliver on those matters.

There is a chronic lack of funding for appropriate levels of representation in the criminal justice system — by the Director of Public Prosecutions and in the legal aid program. A concern expressed to me by the Criminal Bar Association of Victoria is that there has been a real juniorisation of the profession in representing people in cases involving allegations of serious crime. That is systemic at all levels of our courts, leading to concern about the outcomes in those courts. Indeed, that has been expressed recently by the Court of Appeal. Again, it is a matter of properly resourcing our criminal justice system, providing appropriate levels of resources not merely to the neighbourhood justice centre but right across our criminal justice system. The fact that we are going down the path of establishing a neighbourhood justice centre would seem to indicate that the government has unequivocally washed its hands of responsibility for the rest of the criminal justice system in its attempt to see whether the proposed experiment will work.

There have been problems. For example, one of the aspects of the therapeutic approach, as members know, is that there is a specific provision of jurisdiction to the neighbourhood justice centre in relation to homeless people. Currently the public housing waiting list in this state has some 35 000 people on it. Some 3500 of them are on the priority list — that is, either they are homeless or there is some special circumstance that has required them to be put on the waiting list. They will be waiting years and years before they are provided with even the necessary crisis accommodation. One of the special aspects of the jurisdiction given to the neighbourhood justice centre will be in relation to people who are homeless. Yet the commitment of this government to homeless people across this state has been bordering on the disgraceful, with an abrogation of its responsibility.

I certainly do not see a genuine commitment of delivering for either homeless people across the state or the neighbourhood justice centre. All the rhetoric under the sun, all the glossy words and all the noble statements about the therapeutic approach to justice simply will not deliver if there is not a genuine commitment to providing appropriate levels of public housing for those people, particularly the crisis accommodation needed by homeless people and those suffering from some disability, particularly a mental illness.

I also question greatly the statistics quoted by the Attorney-General in relation to the success of his much-lauded Red Hook Community Justice Centre in South Brooklyn. The most important thing is that he cites a profound reduction in the rates of murder and rape. But of course under the current provisions of the bill the neighbourhood justice centre would not have any jurisdiction in relation to murder and rape, as the bill is really just passing over the criminal jurisdiction of the Children's Court and the Magistrates Court. I certainly cannot see where the Attorney-General got the statistics from. The Red Hook centre commenced operation in 2000. The first reporting period was 2001 and the last I have been able to observe was 2005. In the centre's area there were four murders in 2001 and in 2005. I do not see the substantial reduction that the Attorney-General alluded to in his second-reading speech. Secondly, in 2005 there were three rapes, which was a slight reduction from the four in 2001, but certainly no great statistical difference indicating a benefit that flowed from establishing the centre.

If you look across the whole city of New York, the five boroughs, what you see is a genuine commitment over a number of years, certainly since about 1992, by a community led by its mayor and chief commissioner

that has seen a profound and dramatic drop in its crime rates, not just because of the establishment of the Red Hook Community Justice Centre in one precinct, South Brooklyn, but across the whole city of New York, the five boroughs. There has been a profound drop in the crime rate of some 76 per cent: rape is down by 47 per cent; and robbery is down by 75 per cent. Those statistics were quoted by the Attorney-General in his second-reading speech.

There were a number of things that were applied in New York and just one of those aspects was the Red Hook Community Justice Centre in South Brooklyn. But it is quite clear that over the period of some 10 to 15 years there was a significant commitment to properly policing — it is well known by the term 'zero tolerance'. As at least one politician has acknowledged in this country, it is unlikely that we would ever go down the strident approach that they adopted in New York which included strip-searching people for not paying their fares on public transport. It was not necessarily about dealing with high-level crime but about dealing with low-level crime, stopping it at the lowest level and sending a message that crime would not be tolerated in the streets of New York. It required an enormous commitment to policing, properly resourcing those police officers and providing a huge increase in the number of police officers, the training of those police officers and a commitment to delivering.

Those police officers were not having nice, nebulous discussions about therapeutic justice. They were not doing nice research into crime statistics around the world, or indicating how we can spin it here in Victoria. What they were doing was out on the street, on the beat and dealing with all levels of crime from the graffitists to the fare evaders. It was those areas which led to those significant drops in crime and cannot be in any way attributed to one aspect in one precinct alone in New York. It is a matter of real concern that the Attorney-General has taken statistics out of context and requoted them as a justification for implementing this system in Victoria.

In conclusion I have real concerns about the notion of an independent judiciary and requiring a judiciary to actually participate in ongoing supervision of people who come before the courts. In relation to the commitment of properly resourcing, whether it is delays in court, whether it is forensic testing, whether it is the chronic lack of funding either to the Director of Public Prosecutions or legal aid, or whether it is in relation to a genuine commitment to delivering public housing, if you are dealing with the issue of mental health in this state and its overrepresentation in the criminal justice system, there seems to be a complete abrogation of reality by this government. On top of all of those matters there are real concerns about the legislation regarding what aspects of the civil and criminal jurisdiction will be specifically conferred on the neighbourhood justice centre? Who will be the magistrate and how will they be selected?

Are we going to be doing something different than what we have traditionally accepted as being appropriate within the independent judiciary? Will the Chief Magistrate make that selection? We have no clarity at all. The Victorian Civil and Administrative Tribunal is not mentioned in this legislation; it is only mentioned in the explanatory memorandum and there are several mentions of it in the second-reading speech. There is no mention of VCAT or what jurisdictions of VCAT will be specifically transferred over to the neighbourhood justice centre.

We also have real concerns about the fact that only a person who is a resident of the city of Yarra can invoke this jurisdiction. That means that even if a course of action may have arisen in Mildura or in Mallacoota the neighbourhood justice centre will be given jurisdiction. So there will be all the consequent costs and travel expenses of getting witnesses and police prosecutors to that area. For those reasons the opposition will be opposing this legislation.

Mr RYAN (Leader of The Nationals) — Whatever might otherwise be said about this legislation, it certainly is interesting in concept. The Attorney-General has set out with ample commentary in the second-reading speech the origins of the legislation, the rationale behind it, the purported international experience and the extent to which all that has been drawn upon for the purpose of framing what we now have before us. In an Australian sense, putting it at its lowest, it is extremely unusual, and that is so for a variety of reasons.

In essence it seems to me to represent some sort of community justice system. It is here under the billing of establishing the neighbourhood justice centre, but when you read the legislation, the second-reading speech and the attendant material in relation to it, you see it takes the form of a court system which we do not otherwise have in Victoria and which I doubt exists elsewhere in Australia. That is not necessarily a point for or against, but the structure of this is unusual.

The bill is intended to facilitate the operations of the neighbourhood justice centre, as it is termed, that is to be established in the city of Yarra in early 2007. I wonder what the good citizens of the city of Yarra think about that and what their point of view is about the court being established in the way that is proposed by

this bill. No doubt speakers for the government will be able to add another dimension to that element of things. The proposal is to establish a specialist neighbourhood justice division of the Magistrates Court and the Children's Court.

For the term of the three-year pilot scheme, which is to apply under this bill, the centre will be located, as I said, within the city of Yarra. That area has been chosen for reasons that were set out in the second-reading speech. I do not think it unfair to say that the basic rationale lies in the fact that so many of those who will be touched or generally affected by the operation of this facility are resident in the city of Yarra. It is difficult to put that in a manner other than to state the bald fact that there are problems within the city of Yarra that are thought to be best addressed by establishing this facility.

Those problems are complex, and there are many people who live within the area who are subject to them. Again, with the greatest respect to those concerned, this probably entails dealing with a certain socioeconomic level of community whose members really do struggle to make their way in things. The notion behind all of this is to develop a court facility which is designed to best accommodate the many challenges which the necessity to provide a justice system in that environment represents.

The explanatory memorandum says in part that a magistrate will be appointed by the Chief Magistrate as a designated individual to effectively run this court. This person is going to have to be a superstar of the justice system, because there will be many talents called upon for reasons and in a manner that I will come to in a moment. That magistrate, it is said, will apply the principles of what is termed 'therapeutic jurisprudence' and 'restorative justice' to these cases where appropriate. That in itself should be the cause of a measure of interpretation over the course of the operation of this new facility.

The purposes of the bill are recited in clause 1 of the legislation. They are, variously:

> … to amend the Magistrates' Court Act 1989, the Children and Young Persons Act 1989 and the Children, Youth and Families Act 2005 to establish Neighbourhood Justice Divisions of the Magistrates' Court and the Children's Court …

And further:

> … to provide for the jurisdiction and procedure of those Divisions …

That all translates to amendments to the Magistrates Court and to the Children's Court to enable this new division to operate and to function within those two elements of the court system.

The way in which this function is intended to occur is an interesting concept. It will apply across both the civil and criminal jurisdictions. The centre will be in effect a local court operating within the city of Yarra. It is intended that this court will be established to accommodate issues that arise within the boundaries of that local government district.

As I said, a single magistrate will be assigned to run the court. At the risk of tumbling into colloquialisms, this person is going to be as busy as a one-legged tap-dancer with hives, because numerous elements of the justice system and the quasi justice system are going to be brought under the umbrella of influence of this court. The facility will be its own court. It will not at all necessarily be in what we regard historically as a courtroom. Rather it is to be established in a location which ultimately will be decided upon. It will operate, if I may say, in a pretty laid-back fashion — —

Mr Wynne — It has a location.

Mr RYAN — It has a location, the member for Richmond informs me. He can tell me precisely where it is when he speaks. But it is going to operate, I think it can be said, in a pretty laid-back fashion, akin in many senses to a panel environment or a Victorian Civil and Administrative Tribunal (VCAT) environment. It will mean that, for example, the magistrate appointed will need to be a person who has a lot of local knowledge of the requirements of the community in which this court is to operate.

The magistrate, somehow and in a manner yet to be explained — to me, anyway — is going to be selected at least in part by the local community. I do not know whether they are going to vote, have a poll or do a warm-up for 25 November this year or whatever the system might be, but the community is going to participate in the role of selecting the magistrate.

Formality is going to be kept to an absolute minimum. The bill says, for example, that the proceedings within this court are to be easily comprehensible, whatever that might happen to mean. Perhaps that is intended to accommodate the different ethnic mix of the city of Yarra and persons from different backgrounds who might come before the court, but I will be interested to see what that term actually means. The court will operate within this venue that the member for

Richmond tells me has been identified and will be within the municipal district of the city of Yarra.

There will also be interesting issues in relation to jurisdiction. It will apply where the defendant in the proceeding resides within the municipal district, where that person is a homeless person within the meaning of the definition contained within the legislation, where that person has committed a crime either within the municipal district — that is, within the city of Yarra — or has committed an offence outside that municipal district but lives within the municipal district as specified within the legislation, which seems to be around the notion of accommodation and where the residential address of that individual might be.

The court will be able to deal with civil proceedings or proceedings under the crimes family violence legislation if certain criteria as set out in clause 4O(2)(b) are able to be satisfied. It is going to be a very interesting exercise as to how the whole thing operates. The court will not have any jurisdiction in relation to committals nor will it have jurisdiction with regard to sex offences as set out in section 6B(1) of the Sentencing Act. In the course of sentencing anybody who is before the court it is interesting that under clause 4Q the court will be able to effectively be informed in the manner which the court decides is appropriate for its purposes.

The description of those from whom the court can seek advice is broad. It can receive evidence, according to clause 4Q, from: a neighbourhood justice officer, and there is a definition of such individual within the bill; a community corrections officer appointed under the Corrections Act; the Secretary to the Department of Human Services; a health service provider; a community service provider; importantly, a victim of the offence which has brought the defendant before the court; and then there is a catch-all that says ‘anyone else whom the division considers appropriate’. In essence, whoever the magistrate determines in his or her wisdom is appropriate to be heard from for the purposes of sentencing can be called upon to make a contribution to that process. Under the legislation the general powers which apply to magistrates are available with some restrictions.

In clause 5 there is a rather unusual rule-making power, and the member for Richmond might expand upon that in his contribution, albeit he is limited to 10 minutes because of the rules which apply in this place, having been introduced by the government of which he is a part. Nevertheless, we will look forward to his contribution. All those elements that have been introduced by way of amendments to the way the Magistrates Court operates have effectively been replicated in the way the Children’s Court legislation is also to act, with some elements of difference; but in the main the same situation applies.

What will happen here is that a magistrate, through the agency of the many persons upon whom the magistrate can call for the purposes of seeking advice, will effectively be able to case manage the individual who is brought before the court. Bearing in mind the fundamental aim of this legislation is intended to affect people who are homeless or people who are Aboriginals within the definition of the principal act, one suspects it is going to be a very challenging task. There is always going to be a need to balance the elements that go into the sentencing process.

As I have often said in this place, that process is probably the singularly most difficult thing that one can undertake from the perspective of being a member of the judiciary. You are constantly trying to balance the need to punish someone with the need to demonstrate to communities that this sort of conduct will not be tolerated and with the need to provide the best possible opportunity for rehabilitation. These are very difficult elements to try to balance.

Here we are going to have a court sitting in an environment which I believe will be of an entirely different style from that which we normally associate with a formal court. The magistrate will have around him or her a huge variety of resources drawn from a wide range of communities. He or she will be faced with the constant task of trying to balance it all up and do the best by the individual and by the persons who are the victims of the crimes that have been committed by that individual, and which have resulted in that person being brought before the court. This is going to be an enormous challenge for the person concerned. Whether this works at all, or works to any extent — and if so, to what extent — is something that will be the subject of judgment at the time the three-year period expires. We will all have the opportunity to see what eventuates in the meantime.

We saw a similar sort of process unfold in the case of the Koori court. In that instance I went from being a sceptic to seeing the way in which it operated successfully. For example, as a party The Nationals went up to Shepparton and sat down with the presiding magistrate and the prosecuting police officer together with those other members of the court who form the advisory groups giving assistance on the way in which the court continues to function. We were able to see for ourselves, and also to hear from the indigenous communities there, how the Koori court has been a

success. It may well be that what is proposed within the ambit of this legislation proves to be the same.

I must say, though, I think it is a shame that the government does not address the wider perspective, particularly of the sentencing issue which continues to trouble Victorians at large. Whilst this is an initiative which I think even the government would agree is very narrow in its scope, given the total ambit of the operation of the criminal justice system in Victoria, there are other aspects of that system to which the government should be giving priority. It is unfortunate that it is not — for example, we would like to see the introduction of a system of standard minimum sentencing here in Victoria. We think if that were done and it were modelled on the system which presently operates in New South Wales, and which has operated in that state since 2002, it would add much to the justice system at large in this state. It would add much, in particular, to the systems of sentencing which in part are the subject of the legislation now before the house.

