PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

24 August 2004

(extract from Book 1)

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

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

The Ministry

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

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Ms G. Dunston

Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker and Chair of Committees: Mr P. J. LONEY

Temporary Chairs of Committees: Ms Barker, Ms Campbell, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

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

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

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr P. L. WALSH

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

CONTENTS

TUESDAY, 24 AUGUST 2004

CONTENTS

Tuesday, 24 August 2004

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.04 p.m. and read the prayer.

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The SPEAKER — Order! At the beginning of the spring sitting the Parliament today acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

CONDOLENCES

Henry Alfred Jenkins, AM

The SPEAKER — Order! I advise the house of the death of Henry Alfred Jenkins, AM, member of the Legislative Assembly for the electoral district of Reservoir from 1961 to 1969.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I shall convey a message of sympathy from the house to the relatives of the late Henry Alfred Jenkins, AM.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling questions without notice I wish to advise the house of the absence of the Minister assisting the Premier on Multicultural Affairs. Questions to him for both his portfolios will be answered by the Minister for Manufacturing and Export.

QUESTIONS WITHOUT NOTICE

Infrastructure: contracts

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his government's decision to award a $500 000 job contract without tender to Mr Trevor Lloyd. I ask: did the government obtain the standard reference check from Mr Lloyd's previous employer, AXA Asia Pacific Holdings Ltd, or was it just good enough that Trevor Lloyd is a Labor mate?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The decision on the appointment of Mr Lloyd was made by the head of the Department of Infrastructure. It was made in accordance with the existing public service guidelines, which allow for an exemption from tender if specialist services are required. Specialist services were required, given that legal counsel was required to be employed to oversight significant multimillion-dollar contracts within the Department of Infrastructure. All those procedures were applied by the head of the infrastructure department, who appointed Mr Lloyd. He did that under the existing arrangements of the Public Sector Management and Employment Act.

Police: corruption and organised crime

Ms BEARD (Kilsyth) — My question is to the Premier. Given the government's continued commitment to fighting major crime in Victoria, can the Premier advise what initiatives the government is taking to ensure that Victoria keeps its record as Australia's safest state?

Mr BRACKS (Premier) — I thank the member for her question. As well as the Parliament resuming today, the Chief Commissioner of Police and assistant commissioner for crime, Simon Overland, are organising a major crime workshop. It is being conducted today and tomorrow and includes people from across Victoria and around the country, as well as international guests. I commend the commissioner and the assistant commissioner on that initiative. I believe it will be a very productive and useful workshop and will provide assistance and advice to the government on new techniques for fighting organised crime in Australia.

I also want to congratulate Victoria Police for 53 charges which have been brought as a result of the Ceja and Purana task forces. That is an outstanding effort. I acknowledge on the record the work that has gone into bringing those charges before the courts, where they will have a proper hearing to determine their outcome. The fact that those charges have been brought is testimony to the effective work of both the Ceja and Purana task forces and the way they have conducted themselves.

At the end of the last parliamentary sitting I indicated that a package of major crime bills would be brought before this Parliament for consideration this sitting. That package will be brought before the Parliament. There will be four separate bills under the major crime heading, two of which will be tabled this week. The

other two will be tabled when Parliament resumes for its second week of sitting in several weeks time.

The two major bills which will be tabled this week as part of a package to fight organised crime and to fight police corruption in Victoria will be the Major Crime Legislation (Office of Police Integrity) Bill, which establishes the Office of Police Integrity, and the Major Crime (Special Investigations Monitor) Bill. Those two pieces of legislation will provide greater powers for the Ombudsman, who in the role of scrutinising and oversighting police activity and investigating police corruption will carry the title of director for police integrity while the office will be known as the Office of Police Integrity. The Major Crime (Special Investigations Monitor) Bill will be the oversighting legislation for the new coercive powers that will be given to the Office of Police Integrity. The bills that are to come before this Parliament in the future will grant coercive questioning powers to Victoria Police and strengthen the asset confiscation regime.

Once these four major crime bills are in place, Victoria will have some of the toughest approaches to both organised crime and police corruption in the country. Overall these initiatives will ensure that the Office of Police Integrity will have the power to perform telephone intercepts, use surveillance devices, issue and use assumed identities and conduct sting operations. The police ombudsman, as you know, Speaker, has requested these new coercive powers, and they will be delivered as part of these bills.

The independent office of the special investigations monitor will be established. It will be an independent watchdog that will watch over the use of surveillance devices, controlled operations, assumed identities and phone tapping powers and will also inspect records that the Office of Police Integrity is required to keep on applications for warrants and the use of surveillance devices. The monitor will have a five-year term and will be ultimately accountable to this Parliament. It will be separate from the Office of Police Integrity and will scrutinise the work done under the new powers the office will obtain. These are royal commission-type powers that we envisage will be brought in as part of a package under the major crimes bills. We fully expect — and I welcome the support for this — that with these two bills that are being presented for consideration in this Parliament there will be no encumbrance at all to the federal Attorney-General granting telephone tapping powers to the Office of Police Integrity. I fully expect that once he examines this legislation he will have no recourse but to offer those powers.

I am very pleased that the package of measures is in place. I am pleased the two bills will be coming before this Parliament. I am pleased that not only have we had success with the 53 charges that have been brought before the courts for consideration but also that we will have a system in place in the future to ensure that the environment in Victoria is not conducive to organised crime or police corruption.

Hazardous waste: Nowingi

Mr RYAN (Leader of The Nationals) — My question is to the Premier. When the government originally established its list of 100 potential sites for a toxic waste dump, was Hattah Nowingi one of them?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. As the house would know, we had a short list of three sites for the long-term containment facility which were subject to investigation. Each of those was deemed to be unsuitable. Two were deemed to be unsuitable for environmental reasons and one because an alternative was identified. This goes to the very heart of the question which was raised by the Leader of The Nationals — one was struck out because a site close to it was identified which was a state government site. That is the site that will go forward, subject to the environment effects statement (EES) being suitable and subject to all the approvals being granted as part of that EES. Three sites were identified and proved unsuitable; one site is being examined, and that is subject to an EES.

Crime: incidence

Mr DONNELLAN (Narre Warren North) — My question is directed to the Minister for Police and Emergency Services. Noting that recently released statistics show that Victoria has the lowest crime rate in Australia, can the minister advise the house of the implications of the statistics to Victoria and what the government is doing to ensure that Victoria remains the safest state in which to live?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the member for Narre Warren North for his question, because he has taken a strong interest in law and order issues in the state. For a number of years now Victoria has had Australia's lowest crime rate. In fact last year it was 23.6 per cent below the national average.

Last week the Chief Commissioner of Police and I released the Victoria Police crime statistics for the year 2003–04, which indicate a record drop of 7.3 per cent

on the previous record in 2002–03, when we had a 6.8 per cent drop in crime. This is a sensational result for Victoria Police, and it is a good result for the Victorian community. It shows what you can do when you invest in police and police resources, and when the Victorian community and Victoria Police work in partnership. The government has provided Victoria Police with the resources and powers it needs to turn around what was in the late 1990s a steadily increasing crime rate as police numbers dropped year after year. That was no accident; it was a deliberate policy of the previous government.

Victoria Police has been doing an excellent job. Let us go through some of the figures: robbery is down 21.5 per cent; theft of motor vehicles is down 19.2 per cent — in fact motor vehicle theft has dropped by 40 per cent over the last three years; theft from motor vehicles is down 11.5 per cent; aggravated burglary is down 10.2 per cent; residential burglary is down 10.2 per cent; assaults are down 3.1 per cent; and violent crime, or crimes against the person, has fallen 2 per cent over last year. That is despite the fact that some of those figures in the past have been under-reported. Victoria Police has been very proactive in getting victims of family violence and rape to report such crimes. Those figures are down despite the fact that the reported rates are actually up.

I also note that the opposition was making much of the fact that there was something bad about recorded drug offences being up by 9.2 per cent. Let me advise the opposition about drug offences. You have a willing buyer and a willing seller. Nobody reports drug offences unless you have police on the streets cracking down on those crimes. Those detected crimes and figures are the product of more police on the streets.

I find the hypocrisy of some members opposite absolutely palpable. They think somehow the answer to dealing with a crime problem is to cut police resources and numbers, refuse to give them a pay increase and then go out and attack them in the media. That is the way they treat police — they are the anti-police party.

Let us look at the breakdowns in some local areas. In the member for Polwarth's electorate, crime in the Shire of Colac-Otway has dropped 11.4 per cent; in the Leader of the Opposition's electorate, crime in the City of Stonnington is down 13.3 per cent; in the member for Narracan's electorate, crime in the Shire of Baw Baw is down 19.9 per cent; and the most stunning figure, which the member for Lowan will be happy to hear, crime in West Wimmera has gone down 42.5 per cent.

Mr Delahunty interjected.

Mr HAERMEYER — The local member is claiming credit. It is a shame that the Leader of the Opposition does not also claim credit!

These results have occurred despite what has been a very tough period for the Victorian police. They have had to confront some very serious issues that have required attention, and they, along with the government, have been addressing those issues. The police have had to deal with what I think has been a range of very unfair and unwarranted slurs against all members of the force.

Mr Plowman — On a point of order, Speaker, on succinctness, the minister has currently been speaking for over 5 minutes, and I ask you to ask him to conclude his answer.

The SPEAKER — Order! I uphold the point of order. I ask the minister to complete his answer.

Mr HAERMEYER — Victoria's crime rates are the lowest for a decade. They show what can be achieved when you invest in police, when you provide them with resources, when you give them decent rates of pay and when you do things to enhance morale. We are getting good results on crime. Last year we had the lowest road toll on record. We have the lowest level of complaints against police of any jurisdiction in Australia, and based on commonwealth figures we have the highest level of community confidence in our police force of any jurisdiction in Australia.

Melbourne Showgrounds: redevelopment

Ms ASHER (Brighton) — My question is to the Minister for Agriculture. I refer the minister to the bidding process for the redevelopment of the Melbourne Showgrounds and to the resignation of former federal Labor member of Parliament, Neil O'Keefe, as chairman of the showgrounds joint venture project due to a conflict of interest. When was the minister first aware of the conflict of interest, and what did he do about it?

Mr CAMERON (Minister for Agriculture) — To the member for Brighton I say welcome back! No plans, no ideas and no policies — that is this opposition! What the government has been able to do is come together with the Royal Agricultural Society of Victoria, and the reason the government has come together with the society is to develop the Melbourne Showgrounds — —

Mr Honeywood interjected.

Mr CAMERON — Good God, don't worry about the suit; you just worry about the way you are going!

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

Mr CAMERON — What we were able to do in providing $100 million was come together with the Royal Agricultural Society of Victoria. As a result Mr O'Keefe was appointed chairman. We had confidence in him, and I have to tell you that it is our view and the view of the agricultural society that he did a good job. He was able to bring the parties together and get them to a position where the whole issue went out to tender. That is exactly what happened. Some allegations were made. Mr O'Keefe, having done a good job, took the view — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high.

Mr CAMERON — Mr O'Keefe took the view that he should — —

Mr Doyle interjected.

Mr CAMERON — Be quiet! He took the view that he should stand aside so that the whole process was above board. That is exactly what he has done.

Crime: victims

Ms CAMPBELL (Pascoe Vale) — My question is to the Attorney-General. Will the Attorney-General advise the house about the government's commitment to ensure that the interests of victims are properly considered in the judicial process and further advise on the implications of alternative policy options?

Mr HULLS (Attorney-General) — I thank the honourable member for her question. I think it is important that we do not try to rewrite history when it comes to victims of crime. It was the Bracks government that fixed up the chaos the opposition left behind when it came to victims. Let us not forget that it was the opposition when in government that callously abolished compensation for pain and suffering for victims of crime in this state. It stripped away victims' rights, and it also left victims of crime services in an absolute shambles. We have fixed up the mess left by the now opposition when it was in government.

Further to that we have also established a Sentencing Advisory Council. The establishment of this council is indeed a groundbreaking initiative that will give the community in this state an unprecedented say about sentencing. For the first time Victoria will have a very powerful tool for enabling everyone, including victims, to have their say in relation to sentencing.

I have given a reference to the council in relation to suspended sentences. It is absolutely crucial that there is public confidence in our criminal justice system and that sentences imposed are credible and also effective. Suspended sentences are, for all legal purposes, terms of imprisonment, but there is some confusion in the community, understandably, in relation to their use. I believe it is important that the community does not view any sentence as a soft option. That is why I have asked the Sentencing Advisory Council to consider the option of suspended sentences in their current form and to provide me with advice on any necessary reforms in relation to suspended sentences.

We all know sentencing is a highly complex task, and that is why the government is opposed to and rejects any simplistic and arbitrary approach to it, such as mandatory sentencing. Mandatory sentencing makes politicians into judges, jurors and executioners and denies the judiciary the discretion it needs to decide cases on their individual merits.

The Sentencing Act contains sentencing guidelines that may be taken into account when the court imposes a sentence. They include the principles of punishment, deterrence, rehabilitation, denunciation and also protection of the community. Retribution is not one of these principles, and the government does not support a system whereby sentences are imposed to seek revenge. However, the Sentencing Act also contains a list of factors that the court must have regard to when sentencing, including the personal circumstances of any victim of the offence or any injury, loss or damage resulting from the offence.

I am pleased to announce today that we will be considering an amendment to the Sentencing Act which specifically directs the judiciary to consider the impact of the offence on the victim in sentencing. This would serve to emphasise and ensure that the impact on victims is given appropriate recognition in the sentencing process. This government remains absolutely and passionately committed to assisting victims and to ensuring full community confidence in our criminal justice system.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Prior to calling the next question I acknowledge the presence in the gallery of two previous ministers of this Parliament — the Honourable Kay Setches and the Honourable Bill McGrath. Welcome back!

Questions resumed.

Melbourne Showgrounds: redevelopment

Ms ASHER (Brighton) — I refer the Minister for Major Projects to the conflict of interest in the bidding process for the redevelopment of the showgrounds, and I ask: what advice did the government receive from the head of Major Projects Victoria, James Cain, concerning the short-listing of the showgrounds contract to Labor mate Terence Cuddy?

Mr BATCHELOR (Minister for Major Projects) — The government, together with the Royal Agricultural Society, is developing a terrific project out at the showgrounds site. We are doing this because of our support for regional Victoria and to ensure that there is a very strong link between country Victoria, the farmers, the producers of agricultural products and the city.

Before this government came into office the showgrounds was being run down, and the Royal Agricultural Society faced the prospect of the Royal Melbourne Show at the showgrounds not proceeding; so the government has come to its rescue and provided a joint venture whereby the government, together with the Royal Agricultural Society, will deliver an upgrade. This process is being conducted to the highest levels of probity. A probity officer is involved, and all aspects and all operations of this process have been audited by the probity auditor.

Water: Wimmera–Mallee pipeline

Mr HELPER (Ripon) — My question is to the Minister for Environment. Will the minister advise the house of recent government initiatives to improve the chances of making the construction of the Wimmera–Mallee pipeline a reality, and will he further advise what response the government has received from the federal Liberal government?

Mr THWAITES (Minister for Environment) — I thank the member for Ripon for his question and emphasise that the Bracks government is taking real steps to ensure water security right across the state, but one area of the state that desperately needs a more secure water supply is the Wimmera–Mallee area. Currently there are about 16 000 kilometres of open channels that lose 85 per cent of the water that flows through them before arriving at farms or in towns. That is why we support the Wimmera–Mallee pipeline, which is the state's biggest water project. It is going to cover 10 per cent of Victoria's land area; it is going to replace those open channels and provide secure water to farms and to some 40 towns across the Wimmera–Mallee. The project will provide much better quality water that is less saline and has reduced turbidity. Currently parts of the Wimmera River are as highly saline as the sea. It will provide significant water savings and opportunities for long-term economic development.

Earlier this month on the banks of Lake Bellfield the Premier and I announced that Victoria will increase its commitment to the Wimmera–Mallee pipeline to $125 million. That was a very well-received announcement.

An honourable member interjected.

Mr THWAITES — The *Stawell Times News*, which I am sure the member would be aware of, referred to the state piping boost, and in its editorial at the time said in relation to the announcement:

> The popularity of Steve Bracks as both a people's person and as state leader sky-rocketed yet again this week with the announcement that his government would increase its commitment to the piping of the Wimmera–Mallee system by a further $48 million.

There was the same ringing endorsement of the announcement in the *Warracknabeal Herald*. This government has also had a ringing endorsement from the *Wimmera Mail-Times,* which said 'Delahunty welcomes pipe grant', and we thank him.

An honourable member — Which one?

Mr THWAITES — Both of them! I indicate that the whole Delahunty family has endorsed this, which is a good proportion of the west of Victoria!

This commitment has been unwavering. We first announced $77 million towards the project in 2002. We sent the interim business case to the Commonwealth last November, and in June this year the Premier told the Council of Australian Governments and the Prime Minister that this was the no. 1 priority for Victoria in the national water initiative. We have finalised the business case and it has been forwarded to the commonwealth government, and the Premier has written to the Prime Minister urging him to provide support for the project. The project is ready to go, and all it needs is for the commonwealth to match Victoria's contribution. The business case demonstrates

that this is a very valuable project that will deliver $1.40 for every $1.00 that is put into it. It is going to give water security to farmers, and it will restore the environment.

I would like to acknowledge the National Party, which has come around and supported this project and what the Victorian government has done. Despite the fact that 18 months ago the Leader of the Liberal Party in this state said that water and the environment are a top priority and a huge issue for which we need a plan for the future, all we have heard from Liberal Party members on the Wimmera–Mallee pipeline is deafening silence. Nothing at all! Nor have we received any support from them in lobbying the federal government. You would think they would put pressure on their federal colleagues to come good with the funds. All we need now is national support. I will finish with the *Stawell Times News* editorial. It states:

> To use Mr Bracks's own words, the ball is now in the federal government's court to not only ensure the pipedream is kept alive but to make it a reality.

Road safety: speed cameras

Mr MULDER (Polwarth) — My question is to the Minister for Police and Emergency Services. I refer the minister to the 41 000 fines being mailed to Monash Freeway and CityLink motorists caught by faulty speed cameras and the Premier's claim that the traffic camera office would detect and remove faulty readings. I ask: can the minister explain why freedom of information documents obtained from Victoria Police disprove this claim, and will the minister withdraw the 41 000 fines?

Mr HAERMEYER (Minister for Police and Emergency Services) — We had the fixed cameras on the Monash Freeway and CityLink independently assessed by internationally recognised experts, SGS. That investigation gave those cameras a clean bill of health. If the member for Polwarth has any evidence that anybody was incorrectly infringed — —

Mr Mulder — On a point of order, Speaker, I seek leave to table the documents.

The SPEAKER — Order! It is not within the province of the government to allow that. The house has to go through certain procedures if members wish to table documents, but at the moment I do not think that is necessary.

Mr HAERMEYER — If the member for Polwarth has any evidence that anybody on either CityLink or the Monash Freeway was incorrectly infringed, I would certainly like to see it. Certainly that was not what SGS found. I know he considers himself to be some sort of expert, but I would take the advice of SGS ahead of his. It is about time the member for Polwarth and other members of the opposition stopped playing politics with the road toll and started getting on with the business of coming up with some constructive suggestions on how to save lives on the roads.

Business: investment initiatives

Mr STENSHOLT (Burwood) — My question is to the Treasurer. Given that Victoria has one of the strongest growth rates of all Australian states, can the Treasurer update the house on any recent investment activity in Victoria?

Mr BRUMBY (Treasurer) — I thank the member for Burwood. Since the election of the Bracks government Victoria has become a magnet for people, events, ideas and capital moving to our state. If you look at the last few months since Parliament sat in June you will see we have become a continuing hub of investment activity that is generating new jobs, new ideas and new opportunities in this state.

Just over the last couple of months we have seen investment such as the $270 million Illuka development at Balmoral and Hamilton. Recently the Premier and I and Minister Theophanous — and the member for Lowan, of course — were there to pour the first bit of concrete. On this occasion there was only one member of the Delahunty family there.

Last week the $200 million ExxonMobil upgrade was announced by the company and Minister Holding. The new $80 million Victoria Dock terminal development by Westgate Ports will create something like 150 construction jobs and 300 permanent jobs by 2008. We have seen the announcement of the $20 million Ford product engineering and development centre at Geelong, which is just fantastic for the auto industry and for Geelong. We have seen the $5.5 million additional investment at Quicksilver in Torquay, with another 50 jobs there. Just last Friday in Ballarat I was able to announce with Ceramet Technologies a $13.5 million investment that will create another 90 jobs. These are just some of the new investments which have occurred in our state over the last few months. We have also seen great export figures. The June quarter figures for the export of goods are up 19 per cent on June 2003; they are up by $810 million, which is the best performance in Australia.