While we see, through the operation of this legislation, the introduction of an initiative which is certainly new to Victoria, and probably new to Australia, it begs the question as to where the government's true priorities lie in addressing concerns of the public at large. This bill will accommodate a relatively narrow community within one municipal district of the state of Victoria and will be aimed at a group of people who are a relatively narrow aspect of our community at large. In the broader scheme of things there are immense challenges out there for the government that it should have to face. It is imperative in the lead-up to 25 November this year that the government makes very clear what it intends to do with regard to these broader issues of sentencing in Victoria, because it is those broader issues which understandably are drawing the most public comment at the present time.

We will of course follow this initiative with much interest. As to whether it works or not, we will see. As to whether it is then extended through other parts of the state of Victoria, we will see. But in the interim we await with interest the establishment of this court, the appointment, by whatever means, of the magistrate who is to preside over it and the assemblage of the various personnel who are going to be essential to the way in which this new facility operates.

Mr WYNNE (Richmond) — I rise to support the Courts Legislation (Neighbourhood Justice Centre) Bill 2006, and I do so with a great sense of pride. This is a fantastic initiative of the Bracks government. This will be one of the great legacies of the Attorney-General's time in this particular portfolio. In my view, the bill paves the way for one of the most exciting, new multijurisdictional courts at a neighbourhood level. To have this court opened in my electorate is a particular thrill for me personally, and I know it is very warmly welcomed by all of my community. I indicate for the Leader of The Nationals that the centre will be at the former Collingwood TAFE site on the corner of Wellington Street and Johnston Street in Collingwood.

Only two weeks ago I had the pleasure of representing the Attorney-General at this site as part of a tree planting ceremony with the local Catholic primary school which is directly opposite. The students of St Joseph's Primary School and the principal and the parish priest of St Joseph's church are huge supporters of the justice centre. Prior to choosing the site for the justice centre, the Attorney-General insisted that he would personally have conversations with both the school and the parish priest of the centre to ensure that we had their support for the centre. It was really a delightful opportunity for me to meet with the students and to give them some insights into how we see the neighbourhood justice centre operating in the future.

As previous speakers have indicated, the neighbourhood justice centre will be a new court, but it will be a very different sort of court to the type that we have normally been used to. This will be a community justice centre incorporating a multijurisdictional court and offering access to a range of community services to benefit victims, defendants, civil litigants and, of course, the broader community of my area.

Under this concept the neighbourhood justice centre will be a court able to both hear civil and criminal cases and sit in a number of jurisdictions — the County Court, Magistrates Court, Victorian Civil and Administrative Tribunal and the Victims of Crime Assistance Tribunal. The court will be headed by a single magistrate who, as a judicial officer in the many jurisdictions, will be able to deal with all facets and circumstances of particular cases.

There seems to be a suggestion by the shadow Attorney-General that there might be some issue around the separation of powers in the appointment of the magistrate. I want to make it very clear to the house that the appointment of the magistrate will in no way interfere with the separation of powers. The magistrate will be appointed by the Governor in Council and assigned by the Chief Magistrate. The Chief Magistrate will be the chair of the interview panel for the neighbourhood justice centre magistrate. The involvement of community members in this process will only strengthen the capacity of the magistrate to

meaningfully respond to and engage with the community.

What an interesting concept this is! Because of the particular way that this court has been structured at a neighbourhood level you engage the local community in the selection process, but ultimately it must be up to the Chief Magistrate, on advice to the government, to make the final selection of the magistrate to fill what is going to be by any measure a very demanding and challenging role. This will be a magistrate who will be reaching out to the community, seeking to understand the issues that are of concern to my local area, being responsive to the many social issues confronted in my area and being very well informed about the lives of the people who will be attending his or her court. I very strongly support the notion of this strong community involvement in the process.

The success of the court will be its capacity to network with local community organisations and services. If you think about the sorts of services that need to interact with a court generally and specifically with a neighbourhood court — services like drug and alcohol counselling, gambling and mental health services, housing and employment advice, victim support, general legal information and alternative dispute resolution services such as mediation — they will all play a pivotal role in this important philosophy of restorative justice.

I have to say in passing that it is a little rich for the member for Kew, the shadow Attorney-General, to be coming in here and lecturing this government about public housing. For seven years the former Kennett government did nothing about public housing. Indeed in my area in particular it presided over the running down of all the public housing estates to the point where, if it had been re-elected in 1999, it would have gone for a wholesale sell-off of all that public housing. That is my view, and I am sure it was a secret agenda of the then Kennett government. So I reckon it is a bit disingenuous of the member for Kew to be coming here and telling us about investment in public housing.

The range of services and the flexibility in jurisdiction will mean that the court will be able to adopt a case-managed approach to justice in a responsive and innovative way. In that sense the court will be able to respond to the needs of victims of crime and the needs of the offenders, whether they be in civil or criminal matters, in a variety of jurisdictions.

Why the city of Yarra? I am absolutely delighted the court will be located in the city of Yarra and, of course, my seat of Richmond. As I have already indicated it will be located in the old TAFE buildings in Collingwood. By any measure the city of Yarra has a progressive community, with many networks and support services operating within it. However, like many inner city municipalities it suffers from a range of challenges. We are affected by higher crime rates and particular suburbs suffer high rates of social disadvantage. For these reasons, the city of Yarra is well placed to extract significant benefits from the neighbourhood justice centre approach to delivering justice.

Moreover, given the challenges we face in the inner city, this electorate is also more likely than any other, in my opinion, to be supportive of innovations to deal with these problems. In short, we have everything to gain from this project, everything to gain for my community. This support is critical to the success of the justice centre, and it goes to the heart of why I have no doubt this will be a very, very successful initiative of the government, very much in line with how the Koori court has been a such resounding success, not only in metropolitan Melbourne but indeed in country settings.

I acknowledge the Leader of The Nationals, who has often, in his measured way, indicated what a great success the Koori court has been. I have no doubt the neighbourhood justice centre will, by any measure, provide similar results.

It is with a real sense of dismay — I could not believe it — that I understand the Liberal Party is going to oppose the neighbourhood justice centre. It truly is an extraordinary position. I suspect we will hear from the shadow Minister for Police and Emergency Services and various other members of the opposition parties, and I reckon you could put your house on what their line will be. This will be the line that will be used by the Liberal Party — soft on crime. It will refer to the neighbourhood justice centre and say, ‘Soft on crime’. We will see what Liberal Party members say when they get up. As the Minister for Police and Emergency Services said, this is the mob that slashed 1000 police from operational roles.

So you can see this will be the start of the build-up of Liberal Party members towards their usual pathetic line that they will seek to pursue in a very underhanded way to try to smear what, by any measure, is one of the best initiatives of this government — this very much community-based approach of the neighbourhood justice centre — to seek to embroil this really important initiative in this cheap and pathetic argument of ‘Soft on crime’. It will come. If it does not come today, it will come in the next few weeks, as Liberal Party members

seek to crank up their old hackneyed lines, which have no credibility.

This is a fantastic initiative. I am absolutely delighted the Attorney-General has chosen the city of Yarra, which falls within my electorate, to pilot this neighbourhood justice centre. It will be great for my community. It has been strongly embraced throughout the whole of the community, and I look forward with pleasure to its opening early next year. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — One of the greatest strengths of our justice system in Victoria and Australia, and indeed through most of the Westminster democracies around the world, is that all people in those jurisdictions are equal before the law and all people are treated the same and equally before the law courts, whether they be the most significant business person, whether they be seen as leaders of society or whether they be people who are homeless. They are all treated equally and the same before the law.

Unfortunately the Liberal Party must oppose this legislation, because this legislation is contrary to that fundamental principle. It is absolutely contrary to the fundamental principle that people are treated equally and the same before the law. This sets up a separate judicial system for a segment of our community, and it is unacceptable. This is the apartheid of the justice system in Australia. This sets up a separate judicial system for one segment of our community. The bill proposes a different justice system for a certain group within our community, and it covers a range of areas — areas, as the member for Richmond said, covering both the civil and the criminal jurisdictions. It covers the Magistrates Court, it covers the Victorian Civil and Administrative Tribunal, it covers the Children's Court and it covers the Victims of Crime Assistance Tribunal.

To whom does it apply? The system in this legislation applies only to certain people within the Victorian community. It does not apply to me because I do not live in the city of Yarra. It does not apply to the member for Mornington. He cannot access this system. It only applies to certain people within the Victorian community. It does not apply to all people equally in the Victorian community, like the justice system of the rest of Victoria does. Certain people, who reside in the city of Yarra, have a different justice system under this legislation. Those people are homeless and Aboriginal persons who are linked to the city of Yarra. They are the people to whom this justice system applies. It is a different system of justice.

When one looks at clause 1 one sees that the principles of this justice system are about applying therapeutic and restorative approaches. It is not about providing for the same principles that apply to the Magistrates Court in Warrnambool or in Portland. Different principles apply in the Magistrates Court if you front the Magistrates Court in one part of Victoria, in my electorate, but you apply a different principle when you front the same Magistrates Court under this legislation under the neighbourhood justice centre in the city of Yarra.

You might have the situation where people in my electorate are disadvantaged by this approach. For example, if somebody from the city of Yarra is charged with an offence in my electorate and chooses to have their offence heard in the neighbourhood justice system, as is their right under this legislation, the police officers involved in that case, the victims involved in that case and other witnesses involved in that case will have to travel to the city of Yarra to present their evidence.

That is what this legislation says, whereas previously that case would have been heard where it was convenient for the most people in the case involved — maybe in the electorate of South-West Coast. But they will now have to travel to the city of Yarra to have that case heard. It will be heard under a different model or system, and there will be real concerns about whether justice is best served in that way.

There are genuine community concerns throughout the length and breadth of Victoria that under this government the balance is wrong because the balance in our justice system favours offenders rather than protecting the rights of law-abiding people in our community and protecting the rights of victims and victims' families. There is genuine and absolute community concern about that, and yet this legislation, by the very words that are used in the construction of the legislation, goes further down the track of looking after the so-called rights of offenders rather than looking after the rights of the law-abiding people and the victims in our community.

As the member for Richmond says, this is a very different court because it applies a different justice system.

Mr Wynne — No, it's not.

Dr NAPTHINE — It is not the same justice system that applies to the rest of Victoria. The member for Richmond said it will be a very different court. They were his exact words — he said it was a very different court and with a very different approach. So the people

who commit offences in the city of Yarra or residents of the city of Yarra who commit offences throughout the length and breadth of Victoria are going to be treated very differently by a very different court system under this legislation than they will be treated in the rest of the court system in Victoria.

The member for Richmond said that they have higher crime rates in the city of Yarra.

Mr Wynne — That's right.

Dr NAPTHINE — Perhaps what the city of Yarra needs is a more effective justice system — a system where they perhaps have more police on the beat, where they perhaps do deals with drug dealers on the streets, where they perhaps get the criminals off the streets, but they certainly will not get a better outcome by having this neighbourhood justice system, which is soft on crime. That is the bottom line — this will be soft on crime. This is a very different justice system, one which is about being soft on crime, soft on criminals.

There is no doubt that it is a retrograde step for Victoria to have two different justice systems operating in the state. One of the great strengths of our democracy should be, and has always been, that people should be treated equally before the law, whether they are in Mallacoota, Mildura, Warrnambool, Portland or Richmond. However, under this legislation if you happen to be in the city of Yarra you will be treated differently when you appear in front of the courts and the law than if you live in other parts of the state. That is unacceptable. It is unacceptable to me and I believe it is unacceptable to the people of Victoria. I will be voting against this legislation.

Mr HUDSON (Bentleigh) — After that extraordinary contribution I am tempted to deal with the issues raised by the member for South-West Coast — I am afraid I might get to the end of my contribution and not have dealt with them. It is quite extraordinary to hear this claim that somehow the neighbourhood justice centre is setting up some sort of system of apartheid. The only apartheid that exists is in the tortured and twisted mind of the member for South-West Coast. What he has done tonight is dump the whole legacy of the Kennett government.

The Kennett government introduced in Broadmeadows, as a pilot, a cautioning program for first-time drug offenders. Did we hear the member for South-West Coast saying then that such a program involved a different system of justice for people who happened to go before the Magistrates Court in Broadmeadows as distinct from every other drug offender who was being sentenced in every other court around Victoria? Of course he did not say that. What Mr Kennett was doing, to his great credit, was attempting to see if we could put together new approaches to dealing with particular groups in the community for whom the justice system had failed.

Mr Kennett recognised that there was absolutely no point in sending first-time drug offenders, particularly the users of marijuana or those who were cultivating it for personal use, to jail or giving them criminal records unless you dealt with the underlying causes of that offending. That was the basis of that approach. For the member for South-West Coast to come in here and completely dump that and call this a system of apartheid is absurd.

This is a pilot program. It is beyond my wit to believe that a member of the Liberal Party, a party that would claim to be a great innovator in terms of looking at new policy, would come in here and say it is opposed to a pilot, that it is opposed to the citizens of Yarra — 120 000 people — having a new approach which has been tried overseas. This approach has been tried in a number of neighbourhood justice centres in Brooklyn in New York, in midtown Manhattan and in the UK. It has produced demonstrable results with disadvantaged communities. For the member to come in here and say the Liberal Party will not agree to a pilot, that it thinks a pilot amounts to apartheid, that it thinks a pilot fundamentally undermines the principle that everyone should be entitled to equal treatment before the law is an absurd proposition. I note that the member for South-West Coast could not sustain 10 minutes on that — because the argument was so poor.

In addition, the member for Kew came in here and said this neighbourhood justice centre will be undermined because he says this government has failed to invest in all of the support services necessary for a community justice centre to work. He cited public housing. This government has built or acquired 10 000 public housing units since 1999. We have put in, over and above our commitment under the commonwealth-state housing agreement, an enormous amount of additional money totalling hundreds of millions of dollars.

We have done that in response to the Howard government's cutting in real terms in successive trienniums since 1996 its commitment under the commonwealth-state housing agreement. Yet during that time we have not heard one word raised by the opposition against the Howard government's cuts in its commitment under the commonwealth-state housing agreement. For the opposition to come in here and talk

about waiting lists for public housing when this government has invested in public housing over and above its commitments under the commonwealth-state housing agreement is a disgrace.

This Courts Legislation (Neighbourhood Justice Centre) Bill is something that should be tried and evaluated. I would have thought the Liberal Party would want to see that happen. It is to the credit of The Nationals that they are prepared to countenance such a pilot. They do not see this as somehow introducing a system of apartheid; they see it as an opportunity to evaluate a different approach. I bet that in three years time we will be back here saying, just as we said about the Koori courts, 'This was a pilot worth having. This was a pilot worth conducting. This was a pilot worth evaluating'.