I want to say this, too: increasingly, Victoria is being seen as a home for headquarters in the Asia–Pacific. Some examples in the last year are: GE Capital Finance

Australasia, which will create 1500 jobs; the head office of Business Objects, a leading French and American IT company, will in Melbourne create 80 jobs; Jetstar, with which everyone is familiar, will create 560 jobs; L'Oreal Australia, which relocated from Sydney to Melbourne nine months ago, 60 jobs; Cirque du Soleil has established its Asia–Pacific headquarters in Melbourne, 10 jobs; and more recently a deal was brokered with Pacific National whereby its rural and bulk division headquarters will be located in Melbourne. Just this week Biota announced that it will relocate all of its American research activity here, which will mean another 25 jobs.

It is no surprise that Victoria's unemployment rate has now been below the national average for 44 of the last 46 months. No other state can match that performance. Why is that so? 'State of the states' in a *Business Review Weekly* of July says of Victoria:

> The sky's the limit for Victoria.
>
> The availability of skilled workers, affordable living costs for employees, competitive business costs and a state government perceived as sympathetic to business are behind many companies' decisions to move to Victoria.

Whether it be in the IT, biotech, automobile, regional development or retail sector, there is strong and vibrant investment right across the state. It is a great story for Victoria, and there are great opportunities being created for the future.

CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Constitution Act 1975 to give recognition within that act to Victoria's Aboriginal people and their contribution to the state of Victoria.

Read first time.

ABORIGINAL LANDS (AMENDMENT) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Aboriginal Lands Act 1970 and for other purposes.

Read first time.

PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Parliamentary Salaries and Superannuation Act 1968 and for other purposes.

Read first time.

WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL

Introduction and first reading

Mr THWAITES (Minister for Water) — I move:

> That I have leave to bring in a bill to amend the Water Industry Act 1994 to make provision for environmental contributions payable by water supply authorities.

Mr PLOWMAN (Benambra) — Could I ask the minister to give us a brief explanation of the bill?

Mr THWAITES (Minister for Water) — I have: it makes provision for an environmental contribution by water authorities. It is fairly straightforward and simple.

Motion agreed to.

Read first time.

MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) introduced a bill to amend the Police Regulation Act 1958, the Ombudsman Act 1973, the Public Sector Management and Employment Act 1998, the Surveillance Devices Act 1999, the Surveillance Devices (Amendment) Act 2004, the Crimes (Assumed Identities) Act 2004, the Crimes (Controlled Operations) Act 2004, the Telecommunications (Interception) (State Provisions) Act 1988 and other acts to establish an Office of Police Integrity and a director, police integrity, to replace the police ombudsman, allow the office and the director to exercise investigative powers and for other purposes.

Read first time.

MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to provide for the appointment of a special investigations monitor, to amend the Public Sector Management and Employment Act 1998, the Whistleblowers Protection Act 2001 and the Juries Act 2000 and for other purposes.

Read first time.

EVIDENCE (WITNESS IDENTITY PROTECTION) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Evidence Act 1958 to allow witness identity protection certificates to be issued to Victorian operatives who are to give evidence in interstate proceedings and provide for interstate witness identity protection certificates to be used for interstate operatives in Victorian proceedings and for other purposes.

Read first time.

MAGISTRATES' COURT (FAMILY VIOLENCE) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Magistrates' Court Act 1989 to establish the family violence court division of the Magistrates Court, to amend the Crimes (Family Violence) Act 1987 and for other purposes.

Read first time.

MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Magistrates' Court Act 1989 so as to increase the civil jurisdiction of the Magistrates Court and for other purposes.

Read first time.

GAMBLING REGULATION (AMENDMENT) BILL

Introduction and first reading

Mr HOLDING (Minister for Manufacturing and Export) — On behalf of the Minister for Gaming, I move:

> That I have leave to bring in a bill to enable the transfer to Tattersall's Ltd ACN 108 686 040 of the gaming operator's licence and the public lottery licence held by the trustees of the will and estate of the late George Adams, to provide for that company to be authorised to conduct and promote Club Keno games in lieu of those trustees, to regulate shareholding interests in that company and make provision as to its financial recording and reporting requirements and for other purposes.

Dr NAPTHINE (South-West Coast) — I ask the minister sponsoring the bill to give us an explanation of it.

Mr HOLDING (Minister for Manufacturing and Export) — This is a piece of legislation to facilitate the transfer of gaming licences from Tattersall's as a trust to Tattersall's as a public company and for purposes connected with ensuring that it operates on the same terms as Tabcorp as a publicly listed company.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Swords: regulation

To the Legislative Assembly of Victoria:

The petition of citizens of the state of Victoria draws to the attention of the house that the government's proposed new restrictions on sword ownership are unfair to legitimate sword owners, will not prevent the criminal misuse of swords and should therefore be abandoned or significantly revised.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to withdraw or redraft the new prohibited weapons legislation to:

(a) allow private citizens to own swords free from onerous regulations that restrict ownership, display and storage, and to

(b) enforce harsh penalties for any criminal use of swords.

By Mr HOWARD (Ballarat East) (65 signatures), Dr SYKES (Benalla) (149 signatures) and Mr LONEY (Lara) (19 signatures)

Frankston: aquatic centre

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

The humble petition of undersigned citizens of the state of Victoria sheweth that a regional aquatic centre be established in Frankston to serve the people of the southern region. Your petitioners therefore pray that the government of Victoria, in consultation with Frankston City Council and local community groups, facilitate the building of an aquatic centre in Frankston.

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

By Mr HARKNESS (Frankston) (44 signatures)

Preschools: funding

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

The humble petition of the undersigned citizens of Victoria respectfully requests that the Legislative Assembly of Victoria:

recognise the value of preschool education and respect the work of preschool teachers;

recognise that preschool teacher qualifications are equal to primary teachers by offering pay parity;

recognise that preschool is an educational experience and move responsibility to the Department of Education and Training;

retain and attract preschool teachers to tackle the preschool teacher shortage by offering pay parity, reasonable workload and appropriate group sizes;

resource preschools in order to:

provide access for all children irrespective of their family's economic circumstances;

alleviate unacceptable workloads for volunteer parents and teachers;

provide for salary parity with school teachers so that the cost to parents (fees) does not increase;

support for children with additional needs.

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

By Mr LOCKWOOD (Bayswater) (623 signatures), Mr HARKNESS (Frankston) (490 signatures), Ms LOBATO (Gembrook) (36 signatures), Mr RYAN (Gippsland South) (546 signatures), Mr DELAHUNTY (Lowan) (320 signatures, Mr HOLDING (Lyndhurst) (72 signatures) and Mr MAUGHAN (Rodney) (35 signatures)

Preschools: funding

To the Legislative Assembly of Victoria:

The petition of residents in the Central Gippsland region draws to the attention of the house that the government is failing to recognise the value of preschools as part of the Victorian education system.

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to restructure the current funding arrangement for preschools in Victoria by:

(1) recognising the specialised qualifications of early childhood teachers by giving pay parity with teachers in the primary school sector;

(2) providing a high quality preschool education system that is affordable to all families;

(3) taking the considerable and onerous pressure off parents in the administration of kindergartens;

(4) transferring preschools to the department of education, employment and training.

By Mr RYAN (Gippsland South) (336 signatures)

Preschools: funding

To the Legislative Assembly of Victoria.

The petition of parents, teachers and friends of preschool children in rural Victoria draws to the attention of the house the lack of funding for quality preschool education in Victoria.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria:

recognise the value of preschool education and respect the work of preschool teachers;

recognise that preschool is an educational experience and move responsibility to the Department of Education and Training;

resource preschools in order to:

provide access for all children irrespective of their family's economic circumstances;

alleviate unacceptable workloads for voluntary parents and teachers;

provide for salary parity with school teachers so that the cost to parents (fees) does not increase;

support children with additional educational needs.

By Mr RYAN (Gippsland South) (87 signatures), and Mr DELAHUNTY (Lowan) (35 signatures)

Preschools: funding

To the Legislative Assembly of Victoria:

The petition of the members of the Roberts Avenue Kindergarten and the concerned community of Horsham, Victoria, draws to the attention of the house the crisis of funding and preschool teacher conditions.

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

(1) recognise and respect the qualifications of preschool teachers, their work and the value of preschool education;

(2) aim to retain and attract more preschool teachers to tackle teacher shortages (especially in rural areas);

(3) provide appropriate resources to provide salary parity and to fund preschools adequately.

By Mr DELAHUNTY (Lowan) (446 signatures)

Bowls: single-gender events

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

The humble petition of the undersigned citizens of the state of Victoria sheweth:

Current legislation pertaining to the Equal Opportunity Act prevents single-gender or open events from being conducted by bowls clubs or associations.

Your petitioners therefore pray that the legislation pertaining to the Equal Opportunity Act be amended so as to enable lawn bowls clubs and associations to conduct events designated as single-gender events and/or mixed gender events whenever desired and appropriate and that when appropriate all these events continue in the same form to the state championship level.

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

By Mr DELAHUNTY (Lowan) (80 signatures)

Motor registration fees: concessions

To the Legislative Assembly of Victoria:

The petition of the residents of Tudor Village Mews retirement village of 520 Maroondah Highway, Lilydale 3140, draws to the attention of the house:

This village is made up of residents from all walks of life, many being single residents (war widows, widows and widowers). Many of the latter will find the extra outlay of $78 for motor registration a burden as they have little to spare as things stand. Not all will get very much relief from your fairer for all package.

This comes at a time when increases have or are being granted to teachers, nurses, police, judges etc.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria cancels the proposed charge of $78 motor car registration fee for various pensioners and card holders and reverts to no fee.

By Ms McTAGGART (Evelyn) (120 signatures)

Wind farms: planning

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that current planning laws and regulation are patently inadequate and calls on the government to enact a moratorium on any further wind farm developments until such time as:

(a) local government councils can, with the financial support of the state government, properly assess landscape values and develop appropriate overlays to planning schemes;

(b) the current wind farm guidelines can be amended to provide communities with greater knowledge of local wind farm proposals, greater protection from intrusive developments and greater opportunity to participate in the planning process; and

(c) the benefits of wind energy can be evaluated against other forms of renewable and fossil fuel energies to assess the economic, social and environmental benefits of wind-generated power.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to prohibit any further wind farm developments pending the adoption and completion of the aforesaid measures.

By Mr RYAN (Gippsland South) (278 signatures)

Port Phillip Bay: channel deepening

To the Legislative Assembly of Victoria:

The petition of certain citizens of Victoria draws to the attention of the house the proposal to deepen the shipping channel at Port Phillip Heads and in Port Phillip Bay and the impact of that proposal on marine life in the bay, in particular the destruction from turbidity of filter feeder sponges, corals, vast areas of seagrass beds; the impact (from both noise and turbidity) on other marine animals further up the food chain, including bottle nose dolphins and whales; the impact on the health of bay users from exposure to highly poisonous pollutants released from the disturbed sea beds and spread by tides and currents; and the impact on the recently established marine national park.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria ensures that this proposal does not proceed.

By Mr HARKNESS (Frankston) (14 signatures)

Thompsons Road, Carrum Downs–Clyde North: upgrade

To the Legislative Assembly of Victoria:

The petition of the residents of the City of Casey and the road users and surrounding municipalities draws to the attention of the house the poor conditions and the safety issues that are involved of Thompsons Road between Mornington Peninsula [Freeway] and Berwick-Cranbourne–Clyde roads. There have been 4 people to die, 18 seriously injured and another 30 hurt, in six years: 27 March and 15 April 2004 were the last two deaths.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria approve the following improvements as a matter of urgency:

1. duplication of Thompsons Road between Missens Road and Narre Warren-Cranbourne Road including traffic lights at Evans Road;

2. overhead pedestrian crossing between the South Gippsland Highway and Merinda Park railway station for both local children and train travellers;

3. a red light/speed camera installed at Thompsons Road on South Gippsland Highway.

And in the near future funds be allocated for total duplication of Thompsons Road between Mornington freeway and Berwick-Cranbourne Road including traffic lights or other traffic control measures at Berwick-Cranbourne Road also at Worsley Road.

By Mr MULDER (Polwarth) (752 signatures)

Motor registration fees: concessions

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house their dismay at the new motor vehicle registration fee being imposed by the state government on pensioners, commonwealth health care card holders as well as low and fixed-income people and families. This will be an unfair imposition on people who can least afford it, especially in rural and regional Victoria where public transport options are virtually non-existent.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to abandon immediately the introduction of motor vehicle registration fees on low and fixed-income people.

By Dr SYKES (Benalla) (375 signatures)

Motor registration fees: concessions

To the Legislative Assembly of Victoria:

This petition from people of Victoria draws to the attention of the house their dismay at the new motor vehicle registration fee being imposed by the state government on pensioners, commonwealth health care card holders as well as low and fixed income people and families. This will be an unfair impost on people who can least afford it.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria abandon immediately the introduction of motor vehicle registration fees on low and fixed-income people.

By Mr COOPER (Mornington) (108 signatures)

Planning: rural zones

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the government's proposed new rural planning zones are inadequate and should be rejected.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to withdraw and redraft the new rural planning zones and introduce a planning system that:

(i) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgment of the rights of landowners;

(ii) does not impinge on a landowner's rights to retire with dignity;

(iii) encourages young people to take up farming; and

(iv) gives local government flexibility in the determination of subdivisions and use of rural land.

By Dr SYKES (Benalla) (26 signatures)

Nepean Highway–Bentons Road, Mount Martha: traffic lights

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the intersection of Bentons Road and Nepean Highway in the suburb of Mount Martha is confusing in design, dangerous and unable to safely cope with the current traffic volume.

Traffic flows through the intersection have dramatically increased in the last 18 months due to the development of the Benton's Square shopping centre, Benton's Junior College and continued housing development in the area.

Your petitioners therefore pray that the Minister for Transport fund the installation of traffic lights at the intersection of Bentons Road and Nepean Highway in the suburb of Mount Martha as a matter of urgency.

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

By Mr COOPER (Mornington) (5 signatures)

Mitcham–Frankston freeway: tolls

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

The humble petition of the undersigned citizens of the state of Victoria sheweth the Parliament that the Victorian government has decided to break its 2002 pre-election pledge and introduce tolls on the Mitcham–Frankston (Scoresby) freeway.

Your petitioners therefore pray that the Parliament undertake to ensure that the government:

1. honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham–Frankston (Scoresby) freeway; and

2. immediately reverses its decision to impose tolls on vehicles on the Mitcham–Frankston (Scoresby) freeway and thereby honour its commitment to the citizens of Victoria.

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

By Mr COOPER (Mornington) (20 signatures)

Tabled.

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

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 6 of 2004 on:

Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill
Building (Amendment) Bill
Crimes (Dangerous Driving) Bill
Domestic Building Contracts (Amendment) Bill
Mitcham-Frankston Freeway Bill
National Parks (Additions and Other Amendments) Bill
Sentencing (Superannuation Orders) Bill
Sex Offenders Registration Bill
Sustainable Forests (Timber) Bill
Victorian Civil and Administrative Tribunal (Amendment) Bill

together with appendices.

Tabled.

Ordered to be printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Metropolitan health service community advisory committees

Mrs POWELL (Shepparton) presented report, together with extracts from proceedings, minority report and minutes of evidence.

Tabled.

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

CHILDREN'S COURT OF VICTORIA

Report 2002–03

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2002–03.

Tabled.

COUNCIL OF MAGISTRATES

Report 2002–03

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2002–03.

Tabled.

DOCUMENTS

Tabled by Clerk:

Audit Act 1994 — Report of the Auditor-General on Public Sector Agencies — Results of special review and other studies — Ordered to be printed

Auditor-General — Annual Plan 2004–05

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under:

Section 17D leases:

Albert Park Reserve

Mt Warrenheip Preservation of Species of Native Plants Reserve

Section 17B licence — Seaford Foreshore Reserve

Crimes Act 1958 — Instrument of Authorisation under s 464Z(1)

Financial Management Act 1994:

Report from the Minister for Health that she had received the 2002–03 annual report of the Alexandra and District Ambulance Service, together with an explanation for the delay in tabling

Report from the Minister for Health that she had received the 2003 annual report of the Ballaarat General Cemeteries Trust, together with an explanation for the delay in tabling

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 64

Notice under s 32(4)(a)(iii) in relation to the Building Code of Australia 2004

National Parks Act 1975 — Notices of consent from the Minister for Environment to explore for gold within Chiltern Mt Pilot National Park under licence Nos 3281 and 3376

Parliamentary Officers Act 1975:

Statements of Appointments and Alterations of Classifications during the year 2003–2004 in the:

Department of the Legislative Council

Department of the Legislative Assembly

Department of the Parliamentary Library

Department of Parliamentary Debates

Joint Services Department

Statements of Persons Temporarily employed during the year 2003–2004 in the:

Department of the Legislative Council

Department of the Legislative Assembly

Department of the Parliamentary Library

Department of Parliamentary Debates

Joint Services Department

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

Alpine Resorts Planning Scheme — No C9

Ballarat Planning Scheme — Nos C67 Part 2, C72

Banyule Planning Scheme — No C42

Baw Baw Planning Scheme — Nos C26, C28, C29

Bayside Planning Scheme — Nos C31, C36

Boroondara Planning Scheme — No C41

Brimbank Planning Scheme — Nos C49, C58

Campaspe Planning Scheme — No C30

Cardinia Planning Scheme — Nos C28, C31, C56

Casey Planning Scheme — No C48 Part 1

Corangamite Planning Scheme — Nos C7, C8

Darebin Planning Scheme — Nos C50, C51

East Gippsland Planning Scheme — Nos C27, C29, C34

Glenelg Planning Scheme — Nos C13, C15

Greater Bendigo Planning Scheme — No C41

Greater Dandenong Planning Scheme — Nos C49, C52

Greater Geelong Planning Scheme — Nos C58, C84, C95

Greater Shepparton Planning Scheme — Nos C23 Part 1, C38, C39, C40, C51

Hepburn Planning Scheme — Nos C12, C23, C24

Hobsons Bay Planning Scheme — No C29 Part 1

Hume Planning Scheme — Nos C52, C57

Kingston Planning Scheme — Nos C8, C39, C42

Latrobe Planning Scheme — Nos C10, C31, C33

Macedon Ranges Planning Scheme — Nos C20, C23

Manningham Planning Scheme — Nos C42, C44

Maribyrnong Planning Scheme — Nos C17 Part 2, C21, C37, C39, C45, C46

Maroondah Planning Scheme — No C34

Melbourne Planning Scheme — Nos C71, C91

Melton Planning Scheme — Nos C27, C34, C44, C45

Monash Planning Scheme — No C37

Moonee Valley Planning Scheme — Nos C36, C52, C58

Moreland Planning Scheme — Nos C53, C54

Mornington Peninsula Planning Scheme — Nos C52, C70

Murrindindi Planning Scheme — Nos C8, C15

Nillumbik Planning Scheme — No C32

Northern Grampians Planning Scheme — Nos C5, C8

Port Phillip Planning Scheme — No C36

Pyrenees Planning Scheme — No C7

Stonnington Planning Scheme — No C5 Part 1

Surf Coast Planning Scheme — Nos C6, C10

Swan Hill Planning Scheme — Nos C14, C15

Victoria Planning Provisions — Nos VC24, VC25

Whitehorse Planning Scheme — No C43 Part 2

Whittlesea Planning Scheme — Nos C27, C35, C43 Part 2, C57, C65 Part 1

Yarra Planning Scheme — Nos C53, C54

Yarra Ranges Planning Scheme — Nos C16 Part 1, C23

Port Services Act 1995 — Certificate under s 184(1)

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No 54

Building Act 1993 — SR No 79

Chattel Securities Act 1987 — SR No 87

Child Employment Act 2003 — SR No 60

Confiscation Act 1997 — SR No 57

Control of Weapons Act 1990 — SR No 62

County Court Act 1958 — SR No 72

Court Security Act 1980 — SR No 95

Crimes Act 1958 — SR Nos 56, 66

Drugs, Poisons and Controlled Substances Act 1981 — SR Nos 59, 68

Electricity Safety Act 1998 — SR No 58

Evidence Act 1958 — SR No 65

Forests Act 1958 — SR No 77

Freedom of Information Act 1982 — SR No 74

Gambling Regulation Act 2003 — SR No 78

Magistrates' Court Act 1989 — SR No 94

Marine Act 1988 — SR No 80

Medical Practice Act 1994 — SR No 104

Monetary Units Act 2004 — SR No 88

Nurses Act 1993 — SR No 101

Occupational Health and Safety Act 1985 — SR No 105

Parole Orders (Transfer) Act 1983 — SR No 75

Pharmacists Act 1974 — SR No 102

Planning and Environment Act 1987 — SR No 97

Port Services Act 1995 — SR No 81

Prevention of Cruelty to Animals Act 1986 — SR Nos 63, 64

Prisoners (Interstate Transfer) Act 1983 — SR No 76

Road Management Act 2004 — SR No 84

Road Safety Act 1986 — SR Nos 55, 82, 83, 85, 86

Rural Finance Act 1988 — SR No 103

Subdivision Act 1988 — SR No 98

Subordinate Legislation Act 1994 — SR Nos 61, 69, 70, 71, 91, 93, 99

Supreme Court Act 1986 — SR Nos 54, 100

Tertiary Education Act 1993 — SR No 67

Transport Act 1983 — SR No 90

Treasury Corporation of Victoria Act 1992 — SR No 92

Victorian Civil and Administrative Tribunal Act 1998 — SR No 73

Wildlife Act 1975 — SR No 96

Zoological Parks and Gardens Act 1995 — SR No 89

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 54, 61, 69, 70, 71, 72, 85, 86, 87, 89, 93, 95, 99, 100

Ministers' exemption certificates in relation to Statutory Rule Nos 45, 55, 59, 60, 68, 73, 78, 82, 83, 84, 86, 90, 91, 94, 97, 98, 101, 102, 104, 105

Water Act 1989 — Water Supply Protection Area Declaration Order 2004 for Glenelg.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Ambulance Services (Amendment) Act 2004 — Whole Act on 3 August 2004 (*Gazette G32*, 29 July 2004)

Animals Legislation (Animal Welfare) Act 2003 — Remaining provisions of Part 4 on 24 June 2004 (*Gazette G26*, 24 June 2004)

Gambling Regulation Act 2003 — Remaining provisions (other than sections 12.1.5 and 3.5.35) on 1 July 2004 (*Gazette G27*, 1 July 2004)

Local Government (Democratic Reform) Act 2003 — Sections 53, 57 to 60, 62, 63 and 70 on 31 July 2004. Section 81 on 20 August 2004 (*Gazette G31*, 29 July 2004)

Marine (Amendment) Act 2004 — Remaining provisions on 1 July 2004 (*Gazette G27*, 1 July 2004)

Mitcham-Frankston Project Act 2004 — Sections 3, 4, 5, 6, 7, 9, 13 and 14; Part 3; Part 4 (except Division 2); Division 1 of Part 5; Division 1 of Part 6; Divisions 1 and 8 of Part 10; and sections 255, 256, 257 and 261 on 1 July 2004 (*Gazette S148*, 25 June 2004)

Primary Industries Legislation (Miscellaneous Amendments) Act 2004 — Remaining provisions on 1 July 2004 (*Gazette G26*, 24 June 2004)

Professional Standards Act 2003 — Whole Act on 8 June 2004 (*Gazette S128*, 8 June 2004)

Racing and Gaming Acts (Amendment) Act 2004 — Part 2 on 1 August 2004 (*Gazette G30*, 22 July 2004)

Sustainable Forests (Timber) Act 2004 — Division 1 of Part 4, section 95(1) and Schedule 1; Part 3, Divisions 3 and 4 of Part 4, Part 5, Division 1 of Part 6, Part 8, Part 9, section 96, the remaining provisions of Part 11 (except for sections 100(2) and 109) and section 130 on 1 August 2004 (*Gazette G31*, 29 July 2004)

Victorian Qualifications Authority (National Registration) Act 2004 — Remaining provisions on 1 July 2004 (*Gazette G27*, 1 July 2004).