One of the things we have to do as a community is reduce the rate of offending and the rate of recidivism, particularly amongst vulnerable groups. We know that homeless people, ex-prisoners, drug users and people with mental health problems get caught up in the criminal justice system. Unless we as a community are prepared to not just dispense punishment but address the underlying causes of that offending, as the Kennett government was prepared to do when it was in government, we will not make any inroads into this problem. That is what this neighbourhood justice centre is about. It is about assembling a team of people who can work with the multijurisdictional court to deal with these problems.

We know that people who commit crimes such as theft and people on the streets who might be involved in assaults are also people who probably need housing. We know that people who have schizophrenic episodes might also need some counselling and specialist psychiatric help. We know that ex-prisoners who have no resources available to them in the community can be forced back into their old networks and back into their old ways. They may need some assistance to make the transition back into their community, and that is what this court is designed to do.

The member for South-West Coast was not even prepared to countenance examining the impact that neighbourhood justice centres like Red Hook are having.

Dr Napthine interjected.

Mr HUDSON — Let us talk about victims, because they will be able to go before the neighbourhood justice centre and get crime compensation. Which was the party that reinstated crime compensation?

Honourable members interjecting.

Mr HUDSON — Which was the party that massively increased the money available for crime compensation, after you had taken it a way?

Dr Napthine interjected.

Mr HUDSON — Do not lecture us on crime compensation, because I tell you, you do not have a leg to stand on when it comes to that particular issue.

What we are recognising for the first time in this legislation is the critical role of therapeutic and restorative justice. They are not just words, because this bill is designed to ensure that wherever possible we can direct the resources of this community not just into making sure that people pay for their crimes by doing community-based orders. It is interesting to note that under the Red Hook scheme there was a massive increase in the number of community-based orders that were delivered to the local community in Brooklyn, as well as a massive reduction in the level of crime, and most importantly there was a massive increase in community confidence in the justice system — the very things the member for South-West Coast claims he wants to see restored. The reason was that the community was involved in that centre. The community could see that offenders were not coming back before the court and were not caught in a revolving door of justice as they had been before, that there was in effect — —

Mr Plowman interjected.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Benambra should cease interjecting.

Mr HUDSON — The member for Benambra asks, 'Will this change anything?'. The member for Benambra is not prepared to see whether or not this program will change anything because he is not even prepared to countenance a pilot. He is not even prepared to see if this approach might work and he is not prepared to see it independently evaluated.

This government is not afraid to try new approaches. We are not afraid to see if there are more effective approaches to justice. It is a great bill. I commend the bill to the house.

Mr COOPER (Mornington) — We have heard all the buzzwords tonight.

Mr Wynne — This will be good.

Mr COOPER — Yes, it will be, too. You have a listen. Stop yelling and you might learn something.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Mornington should address his comments through the Chair, and I ask the member for Richmond for some cooperation.

Mr COOPER — Thank you, Acting Speaker, but I will respond to interjections when they are as stupid as the one from the member for Richmond just now.

We have heard all the buzzwords tonight. We have even heard the new phrase 'therapeutic and restorative justice'. Now I have heard everything. As the member for South-West Coast said, you have to decide at some stage whose side you are on. The response from here is we are on the side of the victims. We are on the side of the people who are victimised. We are not going to stand by and watch a discriminatory form of justice being applied by this government. That is exactly what it is.

You can use any word you like in place of the word 'discriminatory', but at the end of the day that is what this is; it is discriminatory. We have a single area, in fact a very small area of the state, being singled out for the application of a particular form of the justice system. In this case I pay credit to the member for Richmond — he has obviously used all his powers of persuasion with the government and it turned out to be his electorate, in the city of Yarra. Even the member for Richmond would acknowledge it is a very small part of this state.

But the government has decided that it is going to set up a neighbourhood justice centre in Collingwood to act as a venue for the Magistrates Court criminal and civil division, the Children's Court — but not the family division — the Victorian Civil and Administrative Tribunal and the Victims of Crime Assistance Tribunal. It is going to be there for people who are residents of the city of Yarra, homeless people who have committed an offence in the municipality, or Aborigines with strong cultural links to the area within the municipality. That is the discrimination.

I am absolutely staggered that nobody on the government side seems to be able to get the point. The point is that it is only those people who will be able to access that court. It is worse than that because, as the member for South-West Coast explained during his contribution to the debate, it does not matter where the offence is committed as long as it is committed by one of those people who are qualified under this bill. It does not matter what part of the state of Victoria the offence is committed in; the people who qualify under the bill can elect to have their case heard in the neighbourhood justice centre in Collingwood. Whether it is in Warrnambool, Mallacoota or Mildura, those people can elect to have their case heard at the neighbourhood justice centre in Collingwood, and everybody else has to fit in with that. Police witnesses, other witnesses and expert witnesses, no matter who, all have to travel down to Collingwood at a cost in both time and money in order to see whether some justice can be done.

I have to say, and I am unashamed in this, that I am very much on the side of the victims; and as I am in a family that has suffered significant and serious victimisation, I think I can claim to have some credit in this.

Mr Stensholt interjected.

Mr COOPER — If the member for Burwood wants to know about it later, I will tell him privately what the victimisation was. I would appreciate it if he did not try to score some cheap points off me.

Mr Stensholt interjected.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Burwood!

Mr COOPER — When a family or an individual has suffered serious victimisation in a criminal act, it is enough for them to have suffered that without then being put in the situation of having to travel long distances and stay for a considerable time a long way from where they live in order to see the case in which they are involved prosecuted. That is why I say, without any fear at all, that I am opposed to this bill.

It is clearly discriminatory. If the government is going to have a pilot, as the member for Bentleigh said, then it should have the pilot so that it does not discriminate against victims — because that is what will occur. We have heard the buzz words, we have seen all the hand-on-heart stuff and we have heard all the warm and cuddly phrases, but at the end of the day it will not deliver justice to the vast majority of Victorians. What it will do is discriminate against the vast majority of Victorians — or it has the capacity to seriously discriminate against the vast majority of Victorians. That is why I will vote against the legislation.

I am not against pilots; I am not against trials; I am not against trying something new; but I am against something that is so clearly discriminatory as this legislation. I do not want to occupy the time of the house any more than by saying they are the reasons why I will vote against this legislation.

In conclusion, I am still staggered that government members do not seem to get the point that has been made by the member for Kew, by the member for South-West Coast and now by me. They do not seem to get the point: discrimination is bad no matter what it is, and this bill is discriminatory.

Ms NEVILLE (Bellarine) — I think what the Victorian community wants is a safer community. We can dress that up as, 'Let's be tough on crime' or, 'Put more people in jail', or we can try to make a difference in terms of the safety of the communities in which Victorians live. That is what this bill is about, and that is what this government has been all about.

It has been about a range of strategies to try to ensure we have safer communities, whether it is by putting more police on the ground, whether it is by investing in particularly disadvantaged local communities and trying to make those communities more sustainable, whether it is by investing in services like mental health or drug and alcohol services to help prevent the crime that may sometimes result from those issues, or whether it is by looking at our court system and seeing that that court system is more responsive to issues around reoffending and around victims and their support within the system.

Tonight we have heard members — in fact, the member for Kew was one — talk about their concern over the change in the traditional role of the courts. I do not think I would put it that way. What I would say is that the provisions do not change the role of the courts but try to expand that role so that offending is seen not just in isolation. To say that we have a perfect court system now is to ignore the facts in terms of continual reoffending and in terms of the nature or the demographics of people who are in our prison system. We do not have a perfect system, and we need to continue to improve our court system.

We have, which members tonight have talked about, a prison population which is overpopulated with people with mental health issues, people with drug and alcohol addictions and also, as pointed out in the second-reading speech, people who are homeless or have unstable housing or who are unemployed or tend to be from particular socioeconomic areas. These people are overrepresented in our prison system.

When you talk about equality, you could not say that the prison population in itself is equal or somehow represents the broader community at all. In fact it is a very unequal system. Part of what this bill is doing is acknowledging that there are factors that are obviously contributing to offences and to the reoffending by people in our prison system. The government has been investing in a number of strategies to try to deal with this through A Fairer Victoria and through its investment in community renewal and more sustainable communities, but obviously we need to continue to look at our criminal justice system and to take up the challenge we have as a community, which is particularly about reoffending or the breaches of orders that go on all the time.

To say that somehow it is discriminatory to take account of issues that contribute to criminal behaviour misses the point. The bill is very clear on the fact that the sentencing principles that apply in Victoria across the board apply in relation to the neighbourhood justice centre. It is very clear that those sentencing principles have not been in any way touched here. But what it is saying is that once somebody presents to that court there is an acknowledgment that it may not be enough to just put someone in prison. In fact if somebody has offended because they have a drug and alcohol problem — it might be a theft in order to buy drugs — it seems to me to be ridiculous that we do not then try to deal with the cause of the actual criminal behaviour, which was the drugs that they wanted to buy, and because they had no money to buy the drugs they then stole money in order to buy them. We can just put that person in prison, but it seems to me that the likelihood is that that person is going to reoffend at the next stage.

It is the same with people who are homeless. If we are not actually able to provide stable housing then those factors will continue to contribute to offending. That is not about discriminating or treating people unequally before the law. There are categories of offences that still apply equally, and the sentencing principles still apply equally to everybody, but once we acknowledge that there are particular factors that may be contributing, let us try to deal with those factors as well. This gives us some flexibility in doing that.

The other issue I touch on briefly is the issue the member for South-West Coast raised, saying that this will somehow unfairly affect his constituents in Warrnambool. It is again also clear in the bill that where the offence occurs and also where the offender lives can trigger being able to access this particular court in South Yarra, but that in itself does not necessarily mean that the matter will be heard there. All those other factors will be taken into account, as is done now. The issue of where witnesses reside and all those things will be considered, and that is also very clear.

Dr Napthine interjected.

Ms NEVILLE — The member may not want to know that, but it is very clear. All those principles still apply. This is a pilot, and pilots occur in individual communities. It is not a statewide pilot. It is a pilot to assess and enable us as a Parliament to actually see whether a different approach makes a difference in terms of offences and reoffending. I think the Victorian community expects us to continue to look at our systems, our court systems, our police, whatever it may be, to actually achieve a much safer community. That is what this bill does and that is what this government is committed to. I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on this legislation on behalf of The Nationals. As a number of speakers have said, this is a unique way of dealing with a certain group of criminals, and it will be in a special court. It is an experiment — a pilot program — and we are not sure what its outcomes will be. I understand it is the first of its type in Australia, so we cannot get any reports on whether it will be successful. I also understand the government has said there have been a number of successful outcomes overseas, and this is what it is basing this legislation on.

The purpose of the bill is to establish neighbourhood justice divisions of the Magistrates Court and the Children's Court. It will amend a number of acts — the Magistrates' Court Act 1989, the Children and Young Person's Act 1989, and the Children, Youth and Families Act 2005. As I said earlier, it is a pilot project. It will be going for three years, and during that time it will be evaluated. Hopefully, if any problems are found with the legislation, it will be brought back here straightaway to be amended so that it can work positively.

The neighbourhood justice centre will be established in the city of Yarra in early 2007. I understand it is on the former TAFE site in Collingwood. We are told that its purpose is to simplify access to the justice system, and I hope the outcome of that will be less crime, which means fewer victims. I hope the government is bringing this forward because it has some evidence that it reduces crime and thus the number of victims.

We are told that the specific sorts of people who will come before this court will be people who are homeless; vulnerable people, such as those who are socially disadvantaged and Aboriginal people. The idea is to stop people reoffending and to deal with the problems that have caused them to offend in the first place. This is an experiment and will be similar to the drug court, the family violence division and the Koori court.

I will talk briefly on the Koori court, because we had a pilot program in Shepparton. The Koori court operates in Shepparton and also in Broadmeadows. There has been some criticism of the Koori court — that it is soft on crime. I have visited the Koori court and seen it in action; it is very good. The Koori court is working well, with the outcome that fewer Aborigines are reoffending. I pay tribute to the people who started that Koori court, such as Kate Auty, the magistrate; Gordon Porter, the police prosecutor; Daniel Briggs, the Aboriginal justice officer; and the Aboriginal elders and respected persons who made that court work. Regarding the magistrate who will be put forward for this court, it works only if the magistrate has the confidence of the people and is respected, and also fully supports the court system itself. If that is the case, then it could work.

Victims also have input into the system, and I think that is important. In the Koori court the victims sit around a very small table with the offenders, prosecutors and magistrate and put their cases forward. The victims are able to tell the person who has been convicted of the crime how it has affected them. After sitting in the court for a whole day — and I have been a number of times since — I know it carries a lot of weight. The victims can put forward their point of view so that the person, who may have committed a crime once, can see the ramifications of what they have done. If they have stolen something, they can see the outcome — the disadvantage it puts on the victim, who may be a person similar to themselves who does not have a lot of money to buy a replacement, whether it is a motorbike, a car or whatever.

The second-reading speech says this is a community justice system that has been successful overseas. There is overrepresentation of some parts of our community in jail, and we need to look at causes of criminal behaviour. When I was a brand-new member of Parliament in this place, I attended the Deer Park women's prison — —

Mr Hulls — As an observer!

Mrs POWELL — As the Attorney-General says, obviously as an observer. I was one of the lucky ones; I was able to leave after a few hours.

The female members of Parliament who visited the prison were shocked to find that about 80 per cent of women in the prison were there for drug-related offences. When you talk to the guards and to the people looking after the women, the counsellors and so forth, you learn that some of the women are in there for crimes such as robbery, which they committed so they

could get drugs for themselves or for their boyfriends or partners. We saw some of those women in there with young children. That is not the place for young children or, in some cases, for some of those women. They might be better off being serviced outside with the proper support systems.

There are a lot of people with mental illnesses in our jails; they are overrepresented in the jails. I am not sure of the statistics, but I do know that some of those people would probably be better served if they were receiving outside services such as counselling rather than being dealt with in the jail system. We need to look at the causes of their issues, and they need to have treatment, whether it is long term or short term. Other agencies also need to get together to provide support services for those people before they offend and let them know which behaviour is criminal and not acceptable. We need to make sure they are aware of that.

We wondered why the pilot program is to be situated in the city of Yarra. The second-reading speech says Yarra has one of the highest crime rates in Victoria. There are areas in the city of Yarra that experience significant social disadvantage. There are some laudable aims of the neighbourhood justice centre (NJC), which are to reduce the reoffending rates of the perpetrators of crime, to reduce the failure-to-appear rate at court, to reduce the number of court order breaches, to increase the confidence of victims that justice can be done and to increase the involvement of victims so that the offenders can hear from the victims, which, as I said, is very successful in the Koori court.