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Ms DELAHUNTY (Minister for Planning).

ROYAL ASSENT

Message read advising royal assent to:

8 June

Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill
Architects (Amendment) Bill
Death Notification Legislation (Amendment) Bill
Domestic Building Contracts (Amendment) Bill
Judicial Salaries Bill
Mitcham-Frankston Project Bill
Treasury and Finance Legislation (Amendment) Bill

16 June

Crimes (Amendment) Bill
Fair Trading (Consumer Contracts) Bill
Financial Management (Amendment) Bill
Mental Health Legislation (Commonwealth Detainees) Bill
Racing and Gaming Acts (Amendment) Bill
State Taxation Acts (Tax Reform) Bill
Surveying Bill
Sustainable Forests (Timber) Bill
Transport Legislation (Miscellaneous Amendments) Bill

22 June

Ambulance Services (Amendment) Bill
Appropriation (2004/2005) Bill *(Presented to the Governor by the Speaker)*
Health Services (Governance and Accountability) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Building (Amendment) Bill
Sex Offenders Registration 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 4.00 p.m. on Thursday, 26 August 2004:
>
> Building (Amendment) Bill
>
> Crimes (Dangerous Driving) Bill
>
> Interpretation of Legislation (Amendment) Bill
>
> National Parks (Additions and Other Amendments) Bill
>
> Sentencing (Superannuation Orders) Bill
>
> Sex Offenders Registration Bill
>
> Victorian Civil and Administrative Tribunal (Amendment) Bill.

In putting forward this legislative program I point out that there are seven pieces of legislation the government would like to be progressed during this week. This proposed legislation has been lying over since the end of the last sitting, with the addition of the Victorian Civil and Administrative Tribunal (Amendment) Bill which comes to this chamber having been passed in the other place. In that context we believe it is a reasonable workload for Parliament to deal with this week. I commend the program to the house.

Mr PLOWMAN (Benambra) — The opposition does not oppose the program proposed by the Leader of the House. The seven bills should certainly be debated within that time frame, noting that the Pharmacy Practice Bill has been withdrawn. It would be interesting to know whether the government wishes to bring that on in the next sitting week, and I seek that advice.

One issue is that we in opposition had no warning at all about the withdrawal of the Pharmacy Practice Bill until late Friday and the introduction of the Victorian Civil and Administrative Tribunal (Amendment) Bill. What usually happens in these circumstances is that there is a delay of a week between the introduction of a bill and debate on that bill. In this case, and because there has been a delay over the break between sittings, we accept that that bill could be debated this week.

The other issue of significance is that later in the week we will have the opportunity to debate a motion noting

the 35 years service of the Deputy Clerk, Marcus Bromley. Although I will not have a chance to speak on that occasion because contributions will be restricted to the three leaders of the parties, I would like to say, on behalf of all members who will not have the opportunity to speak, a heartfelt thankyou for the service he has rendered us not only in this chamber but on all the committees he has served. From all of us who have had that privilege, we thank him very much.

Mr MAUGHAN (Rodney) — The National Party will not be opposing the government's business program. Seven bills is a workable workload; there is no problem with that. We have had plenty of notice with these bills, as we should. We have had an opportunity to consider them, and members of the public have had an opportunity to consider them and give their considered views to members of this house. On that basis we will certainly not be opposing them. It would have been nice to have had a little more notice of the withdrawal of the Pharmacy Practice Bill, which has been replaced with the Victorian Civil and Administrative Tribunal (Amendment) Bill. I do not understand why that could not have been done, but that is not a major issue. We can cope with that. I do not think the workload is going to be all that extensive.

Like the member for Benambra, I too would like to take this opportunity to express my appreciation of the services of Marcus Bromley who has served this house with distinction. I will not have an opportunity to speak on the motion that recognises his service, but our clerks really do serve us well in this Parliament. Marcus has certainly done that in a variety of capacities. I wish him well in his retirement.

Motion agreed to.

MEMBERS STATEMENTS

Monbulk Primary School: living and learning centre

Mr MERLINO (Monbulk) — During the adjournment debate on 25 May I requested that the Minister for Education Services approve a community facilities fund application for Monbulk Primary School. Less than two months later, on 13 July, the Premier visited the school to make the formal announcement that the school's application had been successful and that $200 000 would be provided to the school to construct a living and learning centre. This is one of the local projects that I am most proud of, and it was a great day. Many people have worked long and hard to achieve this outcome.

Since before the 2002 election I have been working with the school community looking at opportunities to improve the school, which up until now has not had any major capital improvements in over two decades. The shire has also been working with the local community over this period looking at the overall needs of the town. It has identified a need for access to the Internet, the establishment of a community house, exhibition space and a training facility.

We had a situation where the school was in need of a capital works upgrade to increase space for programs and the community was in need of a living and learning centre. I suggested that the principal, Ray Yates, apply to the Community Facilities Fund. Ray, Richard Wines, who is the school council president, and the school community embraced the concept and developed the proposal for this joint facility with $200 000 from the Bracks government and $200 000 from the school and wider community. I would like to take this opportunity to congratulate everybody involved.

Olympic Games: athletes

Mr DOYLE (Leader of the Opposition) — Last week I had the pleasure of being the guest of the World Hellenic Interparliamentary Union in Athens. Another small event was going on in Athens, and I was also a guest at its opening ceremony in company with the members for Sunshine and Forest Hill, the Minister for Energy Industries in another place and my friend the member for Bulleen. The Olympics are a very special event, and I was delighted to be a guest.

I always take great pride in being a Victorian and an Australian, and I can tell you there is nothing quite like that feeling when the Australian Olympic team marches past and when you watch our finest athletes taking part in the premier sporting competition in the world. Today I want to congratulate our athletes, our coaches and the team as a whole — those over in Athens and those who are here, not just the superstars and the Drew Ginns or the James Tomkinses. In another life I taught Drew Ginn, and I can tell you how long ago it was — Drew was actually shorter than me at the time! It is not just the superstars I want to congratulate; there are 115 Victorian athletes there including people you might not have heard of. Carlo Massimino, who is one of our tae kwon do representatives, trains with my son. Every one of them is a dedicated athlete, and behind them are dedicated families and a dedicated team who got them to Athens.

We often focus on the medals, but I think it is more about taking part in the Olympics. Today, on the first

day of Parliament, I want to congratulate all those who are representing Australia so well in Athens.

Eastern Palliative Care: PalCare

Ms ECKSTEIN (Ferntree Gully) — Recently I attended the launch of Eastern Palliative Care's new client information system, known as PalCare. This web-based system provides real-time data access and has been specifically designed to manage information and track the care of terminally ill clients.

The project is an initiative of Eastern Palliative Care working with eClinic and has been supported by the Ian Potter Foundation and the Department of Human Services. I acknowledge the work of Lyn Hayes, executive director of Eastern Palliative Care; Trudy Erwin, project manager; Peter Samson, IT administrator; and Saurabh Mishra from eClinic in realising this important project.

The system enables palliative care nurses to record progress notes and to track clients' personal care plans. It also identifies and flags issues and tracks clients' symptoms and allergies as well as their medication and pain management regimes. The system also links to other health care and support services being accessed by the client, such as their GP, their specialist, hospital admissions and even Meals on Wheels.

The outcome of this state-of-the-art system is greatly improved care and quality of life for terminally ill patients wishing to remain in their own homes. I would again like to congratulate Eastern Palliative Care and all those who have worked to produce this fabulous computer-based data system. They have done a fabulous job for the community.

Aquaculture: commercial licences

Mr WALSH (Swan Hill) — I wish to express my grave concern that the great Aussie delicacy, the yabby, is about to disappear from the barbecues and dinner tables of the people of Victoria. The Minister for Agriculture is intent on wiping out our fledgling aquaculture industry by bringing in cost recovery for Department of Primary Industries services to the industry. There was once a clear vision of what this industry could grow into and the potential it had for bringing in export dollars. That vision has been exploded by the minister's total disregard for responsibility for his portfolio. By bringing in cost recovery the Minister for Agriculture shows he is a champion of Treasury and not of aquaculture.

A constituent of mine who last year paid $276 for an aquaculture licence for his business this year faces a bill of $2108, and the charge is set to rise further in the next two years. That is a 764 per cent increase in his fees. How many businesses can stand levy rises of this magnitude? The question on everyone's lips is: which country Victorian industry will be next? Will dairy industry licence fees be increased by 764 per cent to cover the cost of the Department of Primary Industries dairy program? In a letter to me on the issue the minister claims he is keen to develop a strong and robust aquaculture industry. What a hypocrite! These charges will wipe out the industry.

Werribee Tigers

Ms GILLETT (Tarneit) — As some members will know, the electorate of Tarneit is proud to be the home of the Werribee Tigers football club. The club has a long and proud history, but it is fair to say that the last few years have held some challenges for the club, both on and off the field.

Recently I met with Mark Penaluna, the new general manager of the Werribee Tigers. I must say I was impressed by Mark's enthusiasm for the club and the community in which the club lives. The club has some fantastic plans for community partnerships with our young people in primary schools and with senior members of the community in aged care facilities.

In particular the club is to be congratulated for the wonderful leadership programs it runs in four of our primary schools. These programs are run by James Podsiadly from the club, who works specifically with our young people in those four primary schools that the club hopes will be a successful pilot for the programs it hopes to spread through the rest of our community. I am sure members would appreciate just how important young people are in a growth corridor. I would like to congratulate the club on its efforts to meet its challenges and its potential on the field, off the field and as a leadership group in our community.

I would also like to take this opportunity to say thank you to Marcus Bromley, the Deputy Clerk. It has been a pleasure to work with him.

George Street, Scoresby: freeway construction

Mr WELLS (Scoresby) — This statement calls on the Minister for Transport to resolve the ongoing connection problem at George Street, Scoresby, that has been brought about by the building of the Scoresby tollway. Members will remember this is the same road the Bracks government lied about, telling people in the outer east that it would be toll free.

Cathies Lane south of High Street Road will be closed to enable the tollway to be built. However, this closure will mean traffic will not be able to get out onto High Street Road from Knox Gardens estate or parts of Scoresby without having to use residential streets as rat-runs.

One of the options available, and the one supported by the Knox Gardens community group, is to connect George Street with the road that goes to the west side of the tollway and out onto High Street Road. This would ease much of the traffic congestion out of the Knox Gardens estate.

If this option is chosen, many on the estate would support it being conditional upon child safety being paramount around St Jude's in George Street and Knox Gardens Primary School. This would mean installing traffic calming devices and strict enforcement of the 40-kilometre school zone speed limit. Knox City Council has taken a no-connection position, which has upset many residents. This is now a matter for the state government to determine, and I call upon the Minister for Transport to resolve this important issue as a matter of urgency.

Pascoe Vale bocce and sports clubs

Ms CAMPBELL (Pascoe Vale) — Sports facilities at Pascoe Vale's Raeburn Reserve will be enhanced thanks to a strong partnership between the Pascoe Vale Bocce Club and the Pascoe Vale Sports Club, Moreland City Council and Victorian sport and recreation funding. Plans have been approved by both clubs and the council, and tendering is under way. I particularly acknowledge the constructive role played by Cr Ficarra in facilitating the project.

Nunzio di Gioia has worked tirelessly to ensure the bocce players, including Gino Pelaccia, Michele Tenace and Mario Toppi and their wives — Beatrice di Gioia, Lucia Pelaccia, Maria Tenace and Teresa Toppi — along with their friends, enjoy the reserve's pleasant environmental outlook and the great friendships such recreation offers. I pay tribute to Nunzio's persistence in working for the grant and his good grace during subsequent negotiations.

Congratulations, too, to the Pascoe Vale Sports Club workers, many of whom I met recently at a July training night. Thanks go to the president, Chris Walters; vice-president, Wayne Tucker; secretary, Rob Geyer; and treasurer Brian Campisi. Thanks also to junior manager, Marg Cowenberg; cooks, Nino and Rocky di Giuseppe and Victor Meroli; Auskick and senior football manager, Steven Boyd; canteen and bar managers, Helen and Robert Klewer; assistant football manager and club stalwart since 1968, Terry Brown; life member and helper since the 1950s, Des Miller; senior cricket manager, Doug Nicholson; and Billy Morgan, who for years has been the provider of sustenance in the form of cordial and snakes after Thursday night training.

Among the players were Tim Campisi from the under-10s, Jack Geyer from the under-12s and Calum Walters from the under-14s. Best wishes and congratulations to all players.

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

Olympic Games: opening ceremony

Mr KOTSIRAS (Bulleen) — Please allow me to thank in Greek the Hellenic Parliament for its kind invitation to attend a very successful Olympic opening ceremony. It shows that a small country like Greece is able to host a great event, and I pay tribute to the Greek government, the Greek people and the many volunteers, many of whom were from Victoria.

Εκ μερος του αρχηγου του φιλελευθερου κομματος, κ. Robert Doyle και εμενα προσωπικα, θελω να ευχαριστησω την βουλη των Ελληνων για την προσκληση να παραβρεθουμαι στην τελετη των Ολυμπιακων Αγωνον.

Σημαντικη σημασια ειχε η προσκληση αυτη, με την επιστροφη της Ολυμπιαδας στη χωρα που γεννηθηκε.

Η τελετη ειταν μια αποδειξη πως με δυναμη και θεληση μπωρεσε μια μικρη χωρα σαν την Ελλαδα να καταφερη οτι μεχρη σημερα εκαναν μονο η μεγαλητερες χωρες.

Συγχαρητηρια στην κυβερνηση, συγχαρητηρια στους εθελοντες, συγχαρητηρια στον ελληνησμο που μας εκαναν υπερηφανους.

The SPEAKER — Order! When members give speeches in another language they are required to also translate them into English. What the member said in Greek he did not say in English, so I ask him to provide a written translation of what he said.

[*On behalf of the Leader of the Liberal Party, Robert Doyle, I wish to thank the Hellenic Parliament for their kind invitation to attend the opening ceremony of the Olympic Games.*

This invitation was even more special because the opening of the Olympic Games returned the games to their birthplace.

The opening ceremony showed that with determination and motivation a small country like Greece is able to host a big event that to date only larger nations have been able to organise.

Congratulations to the Greek government, congratulations to the thousand of volunteers, and congratulations to the Greek people, for they made Greeks living abroad proud.]

Burwood: community winter cabaret

Mr STENSHOLT (Burwood) — The Ashburton, Ashwood and Chadstone neighbourhood renewal program scored a smash hit last Saturday night with a community winter cabaret for 150 locals at the Jordanville community hall. This first Ashy-Chaddy winter cabaret went down a treat with the local community. It was a great event to stage to help raise local community spirits during a cold and wet winter. The winter cabaret was the brainchild of the arts and events working group, which aims to run a night out especially for locals who do not have a lot of spare cash or who do not get out much. They are about building a strong community, which includes having fun together. All the food, door and raffle prizes and entertainment, as well as the venue, were provided free of charge; catering was donated by the Child and Family Care Network; and the local police ensured it was a trouble-free event.

Special thanks go to Rosemary Betts, Peter Cheevers, Lisa Carey, Mary McLeish, Tom Riesner and Heidie Payne, who worked tirelessly to make the event a success. The entertainment was also fantastic. It included the Chadstone Callisthenics Club; a local band, Punish the Butler; comedian Art Feiman; Swing Patrol: Bratpack; singers Greg and Nancye Cottrell; Greek dancing; Rosita's Spanish Dance Theatre; and Jackie Vance.

I also thank the many local traders who sponsored the event, and in particular the shops in Ashburton, which got right behind the community event. They included Ashburton Jewellers, Ashburton Lotto and Stationery, Ashburton Newsagency, Belinda Jane's, Burwood Cellars, Bruce Caldwell Pharmacy, Camberwell ChemWorld Chemist, Cliff Rendall Menswear, Digital Photo Place, Fresh Central Fruits, Friends Pharmacy, Fruit Talk; and too many others to mention.

Rail: rural services

Mr JASPER (Murray Valley) — As a strong supporter of passenger rail services in country Victoria I have been a constant advocate for the upgrading of existing services and the reinstatement of services on closed lines, such as the Shepparton–Numurkah and Cobram passenger rail services.

To attract and increase patronage there is a requirement for modern rolling stock and the provision of efficient, customer-friendly services. Funding has been provided to upgrade rail stations, but there are areas where there is a glaring need to review service and improve facilities. For instance, the Wangaratta railway station is often closed during the arrival and departure of trains in the evenings so that passengers have to move around the end of the platform and there is no security provided by attendant staff. The Springhurst railway station, which has four arrivals and departures each day, is closed completely. It is in a disgraceful condition, with windows boarded up, no waiting room, no toilets, no telephone service and a deeply potholed entry and exit road.

In response to my representations the transport minister has indicated that the standard of facilities is satisfactory and that V/Line does not intend undertaking improvements due to low patronage levels.

This is a totally unsatisfactory situation. I call on the minister to immediately review the service and facilities being provided at the Springhurst railway station. I suggest a smaller, serviced building, an upgrade of the road access and even toilets maintained by local people would attract customers and increase patronage with improved services.

Mooroolbark College: debutante ball

Ms BEARD (Kilsyth) — I pay tribute to the debutantes from Mooroolbark College and their partners. I was most fortunate to officiate at the second of the college's debutante balls, which was held at Rembrandts on Saturday, 14 August 2004. It was a privilege to follow my colleague, the member for Evelyn, who officiated at the first of the two balls.

Debutante balls provide an opportunity for today's often-maligned young people to learn to mix together in a formal social situation. I admired greatly their poise and elegance and found their dance presentation inspiring. The debutantes and their partners were able to show their parents and their communities that on occasion when formality is required they are well able

to rise to the occasion. The dance routines displayed great teamwork and discipline.

I would like to acknowledge the contribution of the Parents, Teachers and Citizens Association secretary at Mooroolbark College, Sheila O'Meara, and her husband, Gary. Even though the last of their children completed his education in 2003, Sheila has continued in her role as secretary. After attending the deb ball, for which she is largely responsible, I can easily see why the college is reluctant to let her go.

The federal government has suggested that the state education system is value neutral. I see no evidence of this in my many and varied dealings with it. I believe that the future of students in our government schools is in the excellent hands of caring and competent teachers and principals, like Geoff Flett at Mooroolbark College, who have an admirable commitment to their students, communities and public education.