As I said earlier, it is a pilot project, and, hopefully, if there are any problems, they will be fixed to make it better. The types of cases that can be heard at the NJC are a bit different to what can be heard at the Koori court. In the Koori court the offender must say that they are guilty — no judgment is made about whether they are guilty or not; there is no time wasted on that. The sentencing judgment comes upon them when they go to the court. That is unlike this court.

The second-reading speech says that the NJC can deal with uncontested family law matters, fencing disputes, matters before VCAT and other issues that the community of the city of Yarra identifies as being able to be dealt with by this court. It will not hear committal proceedings and serious sex offences. An NJC magistrate needs to be a person who is respected and truly believes in the aims of the centre. He or she will have the full range of sentencing options, including jail. I hope he or she listens to the other agencies before sentencing and learns what assistance is available for rehabilitation.

There will be a perception that this legislation is being soft on crime. People dealt with in the justice system need to understand the ramifications of reoffending. To make sure that there is not a perception of its being soft on crime there is a need for confidence in this court's proceedings. People will be looking at it to make sure it is working and reading the reports that will be coming out from the independent person evaluating the court proceedings. But, again, there is not enough support for the vulnerable people the bill aims to support. There must be some measures to make sure that the government deals with these people by giving them support before, not after, they might offend.

It is important that we address the gaps in affordable housing so we do not have homeless people coming before the courts. We have to fix the gaps in mental health support, in drug and alcohol rehabilitation and in counselling. I hope this bill does what it says it will do and that the people dealt with by the bill do not reoffend, so we will see much less crime and far fewer victims.

Ms BEATTIE (Yuroke) — It was my privilege some two or so years ago to attend a meeting along with the Attorney-General and the proponents of the Red Hook justice centre in Brooklyn, New York. It was amazing to hear what they put forward. Here we are stuck in an adversarial system where the opposition is saying, 'We are for the victims, and you are for the offenders', but this is a whole new approach to justice. It is a trial or a pilot of something that has seen positive results overseas. It is not something that we are just trying here out of the blue; it has worked in other areas.

It is a first for Australia, and I am very proud of that fact. I am glad that here in Victoria we are innovative enough to say that some things we have done in the past have not worked and that we should try something new that has worked overseas. It is going to be trialled in the city of Yarra, which is a fitting place. The crime rate there is higher than average, and a large number of homeless people and Koori people congregate there, as do people who have access to those services. So it is very fitting that it be trialled in the city of Yarra.

This new approach to justice, which is a problem-solving approach, aims to deal with a range of broader and specific objectives. It is not just about dispensing right and wrong. We have to take a holistic approach to some of the causes of crime and see why people are reoffending and what we can do about it. As the gentleman from the Red Hook centre explained to

us, in those circumstances they would look into what had gone wrong and what was needed. They would not just send people out cold to other services. They would tell people that they might need case management or shelter, and they would be referred immediately to the centre. They took those people there; they did not just pass the buck from one to the other. People were getting a holistic approach.

It is to the credit of this government and the Attorney-General that we are introducing that approach here. If we look at the experience overseas, we see that it has led to a reduction in crime rates and reoffending and addressed some of the issues with regard to homelessness and the treatment of a range of mental illnesses. Overall the approach has had a good effect. I have seen the success of the Koori courts first hand in my area in Broadmeadows. I pay tribute to the magistrates at the Broadmeadows courts. I think they are wonderful people who have the wisdom of Solomon at times. They treat people with great compassion and care.

This is a good bill. I find it astonishing that the Liberal Party stands up and says it is for victims. I can recollect that it was the Liberal Party — in other words, those opposite — which took crime compensation away, but now it says it is for victims of crime. It also took away 1000 police and closed police stations. These are not the acts of people who care about the community. All it is trying to do is take cheap political shots, align itself with the hard right coming up to the election and beat the law and order drum again. But that does not do the Liberal Party any good, because it does not work.

This is a trial of an approach which has been proven overseas. I commend the Bracks government and particularly the Attorney-General not only for introducing the bill but for bringing people over from the Red Hook centre to go through all the issues and tell us what worked and what did not. We have been able to take the cream of that experience and put it into a trial in Victoria. I commend the bill to the house.

Dr SYKES (Benalla) — I welcome the opportunity to make a brief contribution to the debate on the Courts Legislation (Neighbourhood Justice Centre) Bill. From the discussions that have taken place so far I can see many similarities between what is being proposed in this bill and the Koori court that is operating at Shepparton, which the member for Shepparton has commented on. I have certainly been most impressed with the operation of that court. I, along with the member for Shepparton, nominated the initiators of that Koori court system for national awards, which they received.

The magistrates — and people like Sergeant Gordon Porter and Daniel Briggs — all made a contribution, along with Aboriginal elders, to tailor-making the sentence to fit the crime and attempting to maximise the rehabilitation rate and minimise the repeat offender rate. Equally in magistrates courts in north-east Victoria we often see magistrates applying what I would say was a commonsense, pragmatic interpretation of the law through their knowledge of what goes on in the area and the issues that surround and impact on the causes behind people offending. You will often see a very pragmatic approach to the law in our area.

I am at this stage open-minded, and I am listening to the debate that is going on at the moment into these issues. However, there are some issues that concern me, and they are based on my experience of the Koori court and the Magistrates Court in north-east Victoria.

The first is the challenge to make the time fit the crime and have meaningful sentences that satisfy the community's expectations in relation to punishment but do not end up with people just going through a revolving door in and out of prison and not being confident to come back into mainstream life. I talked with people like Ivan Lister, a social worker in the Benalla area who has spent a lot of time working with Aboriginals and others at Dhurringile prison. He goes into the prisons before people are released and helps them to normalise before coming out of the institution back into mainstream living.

Ivan says there are many serious problems with those people adjusting, so if we can modify sentencing to reflect that and give people who deserve it a chance, then let us do it, but we should not go soft on crime; we should not go soft on those people who have the tendency to be habitual offenders, and this is just an easy way out for them.

Equally in relation to the Magistrates Court we have seen situations in north-east Victoria where these pragmatic magistrates have been frustrated by the rate of appeals against sentences they have imposed at the local level. This issue has been raised quite often by the *Border Mail*, in particular by journalist Mark Mulcahy. The rate of overturning appeals to the County Court raises serious concerns about what is going on in the administration of justice in our area. Perhaps this needs to be looked at, and I understand it could well be that it is being looked at.

We know what this bill is trying to achieve in terms of a pragmatic approach to sentencing but unfortunately people who are not in touch with the local situation are being involved in a decision-making process which is

overruling the sound judgment of magistrates in the area.

As other speakers have indicated, there is a need to address the underlying issues that predispose people getting into the revolving-door situation of going in and out of courts, prisons and other institutions. Homelessness is a major issue, and Benalla is not protected from homelessness. It frustrates me that in attempting to address the homelessness issue in Benalla I have been hit by a wall of inertia. People have attended up to eight meetings.

The first one identified that you needed bricks and mortar to provide the shelter; you needed counselling support because a lot of these people were homeless; you needed additional counselling and general moral support; and you needed management. Regrettably, after a further eight meetings we are still only at the same stage of recognising that we need bricks and mortar, counselling support and management. There was an inability to make things happen. That frustrated the Rotary Club of Benalla, which was prepared to go out and buy a house, do it up and provide it as emergency accommodation for families who needed it. The club was not able to do this because of the inertia within the system.

We also need to re-establish family values, something which The Nationals feel very strongly about. We are concerned with what appears to be another example of social engineering. It is a proposed teacher's manual which encourages primary school teachers not to make reference to 'mother and father' when talking with children but to talk about 'carers' so as to accommodate children who are being parented by same-sex couples.

The Nationals believe in traditional family values and believe they should be supported and encouraged. We should also respect others. We should be encouraging the development of self-esteem, getting along with each other, persistence and resilience. There are good initiatives in the school system such as the You Can Do It program which seeks to achieve these things.

I think that we need to focus very much on the underlying issues. We need to take a pragmatic approach to the justice system, but we want to make sure that the time fits the crime and that people do not get soft options.

Mr HULLS (Attorney-General) — I thank all members for their contributions to the debate on this bill, but I have to say that I am a bit surprised. I thought that in the 21st century we had moved away from the Neanderthal, head-in-the-sand attitude to justice where the lock-them-up-and-throw-away-the-key mentality prevailed, but having listened to some of the contributions made by members of the Liberal Party it seems to me that that is not the case.

To describe this as apartheid legislation is quite extraordinary. For the honourable member for South-West Coast to say that this will be a separate, different and apartheid justice system is quite extraordinary. Victoria has had specialist jurisdictions for many years. The County Court, the Magistrates Court and the Supreme Court all have separate jurisdictions, and there is the Children's Court and the Victorian Civil and Administrative Tribunal. In this state we have also introduced a Koori court division, and thankfully its introduction was supported by those opposite. But now we find that the deep-down, secret and racist views of members of the opposition have come out as they have made their contributions to the debate on this bill. They say they support Koori courts, but they do not really support what Koori courts are all about. They are about therapeutic justice and about addressing the underlying causes of crime.

The fact is that through an independent evaluation of the Koori courts we can now see how well they are working. Recidivism rates in the Koori courts have halved. Whether they are held in Shepparton or in Broadmeadows, they are a huge success. When we introduced the Koori court division some said that it was outrageous, that it would create a two-tiered justice system and that it would not work, but they now have to eat their words because they know these courts have worked.

I have spoken to one of those critics, for whom I have some respect. David Galbally, a well-known lawyer in this state, wrote an article for the *Herald Sun* when the Koori courts were first opened in which he said that they would not work because they were a specialist division, inappropriate and the like. I have spoken to him since and he has visited the Koori courts. Now he is overwhelmingly supportive of them. The fact is that the neighbourhood justice centre will be exactly the same.

We also have specialist divisions for domestic violence. Do those who oppose therapeutic justice, such as the member for Mornington and others, also oppose specialist divisions such as the domestic violence division of our Magistrates Court? Do they oppose specialist divisions like the drug division of our Magistrates Court? For goodness sake! We are all about trying to address the underlying causes of crime. Locking people up and throwing away the key simply does not work. When people like the member for

Mornington say, 'You have to decide which side you are on when you support this', it is as though we are back in the dim dark days in our justice system when it was them and us. That is not what this legislation is about.

One of the reasons we are establishing the neighbourhood justice centre is to further assist victims of crime. One of the specific objectives of the neighbourhood justice centre is to increase the number of applications by victims of crime for compensation. This legislation is about addressing the underlying causes of crime and ensuring that therapeutic and restorative justice actually works. We have heard the member for Mornington say, 'Therapeutic and restorative justice? Bah, now I have heard everything!'. For goodness sake! Therapeutic and restorative justice has existed in this state and in other jurisdictions for years. Restorative justice is about assisting victims of crime, so to oppose this piece of legislation on the basis of saying, 'Now I have heard everything. This is not going to assist victims of crime', is absolute nonsense. I agree with my colleagues on this side of the house when they say how hypocritical it is to hear such words coming from members of a party that cut and abolished compensation for victims of crime.

For what reason? I recall the former Premier, Jeff Kennett, standing in this place and making it quite clear that the reason the then government was abolishing compensation for victims of crime across the state was because he had found out that one particular woman bought a red coat with her compensation. That was reason to abolish compensation for victims of crime. For goodness sake, I would have thought we had moved on!

The nonsense being uttered by members opposite about case transfers, that any person who may have some connection with the city of Yarra and who commits an offence in Mildura would automatically be able to have their matter transferred to the neighbourhood justice centre, is just plain wrong. Get off your backsides and read the bill! Find out what it actually says. It is just wrong!

The fact is that the bill does not alter the provisions of the Magistrates' Court Act, which deals with the proper venue at which cases should be heard. The bill simply confers jurisdiction on the specialist court based on a proper connection with the local community. If it is not appropriate, because of issues such as witness convenience, the complexity of the case or any other matter, to hear that case at the neighbourhood justice centre, the magistrate retains his or her discretion to transfer the case to the most appropriate venue. That is the case transfer system now. That has been in existence for many, many years. This bill does not alter that. The fact is that members of the Liberal Party simply have not read the bill. Again, they have been too damn lazy to do any research on this, despite the fact that they have had a briefing on it.

To be saying that the selection of the magistrate interferes with the doctrine of the separation of powers is again absolute nonsense. There has been a community consultation phase in relation to the selection of the magistrate. We even have the president of the Law Institute of Victoria, Catherine Gale, supporting the process that has been set up to select the magistrate. For members opposite to be saying that this interferes with the doctrine of the separation of powers is an absolute nonsense. We believe that it is an appropriate process.

Another issue raised was the apparent lack of clarity in the Victorian Civil and Administrative Tribunal jurisdiction and the authority of the magistrate to conduct VCAT matters. No legislative changes are required to support the neighbourhood justice centre's VCAT jurisdiction. VCAT is already required to conduct its proceedings with minimum formality and technicality. It is not necessary to include such a provision in the bill. The president of VCAT has been consulted on this bill and is supportive of its provisions. The authority of the neighbourhood justice centre magistrate to deal with VCAT matters does not need to be set out in the bill, because the magistrate will hold an appointment as a member of VCAT. There are at least five similar appointments in Victoria already, so I do not know where members of the opposition have been over the past seven years!

Again, we are asked why sex offences are precluded from the jurisdiction of the neighbourhood justice centre. This is a pilot exercise. It is not intended to confer full civil or criminal jurisdiction of the Magistrates Court on the neighbourhood justice centre. The government believes that allowing sex offences to be dealt with in the pilot phase may overly complicate issues faced in the formative stages of the neighbourhood justice centre. This approach is absolutely consistent with the way Koori courts were introduced in this state. If any extension of the criminal jurisdiction is to include sex offences and it is warranted after an appraisal phase, that can be considered as part of the evaluation of the pilot. I believe that this is a very important place of legislation. I am very proud to be associated with it. This will be an Australian first. I have had discussions with my colleagues around Australia — other

attorneys-general — and they are looking with interest at this particular matter.

I had the privilege some years ago of having a look at the Red Hook centre just outside New York and also at a neighbourhood justice centre in Liverpool in the UK. I have also had the privilege of sitting on the bench at the neighbourhood justice centre at Red Hook and of meeting with the judge from the Liverpool neighbourhood justice centre. The reduction in recidivism rates and the reduction in crime rates as a result of the neighbourhood justice centre, the Red Hook centre, have been quite extraordinary. Whilst the Liverpool justice centre is in its fairly formative stages, already the anecdotal evidence is that it is working extremely well. The community is taking ownership of the justice system.

As I said, I am very proud to be associated with this. This is real reform and legacy stuff. I expect that when the evaluation is conducted in relation to the neighbourhood justice centre it will show that this reform is addressing the underlying causes of crime and that crime rates are being appropriately addressed in the Collingwood area. I am cautiously optimistic that after an evaluation phase, there will be overwhelming support to make neighbourhood justice centres permanent fixtures in this state, just like what has occurred with the Koori court pilot.

The Koori court pilot evaluation worked well, and as a result the sunset clause was removed and it has been expanded. We now have Australia’s first ever Koori children’s court in Victoria. I expect the same will happen with the neighbourhood justice centre. I also expect even before the evaluation phase that other jurisdictions will follow suit in relation to what we are doing in Victoria.

I reject the argument that this is soft on crime — in fact it is quite the opposite. This is a sensible reform that goes to the heart of what our justice system should be doing — that is, being tough on crime but also being tough on the causes of crime and addressing the underlying causes of offending.

I obviously fully support this legislation. I thank members on this side of the house who have supported this very important reform. I also thank The Nationals for their foresight, understanding and for taking the time. The member for Shepparton made a contribution, and I congratulate her for taking the time to sit in the Koori court at Shepparton to see how it actually works, as opposed to the Liberal Party who I doubt have taken time to do that, because its members did not even take the time to come to the briefing that was offered to them on the neighbourhood justice centre. The shadow Attorney-General and his Liberal colleagues did not even bother to personally turn up to a briefing on the neighbourhood justice centre.

This is very important reform; I believe it is groundbreaking reform. I expect the rest of Australia will follow us. We on this side of the house are very proud to be associated with this bill and we all wish it a speedy passage.

House divided on motion:

Ayes, 59

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D’Ambrosio, Ms
Delahunty, Mr
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Gillett, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Jasper, Mr
Jenkins, Mr
Langdon, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Marshall, Ms
Maughan, Mr
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Powell, Mrs
Robinson, Mr
Ryan, Mr
Seitz, Mr
Stensholt, Mr
Sykes, Dr
Thwaites, Mr
Trezise, Mr
Walsh, Mr
Wynne, Mr

Noes, 17

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Dixon, Mr
Honeywood, Mr
Ingram, Mr
Kotsiras, Mr
McIntosh, Mr
Mulder, Mr
Napthine, Dr
Plowman, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Thompson, Mr
Wells, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COURTS LEGISLATION (JURISDICTION) BILL

Second reading

Debate resumed from 7 June; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — This bill makes a number of worthwhile amendments to various pieces of courts legislation. Some of them do raise some concerns and issues, one in particular in relation to expanding — —

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr THWAITES (Minister for Environment).

Mr McINTOSH (Kew) — As I was saying very extensively, this bill has a number of worthwhile provisions, but it has a number of conditions that cause concern. In relation to the range of indictable offences there is one matter that I have already raised with the Attorney-General informally but will mention in my contribution. Principally the bill will increase the County Court civil jurisdiction from the current $200 000 to an unlimited jurisdiction. The County Court already has an unlimited jurisdiction — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! If honourable members wish to continue discussions within the chamber, I ask them to assist the Chair and show some respect for the member on his feet. The honourable member for Kew, without interruption from other members.

Mr McINTOSH — Thank you, Acting Speaker. I will not go over for the third time what I started off with. The increase in civil jurisdiction to an unlimited rate in the County Court is probably a progressive and incremental change, but given that the County Court has unlimited jurisdiction in relation to personal injury matters and that is already a principal source of its civil work in any event, it may not add to any large extent to the jurisdiction of the County Court. One would anticipate that complex commercial matters would still go to the Supreme Court, and given that it has a well-honed corporations list where hearings in those matters can be expedited, I do not see it adding considerably to any of the resources of the court.

I again highlight, as I have done on other occasions, my concern in relation to the County Court where because of the current state of the criminal lists you cannot get a trial date inside 12 months, and there may well be a tendency to concentrate on criminal rather than civil matters, which may then also blow out. Anecdotal evidence would suggest that the civil jurisdiction is not plagued by delays to the same degree. However, they are still a problem, and matters not being reached is a significant issue. Merely blithely increasing the jurisdiction, which may be an appropriate step, still begs the question: are the courts going to be properly resourced to ensure that they can adequately dispose of not just all the civil matters but also the criminal matters that come before the County Court, which is the principal criminal trial court in this state and is plagued with chronic and unacceptably long delays of 12 months and greater?

There are a number of other amendments which are probably minor but which increase the ability to expedite criminal hearings. In relation to the Crimes Act, corporate defendants will be able to be tried in their absence. The problem is that a corporate defendant can really only appear by way of legal representation, and if a matter involves a corporation that is either defunct or in liquidation, then those corporate defendants are probably unlikely to appear, but this legislation provides essentially for the opportunity of hearing those cases in the absence of a corporate defendant. There are other worthwhile amendments which will enable summonses in relation to summary offences to be served by post rather than the requirement to be personally served, which can be a long and turgid process.

I note that in the second-reading speech the Attorney-General said that the normal safeguards of an application for rehearing under the Magistrates' Court Act would still be available in the event that notice was not properly given and someone appeared before the court and said they genuinely did not receive the summons in the matter.

There are provisions that, with the consent of their clients, mean legal representatives can enter pleas in relation to matters that come before a Magistrates Court. To this day there is still a bizarre process where although someone is represented in court, notwithstanding their representative can enter into all other discussions with a magistrate, the magistrate still has to put the question to the accused, 'Are you prepared to have this indictable offence dealt with in a summary way rather than to exercise your right to have this indictable offence dealt with by way of judge and jury?'. They can also enter their plea personally rather than it being entered by the barrister, although nine times out of ten with the leave of the court that plea is given by the barrister or the solicitor in any event. As I

said, it is not a significant amendment but it will certainly improve the processes in the courts.

There is also a provision which says that a custodial order cannot be given in a defendant's absence. Obviously if it is thought that a custodial order is to be made, then a warrant can be issued in the normal way, and a custodial order can be imposed. There are provisions for an increase in the monetary limits for the jurisdiction of the Magistrates Court from $25 000 to $100 000 in line with the new civil jurisdiction of the Magistrates Court.

One of the other matters I want to touch on is the provision in the Sentencing Act which empowers the Supreme Court and County Court to impose aggregated sentences of imprisonment. Importantly, it can only apply where someone is charged with multiple offences which have arisen out of a single transaction, and rather than dealing with them as different sentences that can be dealt with either cumulatively or concurrently, the court is now given the power to impose an aggregate sentence.

The last matter I want to touch on is again something the opposition supports — that is, the idea of expanding the range of indictable offences that can be dealt with in a summary matter in the Magistrates Court. Of course people elect to have any indictable offence dealt with by the Magistrates Court for a number of reasons. Firstly, it is a very much cheaper option. Secondly and importantly, it is a quicker procedure. But most importantly, if an offence is dealt with in a Magistrates Court, the maximum term of imprisonment that can be imposed by a magistrate is two years.

No matter what the indictable offence is — and it may carry a sentence of far more than two years imprisonment — it will be limited and the maximum that can be imposed is that two-year term. For those reasons many people elect to have their matters dealt with in a Magistrates Court. Of course in the beginning it is the police investigators and prosecutors who make the decision to present in the Magistrates Court rather than in the County Court.

There are a range of common-law offences including assault and affray that will now be capable of being dealt with in a summary way in the Magistrates Court rather than being dealt with as indictable offences in the County Court. Assault is a good example because it is a statutory provision as well as a common-law offence. Currently that statutory provision can be dealt with, and in the vast majority of cases when people are charged with assault it will be dealt with in the normal way as a summary offence. It seems ludicrous that we have a different system for a common-law offence as opposed to statutory offences.

A matter has been raised with me by a gentleman by the name of Mr Pingo, who is a police constable, and he has sent a similar email to the Attorney-General. I have had an opportunity to discuss the matter with the Attorney-General this evening and he has agreed to look into it. He raises the issue of the common-law offence of indecent exposure, and although it is an indelicate subject to raise, he raises a very valid point that a statutory offence under the Summary Offences Act can be dealt with in a Magistrates Court, but the common-law offence is an indictable offence and must still go before the County Court.

The difference between them is that a common law offence can only occur where someone has indecently exposed themself to two people. Importantly, that can occur in a private place, not necessarily a public place, as long as they have been exposed to two people. Public exposure, which is a statutory offence, may not cover the entire field, although it is one of those offences that probably would rarely come to the attention of many people. The simple fact is that those matters should in all ways be dealt with in the Magistrates Court. The opposition does not oppose this bill.

Mr RYAN (Leader of The Nationals) — The Nationals do not oppose this legislation, but I just want to go through some of its basic elements. Those elements are split into two segments: amendments to the civil law on the one hand and amendments to the criminal law on the other. Insofar as the civil law amendments are concerned, the basic change is that the County Court now has unlimited jurisdiction with regard to civil claims. The amount of $200 000 will be removed, which means that in the Supreme Court and the County Court there is no limit on jurisdiction. That in turn will mean that parties will need to choose which of those two jurisdictions they use for the purposes of pursuing their claims.

While the second-reading speech comments on the basis upon which those decisions must be taken by litigants, I think an element missing from this is the issue of, with due respect to all concerned, the capacity and the experience of some aspects of the Supreme Court trial system to deal with matters that might not otherwise be dealt with in the County Court. It is not only going to be a question of straight-out costs and ease of access to the jurisdiction; other elements will come into this as well.

Be that as it may, the threshold for the Magistrates Court is to remain at $100 000. We have, of course,

seen enormous growth in the extent of the work which goes through the Magistrates Court. This will bring to bear the conversation about resourcing our judicial facilities. I would have thought that in the state of Victoria we need at least another two members of the Supreme Court judiciary to be appointed as a matter of some urgency. The caseload across the jurisdictions is enormous. The extent of the load imposed upon judges on the bench in the Supreme Court in particular is beyond the stage of being able to be accommodated sensibly by them. The government does need to look at that issue with some measure of urgency. Certainly in my conversations with various persons who are involved in the administration of the justice system in the state of Victoria, the necessity to have more appointments to the Supreme Court is viewed as something that should be dealt with by the government as a priority.

While on this general topic of civil litigation, there are also some statistics that I would just like to make available to the house. I have used these on previous occasions in other debates, but they stand being repeated for the purposes of this discussion. These are the figures that are attached to correspondence from the group termed People's Rights. I believe the figures were sent relatively recently to all members of the house. There is an attachment to the correspondence from this group headed 'Personal injury writs, by cause of action, filed in the County Court of Victoria'. On the basis of these figures that I am about to refer to, the argument might be made that the extent of civil litigation is reducing to such an extent that resourcing should be viewed in that context.

Though we have an enormous backlog of work, and I do not think there is a direct nexus between that issue as opposed to the matters that I am now going to refer to, and these matters are in the civil jurisdiction and do not relate to the enormity of the workload that occurs in the criminal jurisdiction, the figures themselves are very interesting. They are put in the context of the amendments that have gone through the house over the past two or three years with regard to the capacity of persons who are injured as a result of acts of negligence being able to institute proceedings and claim damages as a result of the injuries that they suffer.

The different categories detail the number of writs that were issued, firstly, in the 12-month period from October 2002 until September 2003, and secondly, from October 2004 until September 2005. In cases of assault, 226 writs were issued in the first period, and in the second period there were 26; in relation to proceedings for damages arising from dog bites, 42 writs were issued in the first period and 2 in the second; 1734 writs were issued for public liability claims in the first period, and in the second there were 84; and in slipping cases, 553 writs were issued in the first period, and 28 were issued in the second.

In other forms of personal injury claims, apart from the specialised categories that I will come to in a moment, in the generalised 'other' group 330 writs were issued in the first period, and in the second there were 77. For industrial accidents, in the first period there were 165, and in the second period there were 129. For medical negligence claims in the first period, 1798 writs were issued, and within two years that had dropped to 88 in the second period.

The motor car accident category shows that 331 writs were issued in the first period and 341 were issued in the second. Product liability writs in the first period were 66 and in the second they were 6. There were 94 school accident writs in the first period, in the second period there were 2. Sexual assault writs in the first period were 79, in the second they were 18.

The total figures are compelling. In the first period — and I reiterate these statistics are for all categories from October 2002 until September 2003 — 5418 writs were issued. Two years later, in the period October 2004 until September 2005, the total number of writs was 801. By any standards it is an extraordinary and dramatic reduction in the number of proceedings being issued. There are many messages to be drawn from those figures, not the least of those is the extent to which the capacity for people to claim damages in a vast array of instances where they would once have been able to found the claim has been effectively removed through the passage of the legislation that has gone through the house.

We all agreed to it, and we did it in an environment where the issues surrounding the vexed question of insurance premiums were driving a lot of this with the strong beat of a drum. By the same token it can be accurately said that we have had a limited benefit actually derive to people who pay premiums through the fact of insurers not having to meet the extent of their exposure, which was previously apparent. Yet I do not think people who are paying the premiums are seeing the benefit of the legislated changes and what should have been the consequential reduction in those levels of premiums.

It seems to me there is the distinct risk that these significant changes, which have made major inroads into people's rights, have translated into share dividends which have gone to those who hold an

interest in these insurers. But that is a discussion for another day in another context.

This bill will give the County Court unlimited jurisdiction in relation to civil proceedings. Insofar as the criminal law amendments are concerned, they make a number of changes to committals, which are an important aspect of the criminal justice system. I appeared in many of them over the years, as I know the member for Kew did. One has to say that the basic rationale behind them has changed a lot over the course of time. It might be said that committals were regularly used as a fishing expedition to examine every conceivable aspect of the case being mounted by the Crown and to then make comparisons between the evidence that was given during the committal and that which was ultimately given at the subsequent trial. Often the purpose for which committals were designed was not the focus of attention, so it is probably timely that certain changes be made to the way in which the process of committals occurs. Indeed, in the scheme of things these changes are pretty modest.

The first of them will require the parties involved to come together for a discussion about the elements of the committal process. Where agreement can be reached, all the better; where there is to be dispute, that will be defined. A joint document is to be produced by the parties arising out of those discussions, and everybody will be better informed as to whether there will ultimately be a plea or whether there will be a contest. If it is to be the latter, then notice must be given of the witnesses who will be required and the issues regarding cross-examination. Generally, an examination of all the processes and the individuals involved in them will occur if a trial is ultimately to follow the committal process.

The second change will allow a court to adjourn a matter for up to 14 days without the need for the parties to actually appear in court where they agree that further time would be useful to help resolve the case. This again is a sensible suggestion, because often in either the civil or the criminal jurisdiction people do not get down to taws and have the chance to have a good look at what a proceeding involves until they are at the door of the court, and that of itself can generate some constructive discussion in enabling a settlement to occur.