Drew Ginn

Mr SMITH (Bass) — I would like to speak of the triumph of a magnificent young Australian rower, Drew Ginn, who at the Athens Olympics recently won his second gold medal. Drew returned to competitive rowing in 2002 after suffering a severe back injury in late 1999, when doctors told him he would be unable to row again either competitively or socially.

Drew Ginn was born in West Gippsland and went to the Inverloch Primary School, Newhaven College on Phillip Island, and then Scotch College. He took up rowing at the Mercantile Rowing Club in Melbourne. He first competed internationally in 1995 as a member of the eight that came fourth at the European championships and 11th at the world championships. He was then given the opportunity to join the Oarsome Foursome rowing crew that won its first gold medal at the Atlanta Olympics in 1996. He was awarded the Order of Australia medal in 1997 and the Australian Sports Medal in 2000.

In 2002, after two years of relentless exercise and rehabilitation, Drew teamed up with his former Oarsome Foursome team-mate and coach, James Tomkins, to train and race together. They won many races around the world, and they were awarded the FISA international crew of the year prize in 2003. Drew Ginn and James Tomkins are an inspiration to all Australians for their courage and dedication to their sport and their country, as are all our Australian Olympic competitors.

Panton Hill Football Club

Ms GREEN (Yan Yean) — Sunday, 22 August, was an historic day for the magnificent Panton Hill Football Club. The Redbacks did their many supporters proud in contesting and winning their first ever final in the Diamond Valley Football League.

We supporters were always cautiously hopeful but simply grateful to see our boys in the finals. They were ably led by captain Will Box, and they always believed they could do it. Coach Gary Ramsay did a great job, as he has done all year. While he paced the boundary line as the rain hit early in the fourth quarter I heard a supporter say, 'Gee, Rambo was walking on eggshells before; I think he is walking on the chooks now!'. The result was that Panton Hill 12 goals 9 behinds 81 points defeated a confident Greensborough 10 goals 8 behinds 68 points. It was not only the first finals win for the Hillers but the first ever victory against the much fancied Burras. Best players were Mark Watkins, Jamie Lyngcoln, Ben Strongman, Danny Butler and Tim Borchers. It was a true team effort of which the late Muzz Ashelford would have been proud.

The Panton Hill Football Club is the epitome of a warm, friendly, battling country club and is the heart and soul of the great little village of Panton Hill. It is an honour to be made patron of such a wonderful club for the second year in a row. Two thousand and four has been a great year for the club, kicking off the season with the Minister for State and Regional Development opening new rooms not just for the football club but as a community facility for all.

The season is not over yet, and I am looking forward to another great day this Sunday. I hope we can win our second ever final against Reservoir, which we beat in the home and away season. All I can say now and on Sunday is 'Go Hillers!'.

Hazardous waste: Nowingi

Mr HONEYWOOD (Warrandyte) — Acting Speaker, I know you will join me in congratulating the year 11 students of Mildura Senior Secondary College, who recently invited me to speak to them about the environmental damage that Labor's toxic waste dump will inflict upon both Mildura and the wider Sunraysia regional community. These young people are putting together a web page about the toxic dump, and it is their intention to publicise their concerns as widely as possible to other young people throughout the state.

During the hour-long class the year 11 students requested that I pass on to Parliament some of their

concerns. These include that siting a toxic dump over 5 hours by road from Melbourne is a no-brainer and is just dumping Melbourne's waste onto rural Victoria so that it is out of sight and out of mind; that siting a toxic dump next door to a national park and only 8 kilometres from the internationally recognised Hattah Lakes is the height of environmental stupidity; that unilaterally bulldozing over 100 hectares of biologically significant native Mallee vegetation for the toxic dump site is the height of hypocrisy when the Bracks government imposes strict clearing controls on everyone else; and that refusing to release the list of over 100 toxic dump sites that the Bracks government initially put together before going outside that list to pick the Nowingi site smacks of big city politics and hiding the truth from the people of Victoria.

I wholeheartedly endorse these young people's views.

Geelong: community jobs program

Mr TREZISE (Geelong) — It was with pleasure that last Thursday I represented the Minister for Education Services in presenting graduation certificates to participants in the community jobs program (CJP) for the Geelong Ethnic Community Council aged care service project. This CJP involved 11 graduates who undertook the 24-week job and training program essentially based at the multicultural aged care facility in my electorate of Geelong. The graduates were Dang Lunt, Diana Kunovic, Marta Mas Espeso, Maya Majerova, Mima Caramanico, Snezana Csako, Stojanka Gogic, Ursula Renic, Amelia de Simone, Adelmar Reis and Myrna Tomazic.

This project provided participants from culturally and linguistically diverse backgrounds with an opportunity to gain valuable skills and work experience in the aged care sector. At the same time the participants also provided first-hand care, assistance and, importantly, friendship to residents at the facility. Community jobs programs are a great initiative of the Bracks government that in the last four years have provided more than 7000 participants with real and practical first-hand experience.

The Geelong Ethnic Community Council, as part of this ongoing program, has now undertaken seven CJP programs, and I congratulate the council — —

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

Heidelberg Primary School: 150th anniversary

Mr LANGDON (Ivanhoe) — Two weeks ago I had great pleasure in attending the Heidelberg Primary School 150th anniversary celebrations. As the program from the day states, it was celebrating 150 years of quality education, 1854 to 2004. It was a great day, and the bad weather held off, which made it even more pleasurable. Principal Frances Sullivan, the first female principal of the school, was there, as was the school council president, Roy Kennaugh, who spoke to the audience of more than 300 people.

It was a fabulous day. The school was set out magnificently, and there was great participation from all of the students and the teachers. I congratulate the students, teachers, staff, the school council and all of the parents. They added to a fabulous day.

The federal member for Jagajaga, Jenny Macklin, was also there, along with the mayor of the City of Banyule, Jenny Mulholland. I had the great honour of presenting the school with a certificate co-signed by the Premier, and the Minister for Education and Training, celebrating the school's 150 years.

While I was there I noticed the new school canteen and multipurpose room, which were funded by the Bracks government and the school community. The building is almost completed, and I look forward to going back to the school to open that facility in conjunction with the school community. Again, congratulations to all those in the school for 150 years of quality education.

Parliament: information technology forum

Mr LEIGHTON (Preston) — I congratulate the Department of Parliamentary Services and the information technology unit on their initiative in organising the inaugural information technology forum held last month. It was held in the Parliament of Victoria, and was attended by delegates from all Australian state, territory and federal parliaments, as well as the New Zealand Parliament.

I believe the forum was a fantastic success, and the role played by our staff brought great credit to the Parliament of Victoria. I particularly want to commend Poppy Perdikoyiannis, IT services manager, for her role in organising the forum. I would also like to acknowledge the work done by Graeme Spurr, Grant Inwood and all the IT staff in making the forum a success. My thanks to both presiding officers for ensuring that the forum was resourced and supported by the Parliament.

It is obviously important for professionals to be able to network and share information and ideas. This applies as much to our IT staff as to any other group. It is worth reflecting on the theme of this conference, 'The human

face of IT'. The ultimate beneficiaries will be us — the end users — and the Victorian community we serve. I know from talking to delegates from other states that all participants gained much from the forum, and Victoria has set a very high bar for the New South Wales Parliament, which is to host the forum next year. Again, my congratulations to all our IT staff.

Somerville secondary college: construction

Ms BUCHANAN (Hastings) — I rise to pay special tribute to the Somerville school community for its particular tolerance and patience as complex and sensitive issues surrounding the construction of a junior campus in the town were worked through. Members will recall that the previous government intended to sell this site off as excess — a damaging decision that was promptly overthrown by this government and further backed by a multimillion-dollar commitment to its construction.

Recently testing on the school land confirmed that it held sites of significant indigenous cultural and heritage value, and thus began comprehensive discussions with key indigenous groups which have now been finalised. The school community appreciated that the indigenous issues enhanced the opportunities to create an educational precinct rich in indigenous values, in particular those of cultural heritage and connection with the natural environment. Unfortunately local Liberal representatives did not share this same level of respect and tolerance, and by choosing to create a profile for political purposes it engaged in behaviour that only created community division. This divisiveness was not tolerated by the school community, as witnessed by the recent meeting of school parents who voted overwhelmingly for the construction of the school to be completed for 2006.

Somerville will have an educational facility of the highest quality which will be the envy of all other states in Australia. The community has worked hard for this outcome to get the facility it rightly deserves. This government listened and has acted, and I am proud to be part of a government that is getting this school built in Somerville — a school that will be built on the strong foundations of tolerance, respect and collaboration.

Vernon Harkness

Mr HARKNESS (Frankston) — It is with sadness that I rise to note the passing on 28 June of my cousin, Vernon Carr Harkness, aged 86, devoted husband of Wanda and father of Ivan and Cynthia. I recall many happy hours at Wanda and Vern's house. They opened their hearts and their home to my family. Vern was a gracious family man who provided hospitality and friendship to all who entered his home. Vern was devoted to his family and forever loyal to his friends.

Born at Bendigo in 1918, Vern came from a family with a rich tradition of service to the community. Both his father and grandfather served multiple terms as mayor of Bendigo. Vern worked with his mother in her shop before moving to the former Postmaster-General's Department, where he served until his retirement. Vernon accepted the call to serve Australia in the Second World War and for three and a half years was a prisoner of war at Changi. Vern's faith in God was unshakable. Despite his ordeals at Changi and family tragedies he never doubted his faith.

For Vern a highlight of his life was being present at the opening of the Australian Ex-Prisoner of War Memorial in Ballarat this year, an occasion that provided him with a sense of achievement, closure and recognition of an overwhelming part of his life. Vern always rejoiced in the successes of others, and he maintained a deep interest in the achievement of family members.

When Vern committed himself to an organisation or activity he remained loyal and enthusiastic. His membership of the Baptist Church, the Post Office and Telecommunications Christian Association, Rechabites and the lodge are vivid examples of this dedication. Honest, dependable, loyal, loving and sincere — Vern was all of these things. He will be very sadly missed.

The ACTING SPEAKER (Mr Savage) — Order! The member for Carrum has 1 minute!

Country Fire Authority: Edithvale brigade

Ms LINDELL (Carrum) — On 26 June I had the privilege of attending the Edithvale Fire Brigade annual dinner, and I would like to make note today of some of the service medals that were presented at that dinner. David Kerr is a firefighter of 20 years service who received a life membership of the Edithvale Fire Brigade. Also recognised on the night was Charlie Collins for 25 years service, Adrian Allen for 30 years service; Phil Jones for 40 years service and Frank Ashwin, who is also an ex-captain of the brigade, for 55 years service. This represents 170 years of service — —

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

NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 3 June; motion of Mr THWAITES (Minister for Environment).

Mr HONEYWOOD (Warrandyte) — A bill such as this would be regarded in most cases as one of the regular housekeeping-type bills that we have in this place each session or each year. It contains a number of additions of small areas of land to several national and other parks across the state, which are protected under the National Parks Act 1975, and it has a number of excisions as well. But this bill goes further than the normal housekeeping-type arrangements for the Department of Sustainability and Environment because it also amends the key membership criteria for two of our most significant parks advisory councils — one being the National Parks Advisory Council and the other being the Alpine Advisory Committee, which are both mentioned in the National Parks Act 1975. There is also the additional issue of providing tenancies to a number of surf lifesaving clubs; it repeals some redundant provisions of the National Parks Act and the definition of 'restricted Crown land' is tidied up.

That is the nuts and bolts of it, but as usual the devil is in the detail. The opposition will be supporting this bill, but it will do so with a number of concerns about the way in which this government goes about managing the parks system and the national estate.

Firstly I would like to take issue with the minister's second-reading speech. It is a fascinating situation. On the first page of the second-reading speech on this bill is the heading in capital letters 'Enhancing the parks and reserves system'. I took the liberty of consulting the *Collins Australian Pocket Dictionary* for the definition of the word 'enhance'. Honourable members will be very interested to hear that the word 'enhance' means 'to make greater'. When it comes to our national parks system in this state, 'making greater' unfortunately according to the Labor government means just adding extra and making bigger.

'Making greater' as far as opposition members, including me, are concerned involves making greater by putting something in by way of proper resourcing, proper manning, ensuring that weed and vermin control is taken care of, ensuring there is proper security for user groups and ensuring our parks system is properly managed. 'Enhancing', according to this government, is all about adding and has nothing to do with resourcing. We will come to that in the course of this debate.

Only recently the Australian Bureau of Statistics (ABS) brought out the latest relevant figures for the last financial year. Fortunately the ABS, which is an independent body and is unimpeachable on the evidence it provides, also provided the figures on funding by state and territory governments for nature parks and reserves over a number of consecutive years. What do we find to be this government's proud record? For 2002–03 — the last published data available — New South Wales spent $58.47 per person on managing its parks and reserves system, but what was spent in Victoria to manage Victoria's parks system? Just $26.55 per person. That is comparing apples with apples.

Therefore, this government, which talks the talk on looking after the environment — and I will get to the member for Yan Yean in a moment on her talking the talk — actually spends far less than any other state in Australia on managing our park system. It is an indictment of any claim by this minister that he cannot be bothered coming into the chamber for this debate — no doubt he is hiding away in his office looking for the next media opportunity where he gets to hug a tree and look as though he is adding to the national park system. He cannot be bothered coming into the chamber to listen to his own Labor backbenchers put forward their pithy contributions that have been written by his office for them. When it comes to enhancing the park and reserve system, they talk the talk but they do not walk the walk.

Regarding the overall funding, again comparing apples with apples, the New South Wales state government, which obviously cares far more about its environment than this government does, spent $389.5 million in 2002–03 on park and reserve management. What did we spend in Victoria? It was $129.7 million. Even Queensland spent almost double what we spent — $270 million. Western Australia spent $94 million. But what do we do? We lock these parks up and do nothing about weed and vermin control; we do nothing about managing the parks; we make the poor rangers run ragged and we do away with contractors who under previous governments did some of the hard work to ensure that weed and vermin problems were kept under control. When we have these types of bills before the Parliament we have to ensure that we understand what we are letting ourselves in for and what we are adding when it comes to responsibilities that this government and future governments will have to pay for.

I recently attended an official briefing, such as we are allowed to have nowadays, provided by the Victorian Environmental Assessment Council to explain its recommendations on the proposed new Otways

national park. The proposal is to add a very large area to the national park system and to create a new forest park. When I asked the commissioners the key question about how much resourcing they were prepared to recommend to the Bracks government by way of additional rangers and weed and vermin contractor staff funding, the response was that it was not their job to recommend to the government what it spent on resourcing, it was just to recommend extra areas to be added.

It is about time someone in this state had the right to make recommendations about resourcing. This government could not care less about resourcing. There is no better example of that than the recent so-called environmental levy on water. It was a con job on the media; it was all sold as a wonderful new environmental levy, but you only have to look at the white paper on water to see that the current Minister for Environment has presided over a two-year period in which $162 million has been taken out of the funding of his department. He has brought in a new tax on water that will cost an average family $24 a year extra in their water bills and he has got away with calling that an environmental levy which will claw back an additional $225 million.

On the one hand he has been content in two state budgets to get rid of $162 million and provide it to other government departments, yet on the other hand he has brought in a new tax, separate from the annual budget and appropriation system, called an environmental levy which will give him back $225 million. He has already spent $35 million of that on the Living Murray project, which was previously announced, even though the money is meant to be spent on future projects. That is indicative of this government's funny-money arrangements when it comes to management of the environment portfolio.

They are some of the issues we are concerned about in the management of the park system. Even in my area the member for Yan Yean has promised my local community — my seat shares electoral boundaries with her electorate — that she will provide details of the Warrandyte State Park annual budget for weed and vermin control. Of course she has egg on her face because her minister does not want to release that budget. He would then be under some pressure to actually show and tell the wider Victorian community what the annual budgets will be for the other national and state parks when it comes to rangers and other staff and weed and vermin control.

Ms Green interjected.

Mr HONEYWOOD — I can understand the member being upset behind me because she has not lived up to the promise she made some months ago to the Warrandyte Community Association. I can understand that she is upset because her minister does not want to create a precedent by being up front about what the government is trying to hide, just as this open and transparent government refused to release the list of the 100 toxic waste dump sites. It has gone outside that list, which it does not want to show the community of Victoria, to pick an area in your electorate, Acting Speaker, which was not on the list of 100 secret sites. The list obviously impacted upon too many marginal Labor electorates for the government's liking, so it does not want that list to be open and transparent. That is what the opposition takes issue with: the fact that here we are adding to our parks system, but there is absolutely no undertaking from the government of the day to resource those additions.

When members look at the actual additions, they find that the government is trying to take credit for paying for these additions when again the devil is in the detail. We should look beyond the hyperbole and rhetoric and find out who is actually paying for many of the additions. When one looks at the details of the general land purchase budget for conservation — and I thank department officers for providing me with these details in the official briefing — one finds, surprise, surprise, that the conservation land purchases do not appear in the state budget as an individual line item. Rather, they are included in the forward estimates which both the Department of Treasury and Finance and the Department of Sustainability and Environment work to. They show that for the financial year 2004–05, $906 000 will be spent on additions to parks. In many cases there are some very important conservation-value areas that might be passed over by private owners, yet all that the government will provide is a mere $906 000 to add to the parks system.

Due to its lack of funding the government is relying on other ways to procure money to ensure that we get the meagre additions to our parks system, some of which are in this bill — for example, we are relying on private donations. This bill contains an important private donation from a family which has already provided a donation of land to one of the parks covered by the bill. We thank the family for this wonderful act of community support. That is a worthwhile endeavour. The Trust for Nature has had a number of specific fundraising campaigns and in some cases has passed on funding to ensure that other parcels of land could be purchased. We also thank the federal government. The poor old federal government gets a shellacking from

this government day in, day out, in question time, but it is the federal government that has come to the aid of the Bracks government and bolstered its funding for purchases of land.

Many of the pieces of land being put into the parks system by this bill are a direct result of and would not have been included had it not been for federal government support through the national reserve system program of the National Heritage Trust. That very important national program helps all state and territory governments in adding to the parks system. The government would rather members did not know about that, but it behoves a responsible opposition to pay tribute to all parties that have contributed funding to protecting areas of high conservation value such as those contained in the bill.

I might add that a number of these additions do not emanate from just the current government. When members look at the detail of the bill they will find that many of the additions arose from recommendations of the former Land Conservation Council and Environment Conservation Council, recommendations which came from the previous Liberal-National party government.

It would be wrong for this government to claim credit for most of the land purchases and additions to the parks contained in this piece of legislation, because in many cases these were recommended by a previous government. However, one area of land, of which I am sure you would be aware, Acting Speaker, that was recommended for inclusion in our park system covered some thousands of hectares, but this government did not act upon that recommendation by a previous Labor government to include the Nowingi site within the park system in the Hattah area — and that has been its saving grace because that has given it the 'out' clause when it came to finding some politically palatable Crown land on which to dump all of Melbourne's toxic waste.

It is interesting that the government chose to pick up recommendations from the former Land Conservation Council and the former Environment Conservation Council, which are contained in this piece of legislation before us today, but it chose not to take up the recommendation, Acting Speaker, to ensure that your electorate was protected from having Victoria's only toxic waste dump placed there, and that that land — as per the independent body which made the recommendation — should have been included in the park system. It is a shame that land is not included in this legislation. It might be worth considering amending the legislation at some future stage to have that land included in the national park and state park systems, as was supposed to have happened. That might be a nice reminder to the government that it should not ignore the recommendations of independent bodies that are given the job by various parties in government of making important recommendations.

At this point we should also look at one of the important changes contained in this bill — that is, the changes to both the National Parks Advisory Council and the Alpine Advisory Committee. To understand the roles of those committees, I refer members to the National Parks Advisory Council in the National Parks Act 1975. Clause 10 of the bill goes into some detail about its substitution for section 32AE(3) of the act of a committee to be known as the Alpine Advisory Committee.

I well recall that back in 1989, the year after I came into this place, there was a big issue about the representation of key user groups — they being park user groups who use parks for recreational purposes, or grazing organisations that obviously have had traditional, cultural, social and economic rights to access some of the parks for grazing purposes, or environmental groups that have legitimate concerns and involvement in properly conserving the national parks estate.

In 1989 a decision was made — strongly supported, I might add, by the Liberal Party then in opposition — to ensure that bona fide user groups had guaranteed allocated positions on the two committees, and that these committees that gave important advice to government had a proper balance of representation contained amongst their members. Unfortunately modern day arrangements have caught up with us when it comes to achieving this balance and because of the national competition policy requirements in which the federal government provides a bucket of money to state governments — which we do not hear much about from this particular government. That bucket of money is in addition to all the money the government gets from the GST and other forms of revenue that comes into state government coffers each year to balance the budget for the Treasurer.

That bucketload of money is not available to state and territory governments that do not get on board the national competition policy agenda. That means you cannot have allegedly designated organisational representatives on these important committees; rather, you have to have a range of skills that are reflected in the memberships of such committees. It is in that context we have the current and proposed membership criteria for the Alpine Advisory Committee contained in proposed section 32AE(3) of the National Parks Act,

which is an important issue when it comes to ensuring that different areas of representation are provided for in the management of that very sensitive alpine grazing area. We hope the government will deliver on this because it has a habit of committing to things which it then does not proceed with.

We currently have a situation in which five persons, including the chairperson, are nominated by the minister. Then we have nominees from the Victoria National Parks Association (VNPA); the former Conservation Council Victoria, which is now Environment Victoria; the Victorian Field Naturalists Club; the Victorian Federation of Bush Walkers; the Australian Deer Association; the Victorian Association of Four Wheel Drive Clubs; the Victorian Farmers Federation; the Mountain Cattlemen's Association of Victoria; one person who is engaged in commercial tourism activities in the specific alpine areas; and two people who are nominated from a panel by the municipal councils with council boundaries adjoining the Alpine National Park.

All of that made sense at the time it was introduced, but that will now be replaced because of this bill. The minister will be able to provide for the chair, and the other four positions the minister used to be able to nominate will be distributed between two categories. Those categories include persons who have skills or experience relating to the preservation and protection of the park, which will probably take into account the VNPA and Environment Victoria type of organisations, and persons who have skills or experience relating to the recreational use of the park, which hopefully will bring in groups such as the bush walkers, the deer association and the four-wheel-drive association. There will also be appointed two people who have skills or experience relating to the grazing of cattle in the park. It will be interesting to see how this pans out, but it is good to see that the government has felt the need to follow on and ensure a balance of different user groups and that bona fide conservation interest groups will have their rights protected when it comes to having meaningful input to the provision of appropriate advice to the government of the day.

Then we come to the National Parks Advisory Council, reference to which is contained in section 10 of the National Parks Act. Currently we have a situation, which I understand has been in place since 1989, where there are three nominees from non-government bodies, including one from Environment Victoria, one from the VNPA and one from the Municipal Association of Victoria; four nominated by the minister, who are persons with experience in matters affecting the interests of the community, at least two of whom reside outside the metropolitan area; and three who have specific skills, including the Director of National Parks, who nowadays is the chief executive officer of Parks Victoria; the secretary of the department or his or her nominee; and a professor or teacher of ecology, biology or earth science at any university in the state.

The proposed membership criteria, taking into account those national competition policy requirements, will now change so that when it comes to those nominated previously to non-government bodies there will be two people who have skills relating to the preservation and protection of parks; one will be a person with experience in local government who resides in the municipality in which there is a park; no change in the four ministerial nominees and no change in the three specific skills nominees. I guess in some way we are reluctantly having to conform to competition policy but because for the Bracks government that means a big dollop of extra money from the federal government it is determined to proceed with this change to get that extra cash flowing.

Mr Helper interjected.

Mr HONEYWOOD — To employ more Labor mates on half-million-dollar contracts — more Hawthorn solicitors on half-million dollar, 12-month contracts. That money will come in handy, thanks to Prime Minister Howard!

That is another key issue in the legislation, which again the opposition is supporting — but with concerns, given this government's habit of saying in the Parliament that it is going to do something and not proceeding to put that into action.

The third area of importance is that the bill provides for tenancies to be granted to surf lifesaving clubs in the Mornington Peninsula National Park. The Mornington Peninsula National Park is another interesting national park, because it is the national park through which the state government currently has jurisdiction over Point Nepean. It is interesting to note that this national park normally has a maintenance and management budget of $80 000 per year. We have it on good authority that that budget has been cut down to $12 000 per year. The weeds are growing taller as we speak, because no money is being provided to control them or the vermin.

There are currently two surf lifesaving clubs in the Mornington Peninsula National Park area controlled by the Bracks government. One is at Sorrento and the other is in the Cape Liptrap Coastal Park at Venus Bay. The issue is that these surf lifesaving clubs unfortunately do not have permanent tenancy

arrangements. They will now be brought under the normal arrangement, which is for a 21-year lease to be provided. Of course the rent is problematic in these situations. This cash-grabbing government has tried to get extra money off the backs of volunteers through the surf lifesavers and the Nippers — it has been trying to tax the little Nippers. The government has attempted to use surf lifesaving clubs as revenue raisers.

We have some sort of assurance from the government that when these 21-year tenancies come about it will not be fleecing the Nippers and will only be charging a rent that these clubs can supposedly afford. I am sure that if there is an opportunity for further speakers on this bill — the government's guillotine often ensures members of Parliament do not have the opportunity to speak on bills — my colleague the honourable member for Nepean will have an important contribution to make about how these clubs have been doing it hard under the Bracks government and how much they want their status as volunteer organisations properly acknowledged.

Under this gagged debate arrangement lead speakers have to constrain their contributions on important legislation such as this, and in the 2 minutes I have left as the lead speaker for the opposition on this important conservation legislation I should note that there are two other provisions in the bill before the house. One repeals redundant provisions of the National Parks Act. The other clarifies the definition of restricted Crown land in the Mineral Resources Development Act 1990.

In summary, the opposition welcomes the 37 000 hectares of additions to our system of parks and reserves. This will involve additions to eight national parks, five state parks, two historic parks and a national heritage park, and the creation of eight new nature conservation reserves. However, we ask this of the government yet again: if we cannot have the resources to actually manage these parks, if we cannot have rangers not being overworked, underpaid and unable to monitor what is going on in the park system, can we please have some committees of management? Is it too much to ask government members to appoint or reappoint some people locally to have input into these parks and reserves? I have flora and fauna reserves in my electorate, as I am sure the Acting Speaker does, where the committees of management have not been reappointed by this government. There is no ability for local residents to have any formal input into advice to government and getting departmental action across a range of departments on the conservation, preservation, and weed and vermin issues.

We know it is because this government would prefer not to have people able to highlight to others in the community what is going on behind closed doors. We know it is because this government, which was elected on a mandate of supposed open and transparent government, talks the talk on consultation, but when it comes to actually having bona fide committees of management it cannot even have one for the Wilson's Promontory park — our most highly used national park that is often in the media. All it has there is a committee, which I am advised has not met for six months, and this government does not want it to meet because it is afraid of the advice that will be provided to it.

Mr WALSH (Swan Hill) — The National Parks (Additions and Other Amendments) Bill makes significant additions to the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to add large portions of land, and I will come back to that. It makes minor amendments to the Mineral Resources Development Act 1990, the Forests Act 1958 and the National Parks (Amendment) Act 1989. It repeals part of the National Parks (Box-Ironbark and Other Amendments) Act 2002. Principal parts of these acts have become redundant through time, and I think we put on the record that at the time — and it is still the case — a lot of people in country Victoria were not happy with the box-ironbark park and other amendments to the National Parks Act. There are some good provisions in the bill which give permanency of tenancy to the surf lifesaving club at the Sorrento ocean beach in the Mornington Peninsula National Park and the Venus Bay surf lifesaving club in the Cape Liptrap Coastal Park.

The main purpose of this bill is to amend the National Parks Act to add 14 000 hectares in various locations across Victoria. It also amends the Crown Land (Reserves) Act 1978 and adds 23 000 hectares to nature conservation reserves or in some cases sets up new conservation reserves. We need to acknowledge that some of the land going into parks has come from private donations, and we commend the people concerned for that. Some has come from purchases by the Trust for Nature (Victoria), and more importantly some of it has come from purchases made possible by funds from the federal government's Natural Heritage Trust program.

Given the criticism of the federal government all the time from the other side of the house — and from some of the honourable members who sit near the opposition on this side — it would be very pleasing for once if we could actually have a question answered honestly by a Victorian government minister about some of the

positive things the federal government has done to help the government here in Victoria. The commonwealth has provided money through the Natural Heritage Trust to buy some of the land that is going into these reserves and national parks. Credit needs to be given where credit is due, and through the Natural Heritage Trust the federal government has done us proud here in Victoria.

The Nationals have grave concern about the current management of the national parks, the national conservation reserves and the wildlife reserves in Victoria. Currently in Victoria there are something like 3.1 million hectares of parks and 600 000 hectares of wildlife reserves under the Parks Victoria Act. As we constantly see in the press, these national and state parks and nature reserves are not being managed well. As we all know, everyone says that if you live next to one of these pieces of land managed by Parks Victoria — and therefore the government of Victoria — you have the neighbours from hell. Those parks are where the weeds and vermin come from that constantly invade private property and cause trouble for the people who live next to them, to say nothing of the effect they have on the biodiversity of those parks.

It is interesting that in response to our inquiry about this bill the Victorian Farmers Federation did some research and found that the Victorian government spends less per head on the management of parks and reserves than any other state in Australia. The spend on parks in Victoria is $26.50 per head. That is all this government invests in the management of parks in this state.

So for a government that is constantly out there in the media trammelling its green credentials it only invests $26.50 per head in the management of Crown land in Victoria! South Australia invests $47.83 per head and Western Australia invests $48.94 per head. The vast state of New South Wales invests $58.47 per head, and Tasmania, a small state with a small population, invests $73.22 per head in the management of its parks. The Northern Territory — and I mean no offence to the Northern Territory, but most people would think the Northern Territory has rednecks and does not necessarily care as well for its national parks and Crown land — invests a massive $223.01 per head in managing its state and national parks. Victoria is way behind in its investment and management of national parks and Crown land. That is evidenced by the constant press we see about weeds and vermin in those national parks. It is a fact that weeds on public and Crown land in Victoria actually cost this nation more than salinity does. We hear a lot about salinity, but we do not hear much about the cost of weeds on public and private land in Victoria.

We need to lift our game significantly in managing that land. Currently we have huge problems with blackberries, ragwort, dock and vermin in these places. We have foxes, rabbits and wild cats, and we have the issue of wild dogs in north-eastern Victoria and Gippsland. It is well publicised that not enough resources are going into managing wild dogs in this state. It has been said by many people up there that because of the size of these dogs, their hunting nature and the fact that they are breeding so prolifically, sooner or later there will be some harm done to humans.

In researching this bill we found a very interesting quote from Barry Cohen, a former federal Labor Minister for the Arts, Heritage and Environment:

> Many seem to believe that once an area is declared a national park it is safe forever more. Unless the eradication of feral animals accompanies the declaration of new national parks, not to mention doing something about the old ones, we will achieve absolutely nothing as far as preserving our wildlife, and in many cases may make it worse.

We have to make sure that we actually start investing in the parks that we have now instead of creating more parks. Another icon of the green movement, Tim Flannery, is reported as saying in the *Age* of 29 March 2003:

> If we look at our national parks today, what we see in most cases are marsupial ghost towns, which preserve only a tiny fraction of the fauna that was abundant two centuries ago … Clearly, it is a fallacy to believe that proclaiming more such reserves will do very much to preserve Australian wildlife.

We have a situation where we are going to put something like 37 000 hectares more into national parks and Crown land reserves, but we do not put the resources into better managing the ones we have now. I do not believe adding any more additional land will do anything to improve the biodiversity of Victoria. If anything, it will only mean that we spread our limited allocated resources over more land. It will not achieve the outcome that the government says it is trying to achieve. If we go back to the wildfires of 2002 and 2003, there was much publicity about how our national parks and forests had not been managed well, which led to the disaster that we experienced in those years. There were just not the resources to manage it well. We are now going to spread those resources over a greater area, so there will be even less work done per hectare than there was in the past.

In considering the issue of access for the forestry industry, we see that the changes to the Barmah red gum forests that were introduced in the box-ironbark legislation are now going to be removed. Although

there has been no logging there in recent times, that resource is now going to be locked away forever, away from that industry. We have seen some fantastic changes along the Murray River in how the harvested red gum is put into value-added furniture. There seems to be a double standard in this state. We want to have it really clean and green, lock it all up and not use it when it comes to making things like value-added furniture. But people from the leafy green suburbs of Melbourne have a great thirst to buy furniture made from non-native wood grown in forests where there are no management practices and no conservation covenants on that land. They are quite happy to have the double standard of locking it up here in Victoria but actually going to buy product from places where no environmental values are put on those industries at all.

A very vexed issue in country Victoria and in my electorate is the issue of firewood access. The greatest angst that came out of the box-ironbark legislation was about the access to firewood. Where do people actually go to get their firewood now?

It is interesting that on Tuesday, 27 July, the Minister for Environment put out a press release headed 'Anti-smoke Sam and government tackle winter smoke'. It announced a two-pronged attack to reduce the impact of winter wood smoke on the environment. The press release states:

> 'Anti-smoke Sam' — who will feature in a series of radio ads to be broadcast across the state — will dispense tips and advice on proper wood heater use.

Here we go! I would assume that because of the number of advertising campaigns we have to achieve things in Victoria, someone in the Labor Party has shares in an advertising company here. It is fantastic. They think, 'If we have a problem, we will have an advertising campaign that will fix it all'. It is interesting that at the end of the press release, after it talks about your having to have high-quality wood heaters in place, it gives some useful tips on how to get the most out of your wood heater and reduce pollution. The first tip is:

> Burn dry, seasoned, untreated wood;

Where do you get it? Now a lot of people are burning wood that is too green, because there is no access to the forest or other places to get their firewood. They are using green wood that has not had time to season, so we have more smoke.

The next tip is:

> Get a hot fire going quickly with plenty of paper and small kindling;

That is very good advice. I would have thought that most people with wood heaters would actually know how to light them. It further says:

> Keep the air controls set high enough to keep your fire burning brightly;

When you have your permit and your very limited supply of wood, and that is all you can have for the year, why would you have your fire burning any more than you have to? It just dissipates all the wood you have in that very small wood heap out the back. The next tip is:

> Never leave your wood heater to smoulder overnight. Doing this starves the fire of oxygen, producing more smoke and air pollution …

Does that say we keep it burning brightly overnight and use more of that valuable resource that we have in that very small wood heap out the back of the house?

Locking up more land from where we cannot get firewood is making it worse for this situation. We have a government that announced an allocation of $70 million to put natural gas into a lot of these towns, but I must admit that I am yet to see any up in northern Victoria. People will need access to firewood for a long time yet before they can change their heating patterns.

One of the things these changes to land going into national parks and nature conservation reserves does is exclude beekeepers from these places.

Mr Helper interjected.

Mr WALSH — It does exclude beekeepers.

Mr Helper interjected.

Mr WALSH — Well, the way I read it — —

Mr Helper interjected.

Mr WALSH — It does not? All right, I withdraw that; I misunderstood the briefing. I was going to say that having bees in these places provides a very valuable resource for our apiarists. In the north of my electorate, where there are huge almond developments going on, they need a large quantity of beehives for a particular part of the year. Apiarists need places like this to put their bees into over winter to feed them up so they are ready to go in and do the pollination that is needed for some of our vital horticultural industries.

One of the things this bill does is add an additional 2780 hectares to the Wychitella nature conservation reserve; 160 hectares of that will not come in until 2012. Currently that land is used for eucalypt oil

harvesting — another sustainable industry that we have here in Victoria. Where the eucalyptus grows they cut it and process it into a very valuable resource — eucalypt oil. All those who have played football over the years will know that eucalyptus is vital, particularly as you get older, in making sure you keep those aches and pains away.

What I cannot understand and what the people up there cannot understand is why, when we have a sustainable industry like this, it is being locked away in a park. Why is another rural industry being denied a renewable resource here in Victoria?

This legislation also changes some of the criteria for appointments to the National Parks Advisory Council and the Alpine Advisory Committee. It goes to being a board that is skills based instead of being based on organisational representation. I think we all understand that there is some merit in doing that, and we all want to make sure that the best people possible go onto these boards, but we would like to sound a note of caution here. With skills-based boards you have to be very careful that you do not create a disconnect with the organisations or with the community.

One of the strengths, usually, of a representative-based board is that the people representing an organisation report back. They keep the communication channels open. We have to be very careful in moving to a skills-based board that we keep that communication channel open and do not find that the people on the board become disconnected from the community and then disenfranchised by the community. That could set up an adversarial situation between the communities that the people on those boards are representing and what they are trying to achieve.

It is pleasing to see that there are still two places for people with cattle grazing experience on the Alpine Advisory Committee. I hope that is a signal that this government intends to maintain cattle grazing in the alpine areas, because we have seen a situation over quite some time now where the areas that are available to alpine grazing are constantly being reduced. I think that is very sad. To my understanding and knowledge, having been up there, people who take cattle into the high country have been doing so for generations, and I believe they are some of the true conservationists of this state. They have an empathy with alpine regions. They understand how they work. They understand that if they overstock or damage them, they will not have a resource there into the future. So I hope the fact that the government has left two positions for those people on that committee means it intends to stop what it has been doing in reducing the area that is available for alpine grazing.

Although we support the efforts of the Trust for Nature in putting in more land — we commend the private donations that go into these national parks and nature conservation areas and we commend the federal government for the effort it has made in putting money in so that the Natural Heritage Trust could buy land to be put into these areas — The Nationals cannot support this bill for the reasons I have outlined. I think our conservation credentials are good. We want to see more resources put into current national parks, wildlife reserves and nature conservation reserves to make sure we get true biodiversity outcomes for the state of Victoria.

As I have said in the quotes I gave from Barry Cohen and Tim Flannery, creating more national parks or nature conservation reserves does not achieve an outcome for the environment or for the biodiversity of Victoria. It is only with good management and this government putting in adequate resources that we will achieve a good outcome.

I remind honourable members of how low Victoria's spending is per capita on achieving something for the environment. When Victoria is only spending $26.50 per head on the management of its national parks and Crown land while the Northern Territory is spending $223 per head, where are this government's green credentials? It will not make the budgetary commitments to make sure we get a good outcome for the environment.

We are not supporting the bill. It is not because we do not support national parks; it is not because we do not support nature conservation reserves; it is because we do not support this government's inept funding of the land we currently have in those situations. Until the government increases the funding we do not believe we can support this legislation.

Ms LINDELL (Carrum) — It is always perplexing to follow the member for Swan Hill. He told us once he was supporting the bill and twice or three times he was not supporting the bill, so I am a little confused.

I shall put it into some context. We are talking about minor additions to national parks and reserves which comprise less than 1 per cent of the total area of parks and reserves — that is, 37 000 hectares compared with a total of more than 3.8 million hectares. All the land in question is now Crown land and as such is already under the management of Parks Victoria or the Department of Sustainability and Environment. The

argument that increasing the national estate by 37 000 hectares that we already manage will somehow cause a huge drain on the finances of Parks Victoria is erroneous.

We are talking about 14 000 hectares across the state in eight national parks, five state parks, two historic parks and one national heritage park, and other minor additions to two national parks and one historic park. There are also changes to the advisory bodies which the members for Warrandyte and Swan Hill cherry picked through in their contributions on the bill. There was a lot of filibustering from the member for Warrandyte, but the opposition has to support the changes to the advisory bodies because they have been forced on Victoria by national competition policy, and as the federal government runs that policy it must therefore be a fabulous idea!

An honourable member interjected.

Ms LINDELL — I am highlighting the hypocrisy that goes on in this place. We can expect an amazing array of policy changes from a Liberal government, should the Liberals ever win government in Victoria. They say they will allow the Victorian Environmental Assessment Council to decide the funding arrangements for national parks. I thought VEAC would be very pleased with that one. A Liberal government would do away with an environmental levy on water because it says that is no good, but it would also increase funds for national parks and increase the pay of rangers. We were told all the major policy announcements made today by the member for Warrandyte will be costed and funded successfully.

On the one hand that will reduce government funding but on the other hand it will increase expenditure. The ridiculous ideas we have to put up with in this place are amazing sometimes — that is, the grab bag of things which those opposite suggest in cherry picking through a bill that the member for Warrandyte and the Liberal Party are supporting but within which there are major policy changes. I certainly never look forward to a Liberal government, but it would be interesting to see how it would ultimately decide to pay for all the changes that were announced today by the member for Warrandyte in his contribution.

The bill tidies up and consolidates additions to parks and reserves. Many of the changes are required as a result of regional forest agreements and, as we heard earlier today, some were recommended by the Land Conservation Council and the Environment Conservation Council. In six cases the bill protects a number of small pieces of land with conservation significance that have been purchased, donated or exchanged over several years. As we also heard earlier today, some have been funded through the National Heritage Trust.

The additions total about 37 000 hectares, which is 1 per cent of the whole Parks Victoria estate. They provide significant protection for areas highlighting Victoria's natural diversity, from the Mallee dune fields to the East Gippsland rainforests. Other additions are made to the Grampians, Mount Eccles, Morwell and Tarra-Bulga national parks.

If we look at some resourcing issues, which seem to be the main reason why The Nationals are unable to support the bill, we see that the 2003–04 state budget contains funding for 50 extra rangers and operational field staff. A number of changes have been made over time. They include, for example, the 13 marine national parks — a world first that all Labor members of Parliament are proud of — and the 11 marine sanctuaries along the Victorian coast. I have heard the box-ironbark parks described in many different ways in this chamber, some of them quite bizarre. I heard a community person talk about 'that rubbish park at the end of the street.'! She is also a person who would allow woodchipping in national parks, so let's not get too carried away! We know the box-ironbark parks protect an amazing array of flora and fauna and are vital to the national estate. People forget that the national parks system, although it is managed at a state level, is a national system for the protection of diversity across all of Australia. I think sometimes we tend to forget the very important role our national parks play.