The third element of the change in committals will be the power to direct the parties to attend a committal case conference. This is a form of compulsory mediation, it seems to me. It is similar to the situation that applies in the civil jurisdiction, where these days you cannot get to court unless you go through mediation. That requirement now applies across every jurisdiction. I became a convert to the mediation process over the years, and indeed I succumbed to the point of ultimately becoming fully qualified as a mediator and doing hundreds of mediations in the time I was in the law.

Mr McIntosh interjected.

Mr RYAN — The member for Kew tells me he did too. I think the notion of bringing that process to committals is also a good idea.

There are some additional amendments with regard to the service of summonses by post, with the rider, of course, that if a summons does not arrive then a defendant can seek a rehearing on that basis in the event that a prosecution is recorded.

There are amendments that expand the capacity to have indictable offences dealt with on a summary basis, as opposed to people having to go before a jury. At the moment that can be done on the basis of agreement between the prosecution and the defence. Now there is to be an extension of those instances where it can happen as of right, so that the common-law assault and the charge of affray can be dealt with summarily, as well as a range of other offences relating to property where the value of the property that has been stolen or affected is to be increased to $100 000 from the present limit of $25 000 — another instance of expansion of jurisdiction, but I think pragmatic and acceptable.

There is also to be a change to the process by which the court decides whether it is appropriate to hear an indictable offence summarily. The bill sets out a number of criteria which can be used by the court to make that decision. There is a provision regarding aggregate sentencing. This is available in the Magistrates Court at the moment. The bill will extend the capacity for this to occur in both the County and the Supreme Court, and then there are other amendments of a general miscellaneous nature. One of those is to ensure that the Magistrates Court cannot impose a custodial sentence where a charge is heard and determined in the absence of the defendant. That as much as anything is an issue of natural justice, and I support that amendment.

A further amendment requires charges to be read or the substance of them to be explained to a defendant who is unrepresented. That again is an issue of natural justice. Many times in days gone by you would go over to court in Sale, Bairnsdale, Orbost or wherever and there would be people who had no idea about what was involved in the proceedings they had come to court to

take part in. As a matter of course you would take them under your wing. Indeed, often the presiding magistrate would ask you to do it, and solicitors would always do it for the sake of ensuring that people were given a fulsome explanation as to what they were facing. This amendment will require that to happen and, as a matter of natural justice, it is a good thing to do.

At the moment some corporate defendants are able to prevent cases going to court. They do that on the basis that to enable proceedings in relation to an indictable offence to proceed, a defendant must be present. In the case of an individual, it is easy if they do not turn up. You get a warrant; you get them arrested; you bring them before the court and you can then deal with it. In the case of corporations, you cannot go out and arrest a company, so they have been able to avoid a lot of these proceedings being dealt with simply by not fronting the court. This is now overcome by the amendment in the bill and that again is a sensible thing to do.

The legislation contains some other relatively minor amendments which will free up the capacity of the Director of Public Prosecutions to pursue the important tasks that fall to him. Generally the basket of amendments for both the civil and the criminal jurisdictions contained in this bill are sensible and they are not opposed by The Nationals.

Ms D'AMBROSIO (Mill Park) — I am pleased to again have an opportunity to speak in support of a bill from the Attorney-General. This is one of many bills which will modernise our justice system and certainly make it fairer, more transparent and more accessible. The bill before us contains a number of provisions which are designed to do just that and they sit very well with the justice statement that was announced by the Attorney-General going back to 2004.

In the area of criminal law matters, the bill is designed to make more efficiencies in the way that criminal matters are resolved through the courts. When we begin to do that, we will certainly make the courts and the justice system more accessible to ordinary people. In turn we end up reducing the burden on the witnesses and victims who are involved in those criminal proceedings.

Alterations are to be made to committal proceedings to encourage negotiated resolution of issues. This goes to the point of making the resources of our court system go further. The changes to committal proceedings will introduce a system which more adequately reflects the fact that only approximately one in five matters is contested. Existing procedures in the courts assume that all matters will be contested, which leads to a mismatching of resources. This bill will change that so that resources and systems are matched to the reality of matters before the courts. As I have already said, fewer than 20 per cent of matters are being contested, so it is highly sensible that parties be required to negotiate or discuss a case before the matter comes before the court. Parties will be required to present to the court a joint document canvassing key issues such as whether there will be a guilty plea or the matter will be contested and whether a defence request to cross-examine witnesses is agreed to by the prosecution.

In addition, the court can mandate attendance at committal case conferences by the parties. Trials in this facility have proven very effective in the past in managing the business of the court and its resources without sacrificing fairness in trials. The justice statement is very clear about that. It is very clear about the need to maximise the efficiencies of court systems and procedures while maintaining fairness in trials, which is vital to maintaining public confidence. A court can adjourn matters for up to two weeks without requiring the parties to be before it. That can occur if it is generally agreed by the parties that extra time will assist in the resolution of the matter. Again, rather than tying up court resources, mediation is encouraged where it can be useful in resolving matters between parties.

The bill introduces a notion of aggregate sentencing beyond what is currently available at the Magistrates Court level. It provides this facility as an option to judges in the County and Supreme courts. This is not about leading to a reduction in sentences served. It is a useful way for the courts to explain to the community how they have determined an aggregate sentence for multiple offences, rather than, as is the case now, only being able to comment on one offence at a time, as individual sentencing requires. This is an important educative tool for the community. These days many questions are raised about how sentences are reached. It is all the better for the community to be more aware of the complications in sentencing and how sentences are arrived at by judicial officers. The exception is in the cases of serious sex offenders where, as the law stands, sentences must be served cumulatively.

In relation to how summonses for summary offences are to be served, the bill enables all summonses for summary offences to be served by mail. Existing safeguards with respect to the serving of these summonses will be preserved. Further, there will be a broadening of the types of indictable offences that are triable summarily; for example, common-law assault and affray. There will also be a raising of the current limit of $25 000 to a new level of $100 000 for offences

involving property. This will help recast the costs and increase the efficiency and accessibility of the justice system by allowing the lowest appropriate courts to deal with matters.

Courts will now also have criteria by which they can decide whether it is appropriate to hear an indictable offence summarily. The criteria include the seriousness of an offence and whether sentencing orders available to the court are suitable, and examples of when a particular charge is heard summarily. That is not to say that judicial officers do not give consideration to those types of criteria, but what this bill does is set aside criteria as guidelines which judicial officers can refer to in reaching their decisions.

This assists in educating or communicating with the broad public about how judicial processes are exercised and decisions arrived at. The criteria are not exhaustive or prescriptive, but again they are there as a very important guide. This will enhance the community's understanding of how the justice system functions and thereby it will promote support and confidence in that very system. That is what the justice statement of 2004 is all about. A successful judicial system is one that has the backing of a confident and informed community that it serves.

May I now talk about how the bill deals with some civil law matters. It removes the $200 000 limit that applies to the County Court to enable greater choice between the County and Supreme courts before which a civil matter may be brought by a party. This will increase the affordability of pursuing matters which otherwise would be forced into the Supreme Court by the existence of the $200 000 ceiling. It is streamlining our court system, reallocating resources, and making it more affordable and therefore more accessible. Everybody knows that accessibility to our justice system is as important as its transparency and fairness.

There are several other amendments with a focus on enhancing fairness and efficiencies in the criminal justice system. I will just touch on those. They include removing the possibility of the Magistrates Court giving custodial sentences in the absence of a defendant. It is a rare occurrence as it exists now. Nevertheless it is important to have that possibility removed. The bill would require explanation of charges or that they be read where a defendant is not represented. This clarifies the existing common-law rules with those rights or entitlements. Again it provides for accessible and understandable justice to the defendant who is not otherwise represented.

The bill also ensures that corporations as defendants cannot avoid prosecution by their absence. Matters will be able to be heard even if a corporation is absent. There have been instances in the past where this has been the case. Of course justice is not served by corporations avoiding the net of the justice system.

There are several other amendments, but importantly the bill deals with fairness, transparency and the efficiency of and accessibility to our justice system. These are the areas that the bill deals with; they are all equally important. It helps to bring our justice system into the modern age and makes it one that co-opts the community's support.

Ms BEATTIE (Yuroke) — It gives me great pleasure to talk on the Courts Legislation (Jurisdiction) Bill. As my colleague has said, it introduces a number of important reforms in both the civil and criminal justice systems. Those reforms will play a significant role in putting the justice statement reform agenda into action and meeting the objectives of the justice statement — that is, to modernise justice.

This is something we see as a hallmark of the government — to make statements and build a framework around those statements so that their objectives, whether they be justice or education statements, are actually delivered and so there is always something to measure it by. As I said, these are both civil and criminal reforms.

The bill increases the civil jurisdiction of the County Court from $200 000 to an unlimited monetary jurisdiction. Of course when that $200 000 was put into place, it must have seemed like an enormous amount of money, but we all understand that in the justice system $200 000 is not an enormous amount of money. The proposal is in line with the commitment made in the justice statement to examine the civil thresholds between the County and the Supreme courts. It is consistent with the principles that jurisdictions should be allocated on the basis that users are able to commence proceedings in the lowest appropriate jurisdiction.

I would like to touch on some of the criminal reforms. They are contained in the bill but they were developed in consultation with the advisory group which was established to assist with the criminal law aspects of the justice statement project. These objectives have the broad support of that group. The advisory group is a high-level group comprising representatives from major stakeholders. Naturally that includes the courts and the Victorian Director of Public Prosecutions and the Office of Public Prosecutions, Victoria Police, the

office of parliamentary counsel, Victoria Legal Aid, of course the legal profession — another keystone of that advisory group — and the Department of Premier and Cabinet.

The key features of the criminal law reforms include amendments to facilitate the early identification and resolution of issues at the committal mention stage. That will include compulsory discussions between the prosecution and defence and case discussions that are presided over by the magistrates.

The current system focuses on forms. It is form-based and based on compliance with the processes rather than achieving outcomes. We heard in debate on the previous bill how important it is to actually achieve outcomes. Increasingly in the court system pleas of guilty are being identified later in the trial stage of the process rather than at that early committal stage. The proposed new process is designed to get both the prosecution and defence talking at a very early stage of proceedings.

Another key feature is the reclassification of the number of indictable and common-law offences as indictable offences triable summarily, so that they can be determined if the defendant and the Magistrates Court agree. For example such offences as affray, common-law assault and false imprisonment will be reclassified as indictable offences triable summarily. The proposed amendments will also expand the current list of offences so that property offences may be heard in the Magistrates Court if the charge involves property valued at less than $100 000. The current limit is $25 000.

I would like to talk about the amendments that allow postal services to be used for summary offences. The postal service is currently available for many but not all summary offences. There is no clear rationale for the types of summary offences that can be served by post; it is inconsistent. Summonses for summary offences under the Firearms Act can be served by post, but those under the Control of Weapons Act 1990 cannot be. You can see that it is very important that we have some consistency around that.

Also, important safeguards apply where a summons is served by post. In particular, a defendant has an automatic right to a rehearing where the summons was served by post and the court is satisfied that the defendant did not have notice of the hearing — that is, if the letter had gone astray within the postal system or if it had been lost or perhaps somebody had taken it out of the letterbox. The court must be satisfied that the defendant did not have the notice of hearing. In addition, the court must not impose a sentence of imprisonment on a defendant who has been served by post but is not present in the court. They are safeguards which are absolutely needed in our justice system.

Further safeguards are being developed. The bill provides that in determining whether to use postal or personal service an informant should consider whether postal service is the appropriate form. They would need to know the nature and gravity of the alleged offence, whether the defendant had any findings of guilt and convictions for similar offences, and the period of time that had elapsed since the defendant's last known address was ascertained.

There is an amendment that will ensure that the court reads charges to a defendant or explains the substance of charges unless a defendant is legally represented. There is a whole suite of amendments, and the amendments are absolutely needed. Another of the amendments provides that the Magistrates Court cannot impose a sentence of imprisonment if a defendant is not present in court. I touched on that just a moment ago. It is very rare that it is done, but currently the Magistrates Court is able to impose a term of imprisonment where a matter has been heard and determined in the defendant's absence. The proposed amendment will prevent that from being done, which reflects on the basic principle that it is inherently unfair to impose a sentence of imprisonment in the absence of the defence. We would all say that in our justice system that is unfair.

The bill is a good bill. It promotes consistency, transparency, fairness and certainty in the criminal law and greater efficiency in the civil law system. These are all principles that were included in the justice statements, but they are principles that we all agree with. Nobody could be in disagreement with any of those principles — another hallmark of the justice statements and working towards the objective of modernising the justice system.

This bill is another good bill in a whole suite of bills to come before this house. I commend the bill to the house.

Mr HULLS (Attorney-General) — I thank all members for their contributions on this bill. This is a very important piece of legislation. It will introduce compulsory conferences between the defendant and the Director of Public Prosecutions before the first committal hearing. As we know, the Magistrates Court currently offers case conferences to encourage the speedy resolution of criminal matters. This has been done on a voluntary basis, but this legislation will give

the courts the power to direct parties to attend the conferences. It will also require parties to file a joint case document before the first committal hearing, advising the court of the outcome of the case conference and any issues that have been resolved.

This is all about making the criminal justice system more efficient by identifying guilty pleas as early as possible and reducing the number of cases progressing unnecessarily through the County Court. The importance of that is that encouraging pleas of guilty at the earliest available opportunity reduces court backlogs. That is very important and stands in stark contrast to any policy of mandatory sentencing under any guise, which will have the opposite effect.

Once you introduced a mandatory sentencing regime in this state you would not encourage early pleas of guilty — and why would you? Quite the opposite would occur, and virtually all matters would go to trial. That would mean even greater backlogs in our court system, and it would mean that victims would have to go through the trauma time and again of not just a committal process but a trial as well. That needs to be remembered when we are considering this very important piece of legislation. This also gives the County Court unlimited jurisdiction to hear and determine civil disputes, whereas, as we know, previously it could only hear cases involving less than $200 000.

This is all part of the justice statement that I presented to this house in 2004 and certainly confirms this government's commitment to modernising our justice system. I certainly wish this bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 7 June; motion of Mr HOLDING (Minister for Corrections).

Opposition amendments circulated by Mr WELLS (Scoresby) pursuant to standing orders.

Mr WELLS (Scoresby) — In rising to join the debate on the Corrections and Other Justice Legislation (Amendment) Bill I state from the outset that the opposition is going to move amendments. They are only very small amendments, and I will speak to them later on.

The purpose of this bill is to ensure that serious sex offenders who are subject to extended supervision orders cannot change their names for improper purposes. There are five main provisions in this bill. The first prevents serious sex offenders who are subject to extended supervision orders and all offenders on parole from changing their names for improper or devious purposes. The second main provision extends the victims register information-sharing provisions; the third relates to various amendments to the corrections legislation to overcome certain deficiencies; the fourth is about changes to the Serious Sex Offenders Monitoring Act, focusing on extended supervision orders; and the fifth is about changes to the Firearms Act to ensure that forfeited firearms can be disposed of to approved museums, following the unnecessary limitations placed on such actions by amendments made in 2005.