I have spoken briefly about the changes to the advisory councils. The move to skills criteria is hugely important. The idea that people from representative groups should be on boards provides no real basis for the range of skills, experience and acumen that you need, because it thereby comes by luck rather than management. The importance of the move to skills-based boards cannot be glossed over.

I will make some brief comments about the changes to the lifesaving club tenancy arrangements at the Mornington Peninsula National Park and the Venus Bay Surf Lifesaving Club at Cape Liptrap National Park. These changes will mean that their operations will continue to be administered under the National Parks Act, and the opportunity will also be taken through these changes to consolidate the lifesaving tenancy provisions in one section and to update the reference to Surf Lifesaving Victoria. The amendments do not affect the current arrangements regarding the granting of tenancies for the Port Campbell Lifesaving Club in the

Port Campbell National Park or the Gunnamatta or Portsea clubs in the Mornington Peninsula National Park. The bill makes some minor amendments to the Mineral Resources Development Act 1990 to clarify the definition of 'restricted Crown lands' as well as consequential amendments to the Forests Act 1958 and the National Parks (Amendment) Act 1989.

My final comment is that I have heard the member for Swan Hill talk about locking up national parks. In the last several years it has been my absolute pleasure to visit many national parks, and the only park I have seen locked up with a permanent fence around it is in the Mitchell plateau area of the Alpine National Park.

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

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until later this day.

INTERPRETATION OF LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 12 May; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — This bill was first introduced into the house on 12 May. It is perhaps worth noting why it was not dealt with in the last session. It is a relatively simple bill. It has four components, and most importantly it deals with the interpretation of legislation.

There has been a request from Chief Parliamentary Counsel to make a couple of machinery amendments in relation to the interpretation of legislation. The first deals with section 11(4) of the act which concerns the commencement of a portion of legislation. It clarifies the situation where there has been a commencement date for a portion of a bill but some part of that portion has come into operation at a later date. There was some confusion as to when the whole came into operation, and this section clarifies that.

In addition, new section 36(2B) sets out the rules in relation to the interpretation of headings, acts and subordinate instruments. The only curious part of this provision is that it comes into operation on 1 January 2001. It appears it was an oversight in relation to court rules, and a former act implemented change in relation to headings and those matters, and for acts and subordinate instruments it was always intended that the court rules should have the same application; therefore it has a retrospective date.

Apart from those matters, this machinery bill is something the Chief Parliamentary Counsel has sought to have passed; the opposition has been fully briefed on the matter and supports the legislation.

Mr RYAN (Leader of The Nationals) — It is my great pleasure to join the debate. I begin by paying homage to parliamentary counsel. They do an extraordinary job — not only the Chief Parliamentary Counsel, Eamonn Moran, but the others who work with him. They are a first-class unit, and to be able to unravel some of the instructions that come to them sometimes, with due respect to all of us who provide those instructions, brings enormous credit upon all who work within the office of parliamentary counsel.

This legislation, as I understand it, is derived from matters that came from that office. It is, in effect, a machinery bill. It is one of those that come before the Parliament virtually each session as the ongoing process of tidying up the mechanics of the way legislation operates is given effect to. The shadow Attorney-General has taken the house through those various aspects of the bill, and I do not think there is any purpose in my expanding upon those explanations.

I am taken, I must say, by the reference to the rules of court, particularly in circumstances where those rules govern the large part of my former life before coming to this place. I had difficulty understanding them at the best of times, and I hope that these amendments, slight as they may be, are able to give assistance to those who now have the unenviable task of following those various rules. It is with those few comments that I wish the bill a speedy passage.

Mr MILDENHALL (Footscray) — It is more a tradition and a duty than an absolute pleasure to make a few remarks on this particular bill, as it is part of the traditions of this place that such a piece of legislation is presented upon the occasion of a new Parliament.

This bill is unusual in that it has appeared somewhat later in the parliamentary session than is traditional. Traditionally these bills contain amendments that are non-controversial. While that is still the case, there was an agreement between the Chief Parliamentary Counsel and the cabinet secretary that this would be introduced at this stage to address the four items outlined in the contribution of the member for Kew.

The nature of the amendments probably provides some substance for a later interpretation of legislation bill in that the fourth item mentioned by the member for Kew includes a definition for the Victorian Civil and Administrative Tribunal. Knowing the propensity of governments of all persuasions to alter the title of these august bodies, I imagine that it will not be too long before the name of that body is changed and we have a similar bill to provide the opportunity to test the machinery of the house and to adhere to this tradition. With those few words I join my colleagues from the other side of the house in wishing the bill a speedy passage.

Mr HOLDING (Minister for Manufacturing and Export) — I thank the member for Kew, the Leader of the National Party and the member for Footscray for their contributions on the legislation, and I wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (DANGEROUS DRIVING) BILL

Second reading

Debate resumed from 3 June; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — This bill does a number of things. Perhaps I can start with the simpler amendments dealing with arson and theft and handling stolen goods before I get to the two substantive amendments, which are the introduction of a new intermediate offence of dangerous driving causing death or serious injury and the sleepy or fatigued driver reform.

In relation to arson there is a very simple and practical amendment which the opposition certainly does not oppose in any way. The bill amends the Magistrates' Court Act to clarify that arson causing minor damage — up to $25 000 — can be dealt with summarily in the Magistrates Court. The amount of $25 000 is the limit in this jurisdiction for property damage or theft that would allow the indictable offence of theft, or in this case arson, to be dealt with in a summary way in the Magistrates Court. Accordingly, it is a simple thing which will expedite criminal prosecution in those matters, and it is an appropriate amendment.

The amendment in relation to theft and handling stolen goods is a remedial provision that overcomes a common-law anomaly, if I can call it that, which in at least one case has caused the acquittal of a person. In the case of *R v. Marijancevic* — I will call it the Court of Appeal case — the jury had formed the view beyond reasonable doubt that the accused was guilty of either theft or handling stolen goods, but because the jurors had been unable to agree on whether it was theft or handling stolen goods they had had to acquit the accused.

It is interesting to look at the background to the issue in this state. Theft, which one would expect to be treated as a reasonably serious offence, carries a lesser penalty than handling stolen goods. The community would understand that having to acquit the accused of both offences means that the common-law doctrine is out of date and certainly needs to be changed. This amendment will change that common-law doctrine so that where a jury is convinced beyond reasonable doubt of the accused's involvement in either theft or the handling of stolen goods but is unable to determine which of those offences the accused is guilty of — and there is a logical inconsistency between the two — it can return a guilty verdict of theft, which carries a lower penalty than the guilty verdict of handling stolen goods, which accords fairness to the accused. It is a simple amendment, and on my reading of the bill it certainly addresses those matters. Hopefully it will prevent that common-law doctrine from being applied in the future and having that retrograde step.

The two other principal matters deal with the intermediate offence of dangerous driving causing death or serious injury and the sleeper or fatigued driver reform. I will deal firstly with the dangerous driving amendments. At the moment the most serious driving offence is culpable driving, which offence was brought into this state by a bill passed by this house in the 1960s. It effectively got around a difficulty for the prosecution in proving manslaughter where the accused either intended to cause harm or was reckless as to the consequence of their actions, which led to a death. There was a particularly difficult hurdle to get over in relation to manslaughter involving a road death where there were no independent witnesses. The offence of culpable driving was introduced, and it certainly has community support. There is a lot of concern about the deaths that occur on our roads, and there is great intention on both sides of politics to implement laws that facilitate the condemnation of those offences. The highest offence is culpable driving, which carries a

maximum term of 20 years in jail, with a minimum driver disqualification period of 2 years.

The next offence in the structure as it stands is dangerous driving. There is no need to prove death or serious injury — it need not be associated with death or serious injury — although in some cases it can be associated with either as a consequence of an accident. It is an alternative to culpable driving. Dangerous driving, which is constituted as driving in a manner that is dangerous to the public in all the circumstances, has a much lower level of culpability — the mental element is lower than that for culpable driving. Certainly, causing death or serious injury is not part of the actual crime — it can be a consequence. The penalty is only two years jail plus a minimum disqualification of licence for six months. There is a third level of careless driving which is not addressed in this particular set of amendments.

The government commissioned a discussion paper which it forwarded broadly out to the community in January. An issue also arose in relation to sleepy driving, but I will deal with that in a moment. There was a lot of community concern that there was such a gap between dangerous driving and culpable driving. The government has sought to introduce a new offence — dangerous driving causing death or serious injury — as an intermediate offence. The most important thing to note about this offence is the discussion paper calls it a strict liability offence in the sense that all that is required is to prove the action, that the mental element was not necessary.

There was some dispute about the discussion paper. The Criminal Bar Association of Victoria took umbrage at it, but I certainly do not propose to go into its merits. Importantly, the test for dangerous driving causing death or serious injury on the one side, and on the other side, dangerous driving per se, is exactly the same — that is, the accused was driving in a manner that was dangerous to the public. The only difference between the two offences is causing death or serious injury. The level of culpability, or penalty, if you like, is invoked because of causing death or serious injury. This point has been made by a number of people.

The criminal bar and the Law Institute of Victoria contacted me about this and provided me with a document. The institute is concerned that it more or less just becomes a sentencing option; you can still be guilty of dangerous driving that may lead to a death or serious injury that has a two-year penalty. The fact of causing death or serious injury becomes part of the proof of the prosecution to make; once it is proved, a broader range of penalties is invoked. Under this regime the maximum penalty in jail is five years together with a disqualification of licence for 18 months. The only apparent difference between the two offences is the fact of causing death or serious injury; there is no difference in the mental element, whether there is strict liability or otherwise. It is a matter of serious import, but it is a matter for noting in this place that the principal difference is ‘causing death or serious injury’.

A much cleaner way of doing it could have been to say that there was a sentencing option to increase the penalties for dangerous driving to five years and 18 months disqualification to give a court that broad range of discretion. This was discussed in the discussion paper. On balance — and I have to disagree with some of my former colleagues — there is probably some merit in introducing an intermediate offence that is constituted by causing death or serious injury. It may create a nexus between all three offences of dangerous driving, dangerous driving causing death or serious injury and culpable driving causing death.

There is another matter worth noting. I do not know how the issue arose, but in the government’s discussion paper the terms ‘injury’ and ‘serious injury’ are used almost interchangeably. In this bill the term referred to is ‘serious injury’, which is linked back to the definition in the Crimes Act 1958.

It is worth noting that, unlike common-law or civil cases, where the term ‘serious injury’ may have a particular importance in relation to thresholds before one can sue for damages in a court, under the criminal law the definitions of ‘injury’ and ‘serious injury’ are treated quite differently. Essentially an injury is defined as being anything from hysteria right through to a substantial impairment of bodily function. I emphasise ‘substantial impairment of bodily function’ because obviously a scratch or something like that probably would not be sufficient to constitute a substantial impairment of bodily function. It would appear to have to indicate some permanence or longevity of that impairment — something that in the normal course is not going to repair itself over time. Of course the particular ramifications for the individual would have to be taken into account, but it must be a substantial impairment of bodily function.

The definition of ‘serious injury’ is a combination of injuries, so if you have a combination of injuries — substantial impairment of bodily function that may relate to a leg, arm, neck or back — they become a serious injury. I would have thought that perhaps a proper consideration of the term ‘serious injury’ becomes almost otiose. If the difference between dangerous driving and dangerous driving causing death

or serious injury is the proof of death or serious injury, we should be mature enough to accept that it should be death or a substantial impairment of bodily function. That is what makes it a much more serious offence. I imagine that a court would treat a death as a consequence of dangerous driving far more seriously than just an injury or even a serious injury. The most important thing is that a substantial impairment of bodily function should be sufficient to constitute the difference between dangerous driving and dangerous driving causing death or serious injury.

I just highlight that to the government because perhaps consideration should be given to whether the government intended that it be a combination of at least two substantial impairments of bodily function. Given that an amputation of a leg or arm may per se be sufficient to be an injury, to expect a jury to have to determine whether there is a combination of injuries that may amount to a serious injury may be not so much a difficult question — juries decide them all the time — but an unnecessary step given that an injury is a substantial impairment of bodily function together with the other matters such as hysteria or pain. Presumably pain would be associated with it, but it seems to be an unnecessary step.

If you define 'injury' to be an injury per se, which is a substantial impairment of bodily function, it becomes a bit easier for a jury, given that that is what increases the level of penalty. As I said, it is a matter that I put up for the government. As I also said, in looking through the discussion paper you see it has clear reference to 'injury' and 'serious injury' — they are almost used interchangeably. I am just wondering whether it was an anomaly that crept into this legislation. Certainly I hope the government will take it on board and explain why 'serious injury' was selected and why 'a substantial impairment of bodily function' would not be sufficient to constitute this new offence.

The issue of sleeping driver reform is not new to me. I made public comment about it in relation to a trial in the County Court in which the judge effectively directed a jury to acquit because she was not convinced that the prosecution had discharged its responsibilities and met the requirements under the culpable driving provisions relating to death. There was evidence that the accused had not slept for some 27 hours, I think the evidence was, and some indication that they had undertaken a great deal of physical activity — had been to a couple of parties and such things — although as far as I am aware there was no suggestion of alcohol or drugs being taken. But the most important thing is that that in itself would be one of the heads that could be proved under culpable driving. Certainly the judge was not convinced that the prosecution had discharged its onus of demonstrating that the accused knew that not having slept for 27 hours could lead to him falling asleep, and in fact he fell asleep and killed a couple of pedestrians.

It was a very tragic and very sad case. There was the usual public outcry at the time. I recall that the Law Institute of Victoria was very much in favour of reform of the culpable driving laws to ensure that this difficulty was overcome. I made a comment calling upon the government to address this matter, and there is no doubt that in very short compass the government commissioned this discussion paper, which it published for comment.

It is a matter of note that culpable driving is a much higher level offence. It is constituted by someone driving a motor vehicle causing the death of another person. It is limited only to death; it does not apply in the case of injury or serious injury. If you cause the death of another person you shall be guilty of an indictable offence and liable to a level 3 imprisonment — 20 years — and a level 3 fine, or both. It also has the consequence of a disqualification period.

It is important to note that there are a number of factors that go to the mental element of the accused: that is, the accused drove recklessly, consciously and unjustifiably in disregarding the substantial risk to people; negligently in the sense that the accused failed unjustifiably to a gross degree to observe the normal — 'normal' is my word — standards of care that one would expect of a driver. Also, if you are driving under the influence of alcohol or drugs you are automatically deemed to have the required mental element. It is a very useful tool as a deterrent, because the general feeling is that, if you are caught with alcohol or drugs in your bloodstream and you have caused a death, then you will face a culpable driving charge and it will have serious ramifications for you.

Earlier this year we had the appalling situation where a young lady was text messaging on her mobile phone while she was driving. She was found guilty. It is a matter of some note that the family of the victim were very supportive of the girl, who was obviously traumatised by the outcome. She escaped jail in those circumstances, but the general consensus is that if you fall into that position and are found guilty you will be going to jail because it is treated as a very serious offence.

In the case of the driver falling asleep it was felt that there was a problem with the level of proof that the prosecution had to provide to secure a conviction. The

charge of culpable driving in its essence is to get around the difficulties the prosecution would have had in proving manslaughter, although the impact is essentially the same when you get to the sentencing level.

In relation to this matter, because of the problems that arose last year and the public commentary, it was felt that to make it perfectly clear there should be a further amendment to the culpable driving laws to put it beyond doubt that a court can look at whether a driver is fatigued to such an extent that it causes them to fall asleep or they are reckless as to the consequences — that is, that they do not care that they may fall asleep, which could then lead to the death of a victim. In those circumstances, where you are fatigued to such an extent that you know or ought to have known that you may fall asleep and lose control of the vehicle, you can be guilty. Again I do not have any difficulty with that.

However, this bill has created significant debate about the word 'fatigued', which is used in it. As a matter of commentary I suggest that perhaps we have selected the wrong word. Perhaps we should have used the term 'sleep deprived'. It is a matter that has been brought to my attention by the Law Institute of Victoria, and the institute refers in its letter to a paper which I have only recently received — presumably the government has a copy — which identifies a problem with the use of the word 'fatigued' as opposed to 'sleep deprived' or something meaning being sleepy.

I will quote from page 1 of the paper provided to me by the law institute. It was produced by Dr John Reid and Professor Stuart Armstrong of the Brain Sciences Institute at Swinburne University in Hawthorn. They start off the paper by complimenting the government on addressing the issue of sleepy driver reform, but they go on to say:

> The wording appears to reflect a belief that 'fatigue' causes 'sleepiness'. This is incorrect; being fatigued and being sleepy are not causally related conditions. Nor are fatigue and sleepiness even necessarily correlated — one may feel grossly fatigued without being sleepy and one may be sleepy without having engaged in strenuous physical or mental effort (see definition of 'fatigue', below), hence without having any feeling of fatigue — or, as it is often expressed by patients, feeling 'tired'.

They define fatigue using the *Oxford English Dictionary* definition. The paper says:

> Fatigue is 'a condition of muscles, organs, or cells characterised by a temporary reduction in power or sensitivity following a period of prolonged activity or stimulation'.

The paper further says:

> Sleepiness is a state of drowsiness when the probability of falling asleep in a given situation at a particular time is high.

On page 3 the paper states:

> Consequently, it is important to recognise that being sleepy, without actually going to sleep, is in itself a major risk factor. The bill does not recognise this; it refers to 'falling asleep while driving'. It would be preferable to talk about sleepiness-impaired ability to drive safely.

I will just go back to where the writers pointed out in the paper the vice of the use of the word 'fatigued'. They were talking about the clinical meaning of the word, and they said:

> As the bill stands, we suggest any sleepy driver accused under this section of the act would have a good defence by claiming he or she was not 'fatigued' when the alleged offence occurred; he or she was only sleepy. The driver might claim he or she was suddenly overcome by sleepiness, but had not engaged in any prior activity that would result in their being fatigued.

I commend this important report to the government as a matter it should take on board. The point being made is that in a case that could lead to an offender being sentenced to 20 years in jail it could be possible for experts like Dr Reid or Professor Armstrong to give evidence and say, 'We have proved that the person is physically fatigued' — because the person had run around and been very active — 'but fatigue in itself does not cause sleepiness'. There would be a break in the nexus. Sleepiness comes from all sorts of things, such as sitting in this house or driving a long distance. Those things may well lead to sleepiness but do not necessarily do so, and an accused may be acquitted.

As I said, it is a well-articulated paper. I am certainly no expert in this matter, but I hope the government has not got it wrong by selecting the word 'fatigued' if the use of that word could lead to acquittal. Apart from those matters, I support the thrust of the bill. With those comments, I wish the bill a speedy passage.

Dr SYKES (Benalla) — I rise to speak on behalf of the National Party on the Crimes (Dangerous Driving) Bill. The Nationals do not oppose the bill. In fact The Nationals support all practical attempts to reduce road fatalities and injuries. With this principle in mind, The Nationals see merit in introducing an intermediate offence between culpable driving and dangerous driving to address the problem of accidents caused by drivers being drowsy or falling asleep. We have consulted with the Law Institute of Victoria and note that it has particularly identified the use of the term fatigue rather than sleepiness as a problem. I will return to that issue after I have briefly outlined the background to the bill and its purpose.

The purpose of the bill is to amend the Crimes Act 1958 to create an offence of dangerous driving causing death or serious injury, and to incorporate driving while fatigued as a basis for a culpable driving charge. Finally, the bill will change elements of the offence of handling stolen goods and make another change in relation to arson.

The Nationals have consulted with the Law Institute of Victoria and the Victorian bar. Currently serious driving offences are at two ends of the spectrum. Culpable driving causing death carries a maximum penalty of 20 years imprisonment and a minimum licence disqualification of 2 years, and dangerous driving carries a maximum penalty of 2 years and a minimum licence disqualification of 6 months. This bill inserts a middle-range offence — namely, dangerous driving causing death or serious injury. Conviction will carry a maximum penalty of 5 years imprisonment and licence disqualification for a minimum period of 18 months. The particular feature of the new offence is that the prosecution will not be required to prove criminal negligence — which is necessary for culpable driving — but rather will need to establish that the accused drove at a speed or in a manner that is dangerous, thereby causing death or serious injury.

Driving while fatigued will now constitute culpable driving causing death. The bill provides a definition of the extent to which driving while fatigued will expose an offender to being charged. There is a clarifying provision regarding periods of licence disqualification while an offender is actually in prison. The court will have more flexibility in that regard — for example, licence disqualification commencing when the person leaves prison. There are also amendments regarding offences pertaining to the handling of stolen goods and theft, and a minor amendment regarding the offence of arson. Those issues were outlined by the previous speaker and The Nationals are comfortable with the amendments.

I would now like to return to the issues raised by the Law Institute of Victoria in its discussion paper titled *Criminalising Driver Fatigue — Let's Get the Terms Right*. As the previous speaker outlined, the Law Institute of Victoria accepts that sleepiness is a major risk factor in road collisions and industrial accidents. However, the institute questions whether fatigue is a cause of sleepiness, how accidents caused by sleepiness due to causes other than fatigue will be dealt with, and whether it is the government's intention to extend this principle to workplace accidents.

Much of the law institute's discussion paper focuses on the definition of 'fatigue'. It uses the *Oxford English Dictionary*, second edition, definition of 'fatigue', which is:

> A condition of muscles, organs or cells characterised by a temporary reduction in power or sensitivity following a period of prolonged activity or stimulation.

The law institute makes the point that there is no reference there to going to sleep. It argues that athletes can be extremely fatigued — for example, the Brisbane Lions after giving St Kilda a flogging last weekend — and absolutely worn out at the end of the day, but that does not mean they immediately fall asleep. They will rehydrate, have a shower and relax, and probably play up a little bit before then going to sleep.

An alternative definition of fatigue is contained in the *Concise Australian National Dictionary*, 3rd edition. It defines 'fatigue' as 'weariness from bodily or mental exertion'. Again, there is no specific mention of sleep, although I certainly link weariness with the time preceding sleep. Whilst it is my view that fatigue is clearly a risk factor in causing sleep, it is clear from the Law Institute of Victoria discussion paper that fatigue as a significant risk factor in causing sleepiness may be keenly challenged in the courts.

I would like to move briefly on to the issue of sleepiness caused by risk factors other than fatigue. The Law Institute of Victoria raised a number of examples, such as sleepiness being an issue for people who are working shifts and whose sleep-wake cycle is out of sync. They can arguably fall asleep without necessarily being fatigued. On the other hand you can have clinical syndromes such as sleep apnoea which can lead to chronic tiredness and a predisposition to sleepiness when driving. Then you can have chronic fatigue syndrome, which may be linked with difficulties with falling asleep.

So sleepiness and falling asleep are risk factors — regardless of what causes them — and we need to work through that rather than necessarily focusing on fatigue. We understand it is going to be difficult to address these broader risk factors — a predisposition to sleeping and falling asleep — with legislation. There is arguably a need to concentrate more on the educative process. To that extent the work of VicRoads and others in encouraging drivers on freeways to take breaks or have power naps is a credit to them.

I know that when I drive home from Parliament on Thursday nights those signs hit me in the eye and remind me to think about whether I am fatigued or drowsy and whether I am posing a risk. I hope those signs also attract the attention of the people driving to our magnificent ski slopes in north-east Victoria as they

race up to Lake Mountain, Mount Buller, Mount Stirling, Mount Hotham or Falls Creek at a great rate on Friday afternoons from Melbourne. They have a fantastic time on the slopes and a pretty good time partying and then they jump in their cars and drive back. I suspect those people are truly fatigued and they need to look very seriously at whether they are putting themselves at risk of being drowsy and falling asleep.

In summary, sleepiness, which is often referred to as fatigue, is in the opinion of The Nationals, a significant risk factor in causing motor vehicle accidents. We anticipate that legal debate will arise or there will be a challenge to the definition of fatigue, and this may lead to a need to amend the bill. As I said, the issue of sleepiness due to a range of risk factors whilst driving needs to be addressed not only by legislation but by a continuing education program and by drivers taking responsibility for their own actions.

Finally, The Nationals are comfortable with the amendments relating to the handling of stolen goods, theft and arson and will not be opposing the bill.

Mr MILDENHALL (Footscray) — The government notes with a degree of satisfaction that the opposition parties in the house concur and endorse its initiative in the Crimes (Dangerous Driving) Bill and the way it has listened to the voices of the community and to the families of victims in preparing this legislation in the light of serious issues raised in public debate. The government issued a comprehensive discussion paper and carefully considered the results. It prepared legislation that, with the exception of what I would regard as reasonably technical points, has the agreement of the community and stakeholders in every reasonable and substantial way.

As other speakers have indicated, our courts and prosecutors have two main options when it comes to serious driving offences — culpable driving, which carries a maximum penalty of 20 years imprisonment; and dangerous driving, which carries a maximum penalty of 2 years imprisonment. Legally there is an enormous gulf between culpable driving and dangerous driving that may no longer be in keeping with community expectations. That is really the nub of the legislation that is before us, despite the later reservations of the Law Institute of Victoria about particular parts of the legislation. In February last year the law institute backed this concept, the institute president, Bill O'Shea, saying in the *Herald Sun* of 19 February 2003:

> … a possible change could involve a change to the Crimes Act which would say that falling asleep was prima facie evidence of reckless conduct if drivers chose to disregard their sleep deprivation and continued to drive.
>
> … under present laws it was hard to prove that a driver had acted recklessly.
>
> Most people do not expect to fall asleep at the wheel …
>
> But if it is said falling asleep was prima facie evidence of that, then people would think twice before they drove in that state.

It was those sorts of endorsements, and particularly a heartfelt plea from a Mont Albert architect, Arpad Gemes, whose wife was killed by a man who fell asleep at the wheel, that prompted the review. The *Herald Sun* of 27 December 2003 detailed the case in which the County Court was told that Ashley Marriott, 18, from Mildura, had been to an all-night rave party and had not slept for 25 hours before the crash on Cup Day in 1999. In the 101 hours before the crash he had slept just 20.5. In a letter to the Attorney-General Mr Gemes wrote:

> Driving while knowingly tired is a serious hazard.
>
> If the criminal law does not act as a deterrent, the risk of death and serious injury from similar conduct will continue. I suggest that the law be changed to create an offence more serious than driving in a manner dangerous, which would be committed by a driver causing death and serious injury when driving in the condition admitted by Ashley Marriott.

That is what the government has done in this case. This legislation is part of an unwavering and determined commitment by this government to attack the road toll. Unlike some members of the opposition, we are determined to attack the road toll in a concerted and focused way. We have achieved an enormous amount — particularly last year, when the road toll went down to 330. We have managed to achieve a 5 per cent reduction in the average speed of motorists in 60-kilometre-per-hour zones. The 'Arrive alive!' and 'Wipe off 5' measures have proved quite effective.

As of yesterday this year's road toll stands at 238 people — that is, 17 more than at this time last year. So actions like the introduction of this legislation become more pertinent and are more needed. We hope that the support of this legislation by the opposition will herald a return to the bipartisan approach to road safety matters that previously characterised this important issue and that the concerted attempts by the government will not be greeted with comments that it is on about revenue raising instead of enforcing lower speed limits.

A couple of issues raised by both parties require some comment, particularly about the Law Institute of Victoria's comments about the distinction between being sleepy and fatigue. I will make a couple of comments by way of response to the papers of the institute and Swinburne University of Technology.

Swinburne's paper presents a medical biological perspective on the terminology, but the wording in the bill reflects common law. The common law in relation to whether driving while fatigued is criminally negligent in the context of culpable driving causing death reflects practice and procedure that has developed over a number of years, and the bill therefore reflects the position of the Court of Appeal. The court has already determined that driving while fatigued is criminally negligent in the context of culpable driving causing death. The bill does not change the common law in relation to culpable driving, but it seeks to give emphasis to the notion that driving whilst fatigued can constitute culpable driving causing death.

The law institute appears to be suggesting that somebody who is sleepy but who may not necessarily be fatigued would appear to have a defence. But there is no distinction between a sleepy driver and someone who is fatigued to the extent that he or she would know or ought to have known that there was an appreciable risk of falling asleep. Fatigued or tired driving will only constitute culpable driving where it meets the test of negligence contained in the offence of culpable driving.

In other words, the commuter driving home will still have to unjustifiably and to a gross degree fail to observe the standard of care which a reasonable person would have observed in all the circumstances of the case before the offence of culpable driving causing death could be satisfied.

So while there may be grounds on that medical biological perspective to continue to pursue that debate, in terms of the legal definitions and the precedent, the government is satisfied that the wording of the bill is appropriate. This is solid and substantial legislation. It is good to see that it is supported by the Liberal and National parties, and I am sure the whole house wishes it a speedy passage.

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

Debate adjourned until later this day.

SENTENCING (SUPERANNUATION ORDERS) BILL

Second reading

Debate resumed from 3 June; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Ms ALLAN (Minister for Education Services) pursuant to standing orders.

Mr McINTOSH (Kew) — I have a copy of the amendments that have been circulated. I have no idea what they are seeking to address, but no doubt that will be clarified in the course of the debate. This bill deals with a further option for a judge in sentencing a public official who may be convicted of an indictable offence, such as corruption or abuse of their position as a public official or perverting the course of justice, by way of imposing a superannuation order.

The opposition takes the view that any further mechanism to enable judges at their discretion to impose a penalty on an accused is something we would support, although there is a matter of some curiosity, but I will deal with that a little later. The department has briefed us in relation to this bill. Similar orders are made interstate, and under commonwealth legislation there is certainly an ability for a judge to make a superannuation order against a public sector employee convicted of an indictable offence that goes to the administration of their own office as a public official. The only substantial or dramatic difference, apparently, between the commonwealth and the state legislation is that, unlike the state order, the commonwealth can attach the superannuation fund, but because of the constitutional understanding that the commonwealth deals with the issue of superannuation, this type of order would only operate as a debt against the convicted person.

However, a superannuation order is an order that judges in their discretion can make upon conviction on such an indictable offence. It only attaches to the employer's contribution above the superannuation guarantee of 9 per cent and does not deal with the employee's own contribution or the amounts that are required under commonwealth legislation for the superannuation guarantee.

The judge has a discretion as to the size of the order. The judge can take into account any dependants of the accused, the nature and gravity of the offences that have been committed and over what time they were committed, as well as the length of time during which the official has been in public employ without any other form of blemish. It is a discretionary order, and it attaches essentially to the individual; it does not attach to the superannuation scheme itself. It becomes a debt owed by the convicted person. Under a superannuation order all the usual mechanisms that can be invoked to recover sums outstanding, including the seizing of assets and the garnisheeing of wages and perhaps even

money held in a bank, apply, and the usual orders at the discretion of a judge as to time to pay or payment by way of instalments are applicable. Essentially it becomes another option for sentencing public officials who have been found guilty of very serious offences in relation to corrupting their public office.

It does not operate in any way to remove other sentencing options, such as fines, custodial sentences or other viable sanctions that a judge may impose. It is another way of reflecting community condemnation, particularly when that public official is guilty of an indictable offence dealing with an abuse of office.

I turn to the definitions in the bill which apply to public sector employees, being those persons who work for public bodies. To start at the top, as members of Parliament we would be subject to a superannuation order if we were convicted of crimes of subverting or corrupting our public office. That would apply also to judges. The reason I mention MPs and judges is that the employer superannuation contribution is considered by the general community to be generous. Many of us would say that we work hard for it, but it is generous by any stretch of the imagination.

Public servants generally, as well as the police, firemen and teachers, come within the definition of 'public sector employee' and are employed by public bodies as defined in the bill. Curiously the bill also provides for what are called excluded public bodies. A person working for an excluded public body is not a public sector employee and is therefore not subject to a superannuation order. There are two significant excluded public bodies. The bill says that:

> "excluded public body" means —
>
> (a) a Council within the meaning of section 3(1) of the Local Government Act 1989 —

which means any employee of a local council is not subject to a superannuation order, and —

> (b) an institution listed in Schedule 1 to the Tertiary Education Act 1993 …

Basically that means all universities in the state, starting with Melbourne and extending through Monash, Deakin, La Trobe, Victoria et al. Technical and further education colleges are included in the definition of a public body but for some reason universities are excluded. The opposition asked the inevitable question of why councils and universities are excluded. There was an initial discussion on whether it was a matter of policy regarding councils, but the chief of staff of the minister in another place responded in a limited way by indicating that the Bracks government treats local government as a separate tier of government. While I accept that, it does not provide a rational reason why a council under the Local Government Act, which is an act of this place that governs the operation of councils, should be excluded from the operation of the Sentencing (Superannuation Orders) Bill.

Schedule 1 of the Tertiary Education Act refers to universities. The opposition asked why universities are excluded. No direct answer was provided except that universities are substantially funded by the commonwealth government and therefore it is inappropriate to make public officials in those institutions subject to superannuation orders. That may be so, but because this is not garnished in the superannuation contributions and is only a debt calculated on the basis of the superannuation contribution of a public body, it should matter not one jot from where those funds may be derived. Indeed, a public hospital under the Health Services Act may directly or indirectly get money from the commonwealth government. While TAFE colleges are largely funded by the states, it is certainly not unknown for them to have access to commonwealth funds as well.

It seems to me to be a tad absurd to exclude these particular bodies in this environment. I seek from the Attorney-General, who second read this bill in the house, an explanation as to why universities and local councils are being excluded from the operation of this bill. That exclusion seems to me to beggar the question if the government is genuine in addressing the issue of a public sector employee convicted of a serious, indictable offence of an abuse of his or her position as a public official or of perverting the course of justice. I include in that members of Parliament, judges, nurses, teachers, firemen, policemen and public servants. Why would you want to exclude other employees in that regard? I seek from the minister a clear explanation as to why they have been excluded from the operation of this bill.

I would have thought a government that is fair dinkum in dealing with the abuse or corruption of public office or with perverting the course of justice by a public sector employee would want the act to include those particular groups. Certainly as a matter of law — and I checked with colleagues — there does not appear to be any constitutional or legal reason why they should be excluded. An explanation was not provided at the briefing, and I ask the Attorney-General to clarify why those bodies have been excluded, particularly in light of the fact that it is not unknown for these bodies to be immune from any form of corruption.

A search of the newspapers over the last few months indicates that this government has become embroiled in a real issue — I am not pointing the finger one way or the other — with a spa in the Hepburn Springs area, where a particular company went into administration with the business being on-sold; it appears that at least four local members of Parliament in that area have become embroiled in the dispute while taking divergent views. Indeed the Bracks government has commissioned an independent probity check of the tendering process by local councils involved through the legal firm Phillips Fox. I understand the Australian Securities and Investments Commission (ASIC) is already making its own independent inquiry of the company administration. Those things may throw up examples of abuse by a public official.

Indeed, a member of the local council in Hobsons Bay resigned from the council following allegations of the questionable use of submissions being made to the Victorian Electoral Commission about electoral boundaries. I would have thought it would be a very serious offence for a public official — nothing has been proven and the person may be completely innocent — to make a false submission and that a substantial charge would be levelled against the public official, in this case a local government official.

It is not unknown for universities to be beyond allegations of corruption or perverting their public office. I understand investigations are being made and charges have been laid, so I will not comment about individuals, but in general terms charges have been laid and further investigations are going on in relation to a multimillion-dollar scam regarding a maintenance contractor, with the alleged connivance of officials at the university, who would be public sector employees in the usual course as the university is constituted by an act of Parliament.

It is subject to Victorian law, and I do not understand why they would not be considered public officials, given the wide range of that definition. Indeed, you do not have to go too far past, say, Melbourne University to find substantial allegations levelled at public officials. We all remember the issue of the union allegedly siphoning off funds to pay for the election of a former president to stand in the local council. It is a case of other people's money; public officials in a public body; and it is a matter of real concern that for some reason the government has chosen to exclude these people from the operation of the Sentencing (Superannuation Orders) Bill.

As I said, the opposition certainly supports the thrust of the bill. We support the idea that public officials should be subject to superannuation orders. It extends a judge's sentencing powers in their discretion with these public officials, but the principal concern of the opposition is as follows: notwithstanding the fact that the net has been cast very broadly and widely, through MPs, judges, public servants, police, firemen and the like, why has the government chosen to exclude universities and local councils, particularly in the current environment?

With current inquiries going on, why should they be excluded, given also that the act comes into operation in June of this year, which was the time of the second-reading of this bill?

Again, it is an unusual commencement time, but it will have some retrospective activity, and certainly it should be cast fairly broadly, given that there is as much public disquiet about public officials in local council and universities as there is in other bodies.

Mr MAUGHAN (Rodney) — The Nationals will not be opposing the Sentencing (Superannuation Orders) Bill. There are some very good features of the bill, and anybody who holds but abuses a public position of authority certainly should not be able to benefit from it.

The bill closes a loophole. It probably was brought to public attention with some of those in the police force who were accused and ultimately charged with corruption but were able to resign and collect their superannuation benefits, which in some cases were up to half a million dollars, or more. They walked away with those benefits intact.

The public generally believes that that was not a fair go, that here was somebody in a position of authority who was corrupt and was able to benefit from it. I should emphasise that it is not only the police force who are affected here, and I place on record my very high appreciation of the vast majority of the members of our police force who do a fantastic job. They, as much as anybody, want to see corrupt police charged and have the full force of the law brought against them.

We in this place also want to see justice done in that instance. If there is a corrupt person among our particular profession, then it is in our best interest that that person be exposed and outed and suffer the penalty. That goes for the entire public service as well. Again, the vast majority are decent, honest, hardworking people who do not appreciate being let down by the very small number of their colleagues who bring them into disrepute.

We members of Parliament know that as much as anybody. We hear of some minor incident which is blown up in the press, and each and every one of us then has our reputation tarnished by the unthinking, in many cases — and in some cases, deliberate — actions of one of our colleagues. Likewise with the police force and those in the public service.

This legislation is commonsense in that it will essentially deny people who are convicted, and we need to make it very clear that it only applies after a person has been convicted of an indictable offence. It then allows for the court to make orders, not against the superannuation itself, because that is protected under commonwealth legislation, but in effect to impose a fine that is somewhat comparable to the publicly funded sector of the superannuation over and above the superannuation guarantee amount. So anything that is available to the ordinary person is available to these people, but the court can move against amounts over and above the publicly funded superannuation guarantee.

The question that poses itself is what happens if a person is convicted of an indictable offence and the court in its wisdom decides to make an order against the superannuation entitlements and provides a period of time in which to pay those amounts but they are not paid. If that were so, that person would then ultimately collect their superannuation. I presume the normal course of the law would then apply. It would be like an unpaid fine and all the penalties of the law would apply. I ask the government in summing up to confirm that a person who has an order against them and who does not honour that commitment is not able to benefit when they ultimately collect their superannuation.

I think the legislation is also sensible in that it acknowledges that other people could be adversely affected — the spouse, the partner or the children of a person who has been corrupt and has been convicted of an indictable offence. There is no reason why those people should be unnecessarily punished, and therefore it is really up to the court to make those judgments based on the particular circumstances and also on the length of service of the individual. It is quite possible to have a person who has given impeccable service for a period of 20 or 30 years and who has then had some aberration and committed an offence of which they are convicted, and certainly the penalties should apply against them, but perhaps they should be mediated to some degree by the length of long service. It is up to the court to decide, and only the court will be aware of all of the circumstances and be able to make a considered judgment on those issues.

The purpose of the bill is to enable a court, in essence, to have access to the superannuation benefits of a public service employee who is convicted of an indictable offence. The definition of a 'public sector employee' is very wide, and clause 3 defines a dependant in relation to an offender to be:

> (a) a child of the offender; or
>
> (b) any other person who in the opinion of the court is dependent on the offender or has a legal right to look to the offender for financial support …

That could be a spouse. It defines a domestic partner as someone with whom the offender is living on a genuine domestic basis. It clearly defines the member-financed component of the superannuation and says that any amounts financed by the transfer of superannuation benefits from any other relevant superannuation scheme are able to be taken, including member contributions by way of salary sacrifice, spouse contributions et cetera.

The bill goes on to define what a public sector employee is. It refers to the Public Sector Management and Employment Act — I have a copy of that here — and spells out very clearly which people are public sector employees. It includes officers of the Parliament, members of Parliament, persons employed by a public body, holders of an office established by or under an act to which the right to appoint is vested in the Governor in Council, officers or other members of the police force, members of the teaching service and electorate officers. It is wide ranging, but I am puzzled as to why employees of local government and universities are left out of that very broad net. They are also people who work in the public sector for the benefit of the public, and they are funded by the public. I do not understand why they are excluded when teachers and people working in a range of other public sector areas are caught up in this legislation.

I come back to the trigger for this legislation, which is where an employee is convicted of an indictable offence involving an abuse of their position as a public servant, or there is an intention to pervert the course of justice. Both of those are very serious charges. They relate to anyone in any position of authority who is convicted of deliberately using their position of authority for their own benefit through bribery or corruption, or attempting to pervert the course of justice.

I stress again that an order made by the court will not touch the superannuation as such, but it will involve a similar amount determined by the court being paid by the offender as a fine. The money will not be recovered

from the superannuation benefits because, as I indicated earlier, that is protected under federal legislation.

There is no doubt that this legislation is supported by the general public. Members of the public get very angry when they learn that a person in a position of authority, who is well paid and has generous superannuation benefits, has been convicted of a breach of the trust that has been given to them and has benefited financially. There is a strong sentiment against that happening. The *Herald Sun* of Thursday, 3 June, shows the results of its Voteline which asked, 'Should corrupt police and public officials lose their superannuation?'. One could argue that it is a bit of a loaded question, as many of the Voteline questions are, but — surprise, surprise! — 96.4 per cent of the public responded with a very positive yes.

Mr Wells — How many votes were there?

Mr MAUGHAN — There were 399 calls. I do not put a lot of store in that, but it gives an indication — —

An honourable member interjected.

Mr MAUGHAN — I will not be tempted. It gives an indication that a cross-section of the public want to see something done to penalise people who take advantage of their privileged position.

This legislation has merit. None of us would support the notion that people who have been corrupt and have been convicted of an indictable offence should benefit in any way at all from the public contributions that have been made to their superannuation. The Nationals will not be opposing this legislation.