I will deal with the first provision first — the prevention of name changes. Currently offenders on extended supervision orders and all offenders on parole can apply to the registrar of births, deaths, and marriages to change their names. This amendment in the bill will provide the parole board with the power to prevent improper name changes. Similar powers to those that currently exist will prevent prisoners in custody from making improper name changes. The Adult Parole Board may allow a name change for cultural reasons or for the adoption of a spouse's name after marriage.

The Adult Parole Board can reject a name change application if it is considered likely to be offensive to victims or the community. The registrar of births, deaths and marriages cannot register the name change of an offender on parole or on an extended supervision order (ESO) unless approval has been provided by the Adult Parole Board, and it will be an offence to apply for a name change without the prior approval of the board.

Under the extension of the victims register, which is very important to the Liberal Party, a registered victim or specified family member can receive certain information about a prisoner who has been convicted of a violent crime against them. They also have a right to make written submissions to the Adult Parole Board about the possible release of a prisoner. The bill will

allow a registered victim to receive advice in relation to an application for an extended supervision order and the outcome of such an application. The victim will also be able to make a written submission to the Adult Parole Board in relation to the supervision requirements for the offender under the extended supervision order.

Under the main provisions the amendments to the corrections legislation will correct an anomaly in relation to breaches of home detention orders. Police will be given the power to enter and search premises, to execute a return-to-custody arrest warrant. The bill clarifies the Adult Parole Board's warrant-issuing powers by allowing the re-issue, recall or duplication of warrants in circumstances such as when an original warrant has been lost or destroyed.

The bill will ensure all federal prisoners transferred to Victoria under the interstate transfer of prisoners scheme will be detained in the legal custody of the Secretary of the Department of Justice. This will overcome an anomaly in custody provisions whereby only those transferred for trial purposes were deemed to be in the custody of the Secretary of the Department of Justice. There is also a minor amendment to repeal redundant provisions in the Corrections (Management) Act 1993.

Regarding the changes to the Serious Sex Offenders Monitoring Act, this bill primarily contains minor changes relating to procedural matters. It clarifies the procedures where an offender initiates a review of an ESO; rectifies an oversight to ensure that appeals can apply to court decisions made on a review of an extended supervision order; allows the Department of Justice to commence proceedings for a serious breach of the extended supervision order without first giving notice to the offender; and provides the Secretary of the Department of Justice with an express power to direct an offender to attend for clinical assessment — and refusal can result in a two-year imprisonment; and provides the court with the flexibility to make an extended supervision order within the current minimum 25 working days criteria if it sees that as being in the interests of justice.

The last major provisions concern the disposal of forfeited firearms. Forfeited firearms can currently be given to any person or body approved by the minister, such as Victoria Police for forensic testing or a museum. This amendment in the bill overcomes an unexpected anomaly in the amendments made by legislation passed in 2005 which technically limited the range of uses for forfeited firearms, to ensure that the minister can provide forfeited firearms to museums or other approved bodies or persons.

The amendments I have circulated — and they are only minor amendments — relate to one of our concerns. New sections 79H and 41H state that the Secretary of the Department of Justice may notify the Victorian registrar of the names of any prisoners on parole or extended supervision orders. We are saying 'may' is not good enough; the word should be 'must'. The provisions should say that the Department of Justice 'must' notify the Victorian registrar of any people who are on parole or extended supervision orders. If the notification system is to work, reporting of prisoners' details to the registrar of births, deaths and marriages should be mandatory.

Irrespective of our total opposition to home detention — we have made it very clear that if a Liberal government is elected in November we will abolish home detention; we do not believe in the principle — we have serious concerns that an offender who has breached his or her home detention order cannot simply be picked up by police upon notification of a breach and taken to prison. This can only be done through the Adult Parole Board issuing a warrant. That seems to me a very clumsy way to dish out justice. An offender can be given too much time following a serious breach, enabling them to escape police, and police must wait until a warrant is issued by the Adult Parole Board to return them to custody.

Victims can make submissions to the Adult Parole Board only in written form, and they cannot appear before the Adult Parole Board in person. We think the person should be able to front up. Victims should be able to make a verbal statement and appear before the board if they so desire. We will be supporting this bill, although we expect the government will look at our amendments, realise that there is a serious problem with the way this is written in that the government has put in 'may' instead of 'must', and accept them.

The concerns we have with regard to the bill relate, as I said before, to section 79H, which is inserted by clause 7 and is headed 'Information-sharing between the secretary and the Victorian registrar'. At the moment it states:

> Despite any other law to the contrary —
>
> (a) the Secretary may notify the Victorian Registrar of the name (including any other name by which he or she is or has previously been known), date of birth and residential address or addresses of any prisoner on parole …

It is also referred to in section 41I, which is inserted by clause 20 and which is also headed 'Information-sharing between the secretary and the Victorian registrar'. If we are going to be serious about making sure that we tighten

up the inability of people to change their names, then these amendments must be accepted.

We have seen many, many cases of paedophiles being released, and there has been great concern in the community about that. We have seen paedophiles being released into the community without victims being notified, and we have had situations where they have been back living in the community without it being known to the people in the community.

In March this year there was the case of Brian Jones — Mr Baldy — being made the subject of an extended supervision order, allowing authorities to monitor his movements for 10 years following his release from custody. We also had the case of Kevin Briscoe being released after his parole expired last year on the condition that he has no contact with children and that he wears an electronic tracking device.

An article which appeared on the front page of the *Herald Sun* entitled 'An insult' reported that — can you believe it! — Mr Baldy, the serial paedophile who shaved the heads of his child victims, wants to mock them by changing his name to Shaun Paddick. This bid obviously tries to make an absolute mockery of the victims and the community. That this guy wanted to change his name from Brian Keith Jones to Shaun Paddick is an insult to the victims who, along with their families, have been through sheer hell and back. This is a person who shaved the heads of his victims, put makeup on them and dressed them in girls clothing. This is the way some of these people work. The situation is that he has not been rehabilitated and he has not accepted counselling. People like Mr Baldy have not received proper medication or counselling. It creates a real problem for the government, particularly Corrections Victoria, in relation to what you do with them once they are released from prison.

I move, by leave:

> That the debate be now adjourned and that I have leave to continue my speech when the debate is resumed.

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

Remaining business postponed on motion of Ms PIKE (Minister for Health).

ADJOURNMENT

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

> That the house do now adjourn.

Minister for Agriculture: comments

Ms ASHER (Brighton) — The issue I have is with the Minister for Agriculture and the action I am seeking of him is to correct the record and apologise to Melbourne's wholesale fruit, vegetable and flower market traders for misrepresenting their views. On 13 June I raised the issue of the government's desire to relocate the market to Epping with the Minister for Major Projects. There was no need for the Minister for Agriculture to say anything. However, he chose to respond on behalf of the Minister for Major Projects.

I refer to the fact that he claimed on 13 June that the Victorian Chamber of Fresh Produce Wholesalers, the Vegetable Growers Association of Victoria, the Victorian Retail Fruiterers Association and the Flower Growers and Florists Advisory Committee fully supported the government's proposal to move the market to Epping.

However, the minister had been written to by Jeffrey Thomas and Partners on 4 May 2006, and in that letter he was advised of the following:

> We have been requested by the alliance to write to you to express its concern about what is believed to be misrepresentation …

That refers to a misrepresentation of this group's desire not to move to Epping. The letter went on to say:

> … the alliance does not support a move from Footscray Road.

The letter by Jeffrey Thomas and Partners concluded:

> In the meantime we respectfully ask that you do not in any way in any public or other forum indicate that the alliance or any of its members support in any way the move to Epping.

That letter went to the minister on 4 May 2006, yet on 13 June 2006 the minister, who had not even been asked a question, of his own volition misrepresented the views of those traders and said they wanted to move to Epping when they did not.

I also refer to a press release issued on 6 July. This was about a protest rally about the government's enforced move to Epping. It states:

> Melbourne's wholesale fruit and vegetable and flower markets want to stay exactly where they are. In Footscray Road.

…

> The state government's announcement to move the market to Epping was ill-informed, inadequately researched and lacking in credibility. It has all the hallmarks of being another government white elephant.

The press release went on to say:

> The government has severely misrepresented our position on the proposed move and the market users feel very aggrieved and angry.

When I raised this issue on 13 June I raised it with the Minister for Major Projects and not with the Minister for Agriculture. The minister voluntarily interceded in this debate and voluntarily misrepresented the views of the market users. I am offering him an opportunity tonight to withdraw those comments and apologise to the traders.

Pines Flora and Fauna Reserve: management plan

Mr PERERA (Cranbourne) — I wish to raise a matter for the attention of the Minister for Environment. I ask the minister to take action to support the need for a management plan for the Pines Flora and Fauna Reserve land and for the adjoining land that has been newly gazetted by the Bracks Labor government. Recently a significant step was taken by the Bracks Labor government towards protecting the endangered southern brown bandicoot.

Around 220 hectares of Crown land has now been reserved as an area of ecological interest. Two large areas of Crown land have been added to the reserve, including 110 hectares of former department of agriculture land and 20 hectares of Keith Turnbull Research Institute land, both now managed by Parks Victoria. This effectively doubles the reserve, which is a great result for ensuring the protection of precious flora and fauna in this region and in my electorate of Cranbourne.

I take my hat off to the Friends of The Pines Flora and Fauna Reserve, Mr Hans Brunner, and Frankston affiliates of the Mornington Peninsula and Western Port Biosphere Reserve's bandicoot recovery team, whose partners include Parks Victoria; the Chisholm institute; staff from the Royal Botanic Gardens, Cranbourne; RMIT University; and the Peninsula Country Club. They have all been very active in achieving this reservation. It has been a pleasure to work with these people. In doing so I have witnessed the strength of the biosphere rationale and its capacity to foster meaningful and effective partnerships.

I call for a management plan in the first instance, as it will need to be prepared for the new reservation. I am very keen for this to proceed as soon as possible. This plan should support the bandicoot recovery plan and include research, community development and educational opportunities. I believe there are unique opportunities to invest in the Pines Flora and Fauna Reserve and further community development in the Frankston North area. This area is highly disadvantaged both socially and economically. Investment in the reserve would provide far-reaching benefits to this community. In this respect I have been apprised by the recovery team of the interest of the Frankston North community group, the Pines Soccer Club and two scout groups.

I support improvements to the Pines Flora and Fauna Reserve to benefit the reserve and the community of Frankston North. A key part of this proposal is that local professional, academic, scientific and community resources be engaged in the preparation of a management plan. This would very effectively build on the allocation of the community renewal funding for Frankston North which was recently announced by the Bracks Labor government.

Mallee Rural Counselling Service: funding

Mr WALSH (Swan Hill) — I seek assistance from the Minister for Agriculture to obtain a further 12 months funding — about $90 000 — so that the Mallee Rural Counselling Service can continue to employ a second rural counsellor in the north-west of the state. The service assists farmers and small businesses to identify their financial status, especially in relation to cash-flow budgets, applications to the Rural Finance Corporation and the bewildering maze of exceptional circumstances (EC) dealings, especially the interest subsidy and Centrelink.

Victorian government funding for a second rural counsellor — currently Grant Doxey, who is based in Ouyen — terminated on 30 June and the service has heard nothing further. For the 12 months to 31 May, Grant Doxey had 300 clients on his database, 174 of whom were new clients. These clients are scattered throughout the shires of Buloke, Hindmarsh, Mildura, Swan Hill and Yarriambiack, and there are still people trying to get into the EC system around Manangatang and Murrayville.

Long years of painful drought in the north-west have led to a fragile state of mind for many farmers and their families. Fortunately it rained on the weekend, and let us hope this is the beginning of the end of a terrible dry. The rain will keep hopes alive and crops going for

another few weeks. But 80 points of rain does not mean the drought is over. It is from now on that the significant structural adjustment issues associated with prolonged drought will come into play.

Professor Beth Woods, on behalf of the federal government's Drought Review Panel, reported in March 2004 that long-term structural adjustment in rural areas was an ongoing process and that it had been reported as accelerating during and particularly after drought periods. It is widely expected that the structural adjustment workload will now increase. For that work to proceed successfully, we need an experienced rural counsellor allocated to the task.

At Sea Lake in 1985, following three years of drought, my predecessor Barry Steggall worked closely with former federal Labor ministers Brian Howe and John Kerin, and former state Labor Minister for Community Services, Caroline Hogg, to allow people to either leave the land with dignity or get assistance to sow one more crop. Their cooperation was nothing short of spectacular. I ask the current Minister for Agriculture to show the same concern and good judgment in refinancing the state government-funded rural counselling position for a further 12 months, so that the best outcomes can be achieved for our rural industries and the people of the north-west.

Barwon sports academy: government assistance

Mr TREZISE (Geelong) — I raise an issue tonight for action by the Minister for Sport and Recreation in the other place. It relates to the proposal to establish a Barwon sports academy in the Greater Geelong region. The overall purpose of the Barwon sports academy would be to identify, nurture and support local talented sportspeople through a coordinated pathways program. Such an academy in the Barwon region would be very beneficial for these sportspeople. It therefore has my full support, together with the support of local businesses and the City of Greater Geelong and the other G21 councils.

The action I seek from the minister is to meet with proponents of the sports academy to discuss their proposal, with the end objective of supporting its establishment. As I understand the situation, most if not all regions have a sports academy, and those that are established are very effective organisations. Therefore the Barwon sports academy has the support of the Geelong community, including all local councils through the G21 conglomerate, which includes the five councils in the region — Colac Otway Shire, Golden Plains Shire, the Borough of Queenscliffe, Surf Coast Shire and the City of Greater Geelong.

I believe that the establishment of the Barwon sports academy would provide real and effective support to local talented sportspeople. As is noted in the academy's business plan, the academy would:

> … provide pathways for aspiring athletes to reach higher goals at state and national levels. It will also further develop existing structures and strengthen cooperation between sports administrators through sharing information, ideas and experiences.

Over many years Geelong has provided numerous elite athletes throughout many sporting arenas, as you well understand and appreciate, Acting Speaker. At the last Commonwealth Games more than half a dozen Geelong athletes represented Australia in many sports, including athletics and basketball. In raising this issue I appreciate that the state government contributes something like $4.5 million per annum to the Victorian Institute of Sport, which sum includes the funding of the regional sports academies throughout the state. I commend the state government and the minister for this funding.

The Barwon sports academy has the support of all Geelong members of Parliament, therefore I look forward to the minister's support on this matter.

Sheriff's Office: reclaimed moneys

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Attorney-General. I ask him to investigate the methods used by the Sheriff's Office to reclaim money from a constituent and to see if these methods fit within the guidelines which have been set out by government.

I received an email from a constituent, who wrote:

> There was an order made for judgment against me for the amount of $288. I was completely unaware of this and proceedings of the above-mentioned case until two sheriffs come to my house. I was very ill at the time and since I had never dealt with this before was quite frightened.
>
> Since I was quite ill at this point with a heart condition under assessment and a temperature of 41.6 —

degrees —

> I wasn't prepared to address them while they stood at my back garden window shouting at me as I —

lay on the sofa —

> watching my eight-month-old and now frightened three-year-old. The sheriff persisted, knowing my children were scared … They also tried to talk to my 11-year-old son

> whilst he was walking home from school, asking him questions to answers they clearly already knew and according to my son they mentioned the words 'last chance'. Naturally I was petrified. I called my husband who pointed out I should call the police but by this time they had left.
>
> They came around the next day to the rear of my property and banged very hard on my lounge window, frightening my three-year-old and eight-month-old child.
>
> My husband eventually acquired their number after making a complaint and spoke to the man, requesting some details regarding this order and —

then asked —

> to leave me alone until we had a day to investigate this and for me to recover enough to deal with it, at which he refused.
>
> The following day he and a partner turned up at the door again. Eventually they left. The sheriff wouldn't give much detail to my husband other than it was a matter dealt with at Ringwood Court.
>
> My husband subsequently called Ringwood Court and was advised that the warrant could be stopped if an application for a rehearing was made.
>
> The following day, the same sheriffs were waiting outside my house. My husband rang the courts again and organised for the application for a rehearing to be faxed to me so that I could fill it in and get the application started.
>
> On Monday I took the form down to the courts … I handed it in at the front desk.

My constituent sent a money order through the mail on the same day.

> On the Wednesday evening I had to go and collect my three-year-old from his child-care centre. I pulled into the car park of the child-care centre. A car pulled right in front of my car, blocking me in. As I got out he said that this car was being seized and I was not to start the engine again! I explained I had handed in an application to the court and that he did not have the right to do this. I went into the centre and collected my son. I returned to my car and strapped my son in. I got in and started the engine. He banged on the window and screamed at me to turn off the engine.
>
> …
>
> My husband arrived and insisted they stop putting the car on the tow truck since they would be damaging it in the process, until the police arrived.

I ask the Attorney-General to investigate this appalling behaviour by this — —

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

Schools: Mulgrave electorate

Mr ANDREWS (Mulgrave) — I raise a matter for the attention of the Minister for Education Services. I ask the minister to take action to support schools in my local electorate to improve the amenity of their grounds and public spaces through the very successful Schoolyard Blitz program.

Just last week the Minister for Education Services, who is at the table, was in my electorate visiting Springvale Heights Primary School, one of the many fine government schools in our local community, to celebrate its Internet broadband connection as part of the government's SmartONE, which is a very good program. It was a very important day to come and witness the great Internet capacity the school now has through that initiative. The minister also visited Wellington Secondary College in Mulgrave and announced some planning assistance for that school, which is another fine school in my local community. That planning assistance will see the school proceed to master planning and future capital improvements. Those announcements and the record funding provided to schools in my community underscore the government's efforts in supporting local families.

In coming weeks we will officially open stage 2 of works at Wheelers Hill Secondary College and the new learning centre at Carwatha P–12 College in Noble Park North. Those two projects alone are together worth more than $3 million. These projects and record teacher and staff numbers plus record recurrent and program budgets are paying real dividends in terms of local education outcomes. But things can always be better and the Schoolyard Blitz program is a great example of targeted assistance that really impacts upon the amenity of local schools.

I have visited many schools in my local community that have received funding under the first two rounds of the Schoolyard Blitz program. Just two examples are Oakwood Park Primary School and Albany Rise Primary School. Those two schools and many others have made really good use of the targeted funding of grants of around $5000 per school to improve the amenity of their school grounds. These grants have provided for landscaping, shade sails and improved outdoor meeting and play spaces, and those improvements have been warmly welcomed by school communities right across my electorate.

I ask the minister to act to provide further support to local schools to improve their facilities and in turn the educational outcomes so important to families in my local community.

Environment: litter reduction

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Environment. The

action that I seek is for the minister to follow South Australia's lead and implement a scheme on beverage containers similar to the extended producer responsibility program which equates to container deposit legislation providing for a deposit on cans and beverage containers. I have raised this extremely important issue before.

I note that yesterday in the sustainability action statement the government outlined a number of issues, including the introduction of a levy on plastic bags. Plastic bags make up a small proportion of rubbish; beverage containers create a much higher level of waste in the state.

It is well proven, particularly in South Australia where they have implemented the scheme with a deposit on cans and other beverage containers, that it does reduce the amount of rubbish or litter on roadsides and everywhere else. This program is extremely well supported. On Clean Up Australia Day 2004 it was reported that beverage containers made up 21.7 per cent of all litter that was collected. This is a real blight on our environment and this is one way of dealing with it.

I commend to the house my intern's report on the economic and environmental implications of container deposit legislation, which has just been presented to the Parliament. The report, by Rebecca Apostolopoulos, considers the South Australian action and addresses the issue in considerable detail. Rebecca has delved into it, looking at the economic costs and benefits of similar types of schemes, and the report highlights that countries all round the world have implemented similar types of schemes.

They are extremely successful in reducing litter and also have enormous community support. I surveyed my community, and while support for the plastic bag levy was split about fifty-fifty, support for the container deposit legislation was about 78 per cent; about 10 per cent were against and about 10 per cent were undecided. There was an extremely high level of support. I ask the minister to consider this matter.

Schools: Pascoe Vale electorate

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Education Services. The issue I ask her to address is the provision of continued funding for more schools in my electorate for the brilliant Schoolyard Blitz program. It is an absolute tribute to this government that education is our top priority, and the schools in my electorate are showing the results of that. I am looking forward to having the Minister for Education Services in my electorate later in the week, when I am sure there will be another joyous announcement. But I return to the action that I am seeking from the Minister for Education Services, which is to extend the Schoolyard Blitz funding to another couple of schools in my electorate which are still hoping to have the great results which we have already seen in so many other schools.

At Coburg North Primary School the principal, Tracy Hammill, was absolutely ecstatic last time the Schoolyard Blitz funding was announced. With her school community she was able to ensure a retaining wall was remedied, and as a result the children are obviously far more able to enjoy their play activities. Students at the Coburg Special Development School and their principal, Moira Bradley, were excited the last time the Schoolyard Blitz program was announced and funding was provided. Many of the school's students are now able to enjoy gardening in raised garden beds, which are a great tribute to the school community.

At Coburg Primary School Jennifer Strachan was elated with her Schoolyard Blitz money, which enabled the beautification of the school grounds. In the last budget we were also able to provide funding for toilets for the school. At Glenroy West Primary School the principal, Kaye Gauci, and the assistant principal, Gordon Nolte, were able to use their last allocation of Schoolyard Blitz money to ensure some sustainability in their outdoor gardening program.

The acting principal of Glenroy Primary School, David Randall, and the parents of the school community used their increased funding to provide shadecloth. I am sure the minister, who fortuitously is at the table, will be able to give a couple more schools in my electorate good news. I know Oak Park Primary School is hoping for some money under the Schoolyard Blitz program, as is Pascoe Vale Girls Secondary College.

Southern Rural Water: fees

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Water and concerns the charging of licence and volumetric fees for water that does not exist and is not likely to exist for at least another five years. I call on the minister to cancel the volumetric water charges for licence-holders around Lake Toolirook in western Victoria, who are currently paying approximately $600 in annual fees to Southern Rural Water when they have not been able to take water from Lake Toolirook for the past five years — and quite possibly they will not be able to take any for another five, given the current level of the lake.

To add insult to injury the licensees claim that their fees have risen by up to 50 per cent in each of the last two years. I know the minister is aware that many rural areas across Victoria are still suffering the effects of reduced rainfall, and there is no sure way to predict when this weather pattern will change. My constituents, who are paying water licence fees, also acknowledge this and are conscious of the fact that they need to protect their inland lakes and streams. It was reasonable to set a fair charge for both licences and agreed volumes of water some years ago, when regular winter rains fell. However, with the continuing dry spell which has been experienced more recently, it would seem highly undemocratic that charges continue to be levied for water that does not exist.

It is the government that decides when the tap is to be turned off for water users from Lake Toolirook, but licence-holders continue to be charged. Can you imagine the screams from the suburbs of Melbourne if people were being charged for water they were not getting? Imagine if their water bills showed service charges, water usage and an extra item described as a charge for non-existent water. I can hear them now.

It occurs to me that this scenario bears a remarkable resemblance to the Hans Christian Andersen fable *The Emperor's New Clothes*, in which two scoundrels convince the emperor that he is wearing fine new clothes made from a special cloth, and it takes a small child to point out that the emperor is in fact standing before his people naked. In this particular case we have a government process which demands payment for the taking of water when in fact that water does not exist. Surely it is possible to amend section 51 of the Water Act to allow some flexibility within this process.

At the present time, should the licence-holder decide to cancel his licence rather than continue to pay out for nothing, there is no guarantee that the licence will be returned in the future. Surely the government should be able to suspend the volumetric charge until such time as at least some of the agreed water volume is available to these constituents. Alternatively, licensees could continue to pay a base payment to secure their licences for the future.

No-one is suggesting that our precious water be given away for nothing. However, the process currently in place, whereby licence-holders are paying annual fees of around $600 for nothing, is akin to a form of deception. A much clearer and more flexible system needs to be put in place, especially when you consider the current weather conditions and the climatic conditions surrounding farmers who live in rural and regional Victoria.

Schools: Melton electorate

Mr NARDELLA (Melton) — The action I seek from the Minister for Education Services is for her to consider providing some additional Schoolyard Blitz money for a number of my excellent schools which are doing fantastic work in the Melton electorate. As honourable members would be aware, this government has provided quite a lot of money to schools within my electorate under the previous Schoolyard Blitz program, but I think it is now the turn for secondary colleges within the Melton electorate — that is, Bacchus Marsh Secondary College, Kurunjang Secondary College, Melton Secondary College and Staughton Secondary College. They are just fantastic schools doing great things for young people within my electorate. Like schools constructed back in the 1970s and early 1980s, they really need some additional assistance to brighten them up and to do various capital works that are difficult to do without this additional money.

The leadership within these schools is terrific, ranging from people like Peter Blunden, Shane Lakey and, in Bacchus Marsh Secondary College, Ms Robyn Hunter. They lead their school councils in a fantastic way, and the school councils would really appreciate some additional money to assist them to do those small things within schools that are difficult to do as part of the school global budget.

All the primary schools in my electorate have received some money out of Schoolyard Blitz, and they have done some really innovative things with that money, ranging from sunshades to painting and to some other works within the schoolyards to make them more comfortable for the students.

It is only a state Labor government that puts real money and real resources into public schools. I remember the seven long, dark years under the Kennett government, when the only solution it had to school maintenance, or any capital works, was, when it got too hard, to shut the schools. It closed 378 schools in its term in office. I remember Sydenham West Primary School and Bulla Primary School that were both closed by the previous government. We are fair dinkum about education, and I ask the minister to consider my request.

Responses

Ms ALLAN (Minister for Education Services) — It is always terrific to hear members on this side advocating for their schools in an adjournment debate. I am very pleased to respond to the matters raised by the members for Melton, Pascoe Vale and Mulgrave who are all advocating for the Schoolyard Blitz program,

and understandably they are very keen for the Schoolyard Blitz funding to come to schools in their electorates. This has been a terrific program — it is a $10 million program that is seeing schools right across the state able to undertake works in their schoolyards — —

Mr Walsh — As long as they are in Labor seats!

Ms ALLAN — No, wait for it. I will reveal the folly of the member for Swan Hill's words. Schools can undertake important works in their school grounds that bring together the schools and the school communities.

I am very pleased to inform the member for Melton that following his strong advocacy and interest in this issue the schools that he mentioned — Bacchus Marsh Secondary College, Kuranjang Secondary College, Melton Secondary College and Staughton College will all receive money from this round of Schoolyard Blitz funding.

I am very pleased to inform the member for Pascoe Vale that Oak Park Primary School and Pascoe Vale Girls Secondary College, both very good schools, will also receive funding in this round.

I am also pleased to inform the member for Mulgrave that funding will be provided for Brandon Park Primary School, Noble Park Secondary College, Waverley Meadows Primary School, Wheelers Hill Secondary College and Wellington Secondary College, which I visited only very recently with the member for Mulgrave. That it is getting an important upgrade is great news for the school and follows great work by the local member, who has been advocating very strongly for it. I am very pleased to advise members that all those schools are receiving this important Schoolyard Blitz funding.

As to the matters raised by other members, the member for Brighton raised a matter for the Minister for Agriculture regarding the relocation of the Melbourne wholesale markets to Epping. This is a terrific move by this government. There is going to be a brand new market in Epping for this industry. It is going to mean improved access, and it is going to mean brand new facilities. It is really positioning the markets for the future. I know the Minister for Agriculture, along with the Minister for Major Projects, has worked very hard to make this happen, and it is good to see that the Bracks government is getting on with the job in this important area.

The member for Swan Hill raised a matter for the Minister for Agriculture regarding rural counselling support in the Swan Hill area. He referred to the 'bewildering maze' that communities have to get through for the exceptional circumstances (EC) process. It is a shame he will not take this matter up with his federal mate Peter McGauran, the federal Minister for Agriculture, Fisheries and Forestry, but I imagine that we would have more chance of getting responses from the federal minister than he may.

It is an important issue, and we would love to see the federal government make its decision on extending EC to the critical areas in our part of the state that we share as local members, but I am sure the Minister for Agriculture will have further comments to make in response to the member for Swan Hill.

The members for Cranbourne, Gippsland East and Polwarth raised various matters for the Minister for Environment, who is also the Minister for Water, regarding flora and fauna, water, the recycling scheme they have in South Australia and the volumetric charge, as raised by the member for Polwarth. I am sure the minister will respond to those matters.

The member for Geelong raised a matter for the Minister for Sport and Recreation in another place regarding the establishment of the Barwon sports academy. I have seen first hand how great these regional sport academies are, having one in my electorate, and I am sure the Minister for Sport and Recreation will respond appropriately to that matter.

The final matter was raised by the member for Bulleen and concerned a matter for the Attorney-General. It involved investigating methods used by the Sheriff's Office. I am sure the Attorney-General will respond in due time to the member for Bulleen.

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

House adjourned 11.38 p.m.