Mr LUPTON (Prahran) — I support this legislation which will give courts discretion to make orders against people convicted of corruption offences which relate to abuse of their position of trust as public employees. The courts will be able to levy a penalty by way of fine with reference to the ultimate superannuation entitlements of a person convicted of an indictable offence. This legislation is certainly balanced, appropriate and in line with what the community expects penalties to be where people abuse positions of public trust.

The legislation in general applies to employees who are paid directly or indirectly by the state of Victoria. That includes members of Parliament, judges, police, other emergency services workers, teachers and the like. The definition of employee for the purposes of this bill is drawn widely and is intended to cover those people who in the public mind would be generally regarded as Victorian public servants.

Why is it that this group should be subjected to legislation that is not directed at other members of the community? It is important to remember that people on the public payroll are in a special position of trust in their relationship with the community. There is a responsibility upon those in public service to promote the public good. There are certain privileges that attach to that type of employment, but with those special privileges go special responsibilities.

Traditionally public service employment has carried with it additional superannuation entitlements which are sometimes over and above those that are paid to other members of the work force in private employment. That has often been regarded as appropriate compensation for the type of public service work that people in those types of occupations render to the community. But when people are found guilty of serious crimes that arise out of a position of trust they occupy, that calls into question whether or not they should be entitled to receive the special benefits that flow from their public service employment. This bill recognises that it is appropriate for judges to take these matters into account as part of their sentencing function by giving them the ability to render an additional fine.

It is important to bear in mind too that the penalty envisaged by this legislation does not take the place of any other penalty or sentence that a judge would impose for whatever the offence was of which the person has been found guilty. This is a separate discretionary matter that a judge is able to take into account which recognises that people who have committed corruption offences arising out of public employment bear a special responsibility to society.

The effect of this bill will be to allow a court upon conviction for a corruption offence to make a superannuation order. Under this legislation a superannuation order is a penalty calculated with reference to the person's superannuation entitlement. It is based on the employer's contribution over and above that mandated by the superannuation guarantee legislation of the commonwealth. It applies to particular offences: the offence must be an indictable offence and it must involve an abuse of the person's position or an intent to pervert the course of justice.

It is important to recognise that under this legislation there will be no need for the offender to have made any financial gain as a result of the offence of which he or she has been convicted. The legislation does not require that the offence has made the offender any money or involved any gain. It must simply have involved an abuse of the position of public trust. It is important to differentiate this sort of legislation from other

legislation that enables the proceeds of crime and people's criminally obtained assets to be seized and forfeited. This is a special provision that applies to people in positions of public trust and the penalty is calculated accordingly. The offender may not have received any financial gain from what has been done but the special responsibility to the community arising out of the public trust means that this particular penalty is warranted.

It is important too that the legislation recognise that judicial discretion is an integral part of the process. As I said, as part of the sentencing process a judge will be able to make a superannuation order with reference to the amount of superannuation entitlements over and above the superannuation guarantee payable to an offender by the employer. It does not affect the actual penalty for the offence but is a recognition that a corrupt officer should not be entitled to a benefit by receiving that extra employer-financed benefit.

The legislation gives guidance to the courts on how they should impose the superannuation orders. In particular the length of service of an offender should be taken into account and specifically the length of service before an offence was committed. The nature of the offence is another relevant consideration for a judge to bear in mind.

In drafting this legislation it was important that the rather tricky jurisdictional issues involving superannuation were borne in mind. Superannuation is covered by a variety of laws, both federal and state, but it is mainly a federal government responsibility. Therefore the legislation has been framed in such a way that it does not allow a court to directly subtract an amount from somebody's superannuation entitlements but rather allows it to impose a fine calculated with reference to what somebody's ultimate superannuation entitlements would be. That gives the state Parliament the authority to introduce legislation imposing this type of penalty. It is important to bear in mind also that sometimes agreements are entered into under family law legislation of the commonwealth, and they also need to be taken into account.

The legislation provides that when a sentence is imposed the penalty is to be collected by way of a fine. I note that in his contribution the member for Rodney questioned how that would operate in practice. The superannuation order would operate in the same way as any other fine. If the person refused to pay under the superannuation order in accordance with the court's directions, it would be a normal fine that would be capable of being enforced against the person and collected as any other fine would be collected.

The legislation has been framed to carefully navigate the tricky jurisdictional issues of superannuation, to target the particular area to which the state Parliament is able to direct its attention, and to allow the courts to exercise their proper and appropriate discretion, taking into account the nature of crimes committed and the way that superannuation entitlements should be brought to account when people have been convicted of serious offences. It is very sensible and appropriate legislation, and I support its passage.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until later this day.

SEX OFFENDERS REGISTRATION BILL

Second reading

Debate resumed from 3 June; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr WELLS (Scoresby) — I rise to lead the debate for the Liberal Party on the Sex Offenders Registration Bill. We will be supporting this bill, because we believe it is a step in the right direction, but we have very serious reservations about its implementation.

Firstly, I would like to thank the minister for arranging the departmental briefing. As usual, the briefing provided by the Department of Justice was excellent, and I thank all the staff involved. I would also like to acknowledge the time given and to sincerely thank the various stakeholders we consulted for their valuable contributions towards our forming a response to this particular bill. There is no doubt about the overwhelming community support for harsher penalties for paedophiles and serious sex offenders, and for stricter controls and monitoring of sex offenders in the community.

Paedophilia in particular is abhorrent, and we are dealing here with offenders who are proven to have a high propensity to reoffend. The community has an absolute right to be protected from such individuals, wherever possible. In the recent rally that was held on the steps of Parliament House by the Victims of Crime concerned citizens expressed their anger over the gross inadequacy of certain sentencing decisions whereby a rapist and a paedophile escaped imprisonment. That rally demonstrated the level of community feeling with regard to dealing with sex offenders. The community is sick and tired of serious offenders being given

inadequate sentences that are simply out of step with community expectations.

When the minister made the announcement in May he went on to mention, as reported in the *Herald Sun* of 31 May:

> Victoria's worst sex offenders will be tracked by police for the rest of their lives under new laws.

We are debating that today.

> For the first time, all paedophiles and the most dangerous sex offenders will no longer be able to hide when they are released from prison on parole — all their details will be held on a sex offenders' database.
>
> …
>
> One of Victoria's worst paedophiles, Brian Keith Jones — known as Mr Baldy — is expected to be among the first offenders to be tracked under the system when it is introduced …

Noel McNamara, president of the Crime Victims Support Association, has welcomed what the government is doing. He has said the community has particular concerns about Jones — also known as Mr Baldy, who kidnapped young boys, shaved their heads and then molested them — being up for parole in August of this year. Jones has been eligible for parole since last year, when he completed the minimum 12-year sentence for the rape and indecent assault of two young boys.

Mr McNamara said that the register would also help prevent serious sexual predators like Peter Dupas and paedophile Andrew Davies from repeatedly inflicting their crimes on the community. The same *Herald Sun* report states:

> Dupas, who is serving a life sentence with no minimum for the murder of Nicole Patterson, terrorised women for more than 20 years and often offended whilst on parole.
>
> Only two months after being freed from jail for raping a woman at knifepoint in Mitcham in 1979, Dupas raped a woman and stabbed an elderly woman in Frankston.

Paedophile Andrew Davies, 34, of Ardeer, was convicted in July 2002 of abducting two six-year-old girls and raping them in a classroom. The article further states:

> Davies was last jailed in 1998 for breaking a community-based order by being caught in the girls' toilets of a Melbourne primary school.

Clearly these child sex offenders are repeat offenders, and there is a need to have them under tighter restrictions and certainly tighter supervision than what is currently in place. That is why we are supporting this piece of legislation, but I will go on to outline some very serious reservations that we have about the implementation.

I also refer to Paul Andrew Major, a kickboxing instructor convicted of raping a client, who has been accused of reoffending after his release from jail. He is still teaching women and children kickboxing, despite allegations that he sexually assaulted a female client back in 2002. The Minister for Sport and Recreation said that plans for a new sex offenders register were before Parliament and that it would enable the tracking down of sex offenders to make sure they did not reoffend. I will come back to some of those points.

I was also interested in an article by Les Twentyman in the *Herald Sun* of 10 June 2004, in which he said:

> In my work with young people on the streets I have often been sickened at the ease with which child-sex predators can get access to children and the apparent inability of the authorities to prevent it. Hopefully that is about to change.

Many of us still shudder at the appointment to a senior government child protection position of a paedophile with a long criminal record in several countries. He worked as a child protection officer in the western suburbs for a short time in the 1980s, and those who approved his appointment were shattered when the truth emerged. The recent case of a former Australian diplomat who killed himself after receiving a long jail sentence for child sex crimes reveals a similar pattern of an obsessive pursuit of children, generally accompanied by a seemingly sincere belief that the person is doing nothing wrong, which seems bizarre to the majority of us in the community.

Les Twentyman went on to say:

> I have my own chilling experience of how persistent and determined such people can be. I know of a man, whom I cannot name, who was a church minister. His speciality was taking kids on camps where they all slept together in tents.
>
> Naked tickling games were apparently the order of the day at his camps.
>
> It wasn't long before the police caught up with him, and he spent time in prison.

An article in the *Sydney Morning Herald* of 13 July 2004 referred back to the sex offenders list. Under the headline 'Guilty plea on child porn' it stated:

> A man convicted of possessing child pornography after raids in 10 countries will be on a sex offenders register for the next eight years. Craig Matthew Evans downloaded 22 000 images of girls in explicit sexual positions and 150 movie files of girls having sex.

This is an example from New South Wales, where the system is up and going. I referred to the rally on 8 August, when 6000 to 10 000 people marched on Parliament demanding mandatory jail terms for the state's sex offenders. The rally was triggered by recent court decisions which resulted in a rapist and a paedophile walking free.

We believe there is a lot of community anger and a concern that there is a need to bring in a sex offenders register. The Liberal Party, unlike the Labor Party, will continue to support the introduction of minimum sentencing for serious crimes, including serious sex offences such as paedophilia. The Liberal Party will be supporting this bill and its main purpose — that is, to introduce a sex offenders register with the aim of reducing the recidivism of convicted sex offenders and assisting in the future investigation of sex offences.

Why? There is a community expectation that sex offenders, especially child sex offenders — paedophiles — should be monitored more carefully and punished appropriately, particularly if they reoffend. Community safety, especially that of our children, must take precedence over concerns about the civil liberties or privacy of recidivist sex offenders. Finally, the bill is an improvement on the existing measures.

However, while we support the bill in general, we have particular concerns in relation to, firstly, the implementation of the bill's provisions in relation to placing the onus for registration with and reporting to the register of sex offenders solely on the offender. It does not make sense to us in the Liberal Party that the onus for reporting to the sex offenders register is being put solely on the offender. Secondly, we have concerns about the reliability of the information supplied by the offender. What checks are in place to ensure the accuracy of the register? Thirdly, we are concerned about the accessibility of information to operational police. In particular, if there is a case where a child has been kidnapped, what information will be available to operational police in the area? In short, we believe this bill simply does not go far enough. I will expand further on these matters later.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Mr WELLS — I would just like to recap where the Liberal Party stands on the Sex Offenders Registration Bill — that is, we support the bill, but we have very serious reservations about its implementation. The Liberal Party could have decided to move some amendments, but we will point out the errors of the government's way and suggest ways it could fix those errors, because this could come back to haunt it.

We are supporting the bill because there is a community expectation that sex offenders, especially child sex offenders — paedophiles — should be strictly monitored and punished appropriately. There is also an expectation that community safety, especially that of our children, should take precedence over concerns about the civil liberties of repeat sex offenders, and the bill is an improvement on the existing measures for dealing with sex offenders. However, we have some concerns. The first is the procedural implementation of the bill's provisions in relation to placing the onus of registration with and reporting to the sex offenders register solely on the offender. That simply does not make any sense to us. Another concern is the reliability of the information supplied by the offender. What checks are in place to ensure that the information given to the sex offenders register is accurate? Is the person giving the right address and other details? We understand that there are fines in place, but what mechanism is in place for the police to be able to check that information? What information will be available to operational police? At the end of the day we say this bill simply does not go far enough. I will expand on that shortly.

I will go into some of the detail of the bill. Certain sex offenders will be defined as 'registrable offenders' and will be required to register with the police and inform the police of their personal details and activities for a specified period. The details are to be recorded on a register of sex offenders, which is to be administered by the Chief Commissioner of Police. I note that whilst non-compliance with reporting requirements is punishable by a fine of $24 000 or imprisonment of two years, the onus for reporting and registering is on the offender, and that is the problem we have with this bill.

The period of reporting of between four years and life is to be determined by the frequency, timing and deemed severity of the offences and the age of the offender. Offenders will be required to report annually for the specified period unless there is a change to personal details, in which case the offender must report within 14 days. Offenders listed on the register of sex offenders will be prevented from working or applying for work in child-related employment. That is welcomed. It has the full support of the Liberal Party. A registrable offender is a person sentenced by a court for a registrable offence defined as either being a class 1 or class 2 offence against children or of non-registrable offences which result in the issuance of a sex offender register order. The list of offences are found in schedules 1 and 2 of the bill. Those offenders convicted of sex offences against adults defined as class 3 or class 4 offences can be made registrable at the

discretion of the court. Juvenile sex offenders will not be obliged to report to police and be placed on the register of sex offenders unless such ordered by a court.

Let us go to the real concern the Liberal Party has — that is, that the onus of reporting and registering is totally with the offender. We have a problem with that because we would have thought that when a sex offender, especially a child-sex offender, was released from prison the information from the prison would be sent to the sex offender register, but it is not. We would also have thought that once a person had been sentenced the court would send that information to the sex offender register, but it does not. That is not in this bill. The reason we are concerned is that we have had advice from a member of Victoria Police who has said — and it is important that we get this into *Hansard*:

> I do have some misgivings about this statement.

The statement this police officer referred to is:

> Accordingly the bill suggests that it will reduce the likelihood of their reoffending and assist in the investigation and prosecution of future offences.

That is what the claim is. What the police officer told us in the advice they gave us was:

> The success of this proposed bill is totally reliant on information solely provided by the sex offender who is required to register for the act. For example, the onus is placed on the sex offender to attend at his or her nearest police station, provide details of identity, employment, residential address, et cetera. If they fail to do so then there are serious repercussions

We accept that. The police officer went on to say:

> However, nowhere in the proposed bill can I find any power or clause which would enable either police or appropriate authorities to actually verify this information. For example, attendance at the offender's home address to verify same or discreet inquiries made with employer to verify type of employment.
>
> It is well-documented in numerous reports, authorities, case histories … that recidivist sex offenders, most notably paedophiles, are normally of above average intelligence, quite meticulous and generally exercise a significant degree of planning when committing their offences, and then covering their offences, often for many years.

The next point of note was:

> A colloquial term often used in border towns which is known by both police and locals is that of a 'address of convenience'.

It applies to the registration of motor vehicles that are normally housed in New South Wales but are registered to Victorian addresses in order to obtain cheaper registration and to avoid the compulsory roadworthy checks required by New South Wales, as well as to the obtaining of drivers licences — normally by 17-year-old Victorians — to defeat the current Victorian requirement of attaining the age of 18 years before being issued with a probationary licence. These are only two examples.

However, what experience has shown is that these actions are often committed by citizens who for all other purposes are law-abiding members of society. Often their motivation is purely financial, and all that is required to commit these deceptions is the ability to tell an employee of the relevant traffic authority that they live at a particular address. Accordingly, without power for the police to attend and verify the information provided by the sex offender, it is more than possible that a determined sex offender could exploit this loophole by giving false information to police. In this instance the motivation of the repeat sex offender is not financial; it is the ability to continue to commit offences. Unless there is a provision giving police or the appropriate authority, such as the corrections department, the ability to verify the information — that is, attendance at a nominated residential address — without prior notice, then this potential loophole will be exploited. As outlined on page 9 of the second-reading speech, the recidivist sex offender can readily circumvent the aims of the bill, with the consequence being that both previous and potential victims face a real risk of being subjected to further sexual assaults by known recidivist sex offenders.

That is one of the main concerns the Liberal Party has with this bill. We agree with the thrust and that we are moving forward, but the problem is that there is no provision for the verification of the information. Corrections and the court are not moving the known information of where the prisoner will live over to the register of sex offenders. This is where the whole system breaks down. The person gets out of prison, goes into the community and then we are relying on him to make the registration. I do not know whether it has been missed or has been forgotten or whether the Bracks government thinks it is more important to look after the liberties of the sex offenders. I do not know. When the minister is summing up, maybe he can respond to these comments.

Point no. 2 is that the register is only as good as the information provided. What happens, as I outlined with the information with the police, is the change of names, the use of addresses of convenience and the use of borrowed vehicles. From the advice we have received from operational police and others there are serious concerns that no power is provided to police or corrections officers to verify the information provided

by offenders — that is, checking the home address or employment details. Police view it as a serious loophole and a procedural deficiency which could be exploited by recidivist sex offenders. There should be a compulsory and immediate notification of any name change, with the information being provided by the Registrar of Births, Deaths and Marriages in addition to notification by the offender. In other words, we say that if a child sex offender changes his name by certification at the Register of Births, Deaths and Marriages it should be mandatory for that information from that government body to be sent to the register of sex offenders. Otherwise we are not convinced that that child sex offender can be tracked. There are ramifications. There is a fine and there is imprisonment, but it could be months before the sex offender is picked up through the system. The Liberal Party says that if a child sex offender changes his name through the Registrar of Births, Deaths and Marriages, then that organisation should be compelled to send those details to the register of sex offenders.

Another concern to us is the information contained in the register of sex offenders. There are concerns over the exact nature of access to information from the register of sex offenders. Access to the register must be reasonably balanced between the needs of operational police and the protection of innocent families.

Let me give the house an example. I know of a case where a sex offender committed a crime, served the term, got out and moved interstate, and his last known address was where his family lived. The problem was that the information about his last known address was given to one of the local vigilante groups, who thought they would go around and pay this person a visit. Of course he was not there. The family went through absolute and sheer hell, and it was grossly unfair to the family. We are saying there has to be a reasonable balance between the protection of an innocent family and operational police being able to get on and do their work.

I do not think it should be part of the LEAP system. We have seen how the Bracks government has handled the LEAP system, so we do not have confidence that the registered sex offender should be on the LEAP system. The situation should be managed in such a way that the chief commissioner can give authority to a certain level and operation of police, and we are happy with the way the bill has handled this. It will be something that we will continue to look at. We do have concerns over the frequency of reporting by offenders.

Mr Hudson interjected.

Mr WELLS — We are happy with the way the police are looking after and will handle the register. We will be monitoring that and have confidence that the chief commissioner will look after that. We obviously do not want it on the LEAP system because we have no confidence in the way that information has been handled.

I come to the issue of reporting by the offender. At the moment the bill requires offenders to report once every 12 months. I personally do not think that that is often enough. Of course if you change your address or name or employment details, then you are required to give that information within 14 days. I do not think 14 days is good enough, either. I note that changes have recently been made in the United Kingdom. They had a system where a person who had to make changes to the sex offenders register had to give notice within 14 days. They changed that to 3 days. I think the UK requirement for 3 days makes a lot more sense.

In consultation on the bill with various stakeholders the victims of crimes groups expressed concerns that juveniles will not be subjected to the same registration as adults. It has been put to us very clearly that a juvenile child sex offender will only have to be registered on the sex offenders list at the discretion of the court. We are looking at that possibility, because we think it should be mandatory that a 17-year-old child sex offender who has committed a class 1 or class 2 offence goes onto the sex offenders register.

As we have said, the bill simply does not go far enough. We believe there should be compulsory notification of a sex offender's details by the court and by the correction system prior to the person being released from the correctional facility. That makes sense, that if you are being released from prison you have to notify the register of sex offenders of your address before you leave prison. As we said before, it does not make sense that you go out into the community and then two weeks' later give that notification to the sex offenders register. It seems that the Bracks government has it around the wrong way.

I noted when I was in California last year that in the United States they have Megan's Law. There is a lot of debate for and against our going that far. For more than 50 years California has required dangerous sex offenders to register with their local law enforcement agencies. However, information on the whereabouts of these sex offenders was not available to the public until the implementation of the Child Molester Identification Line in July 1995. Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known child molester who

had moved in across the street from the family that did not know about him. In the wake of the tragedy, the Kankas sought to have local communities warned about sex offenders in the area.

California's Megan's Law arms the public with certain information on the whereabouts of dangerous sex offenders so that members of our local communities may protect themselves and their children. The law also authorises local law enforcement to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent that community.

I note that the UK has some 18 500 sex offenders on its register. The UK has not adopted a community notification scheme for fear of driving sex offenders underground. New South Wales — and we know it is moving, with Victoria, towards a national child sex offenders register — for the first time in Australia has limited community notification. The New South Wales police can pass on names, addresses, photos and criminal history of child sex offenders to third parties, including parents, if a child is considered under threat. We believe the rights of the victims and their families must be fully considered in deciding what level of community notification should exist in the future, but we must also be mindful of the fact that there are many innocent families out there that we have to protect from some of these violent and serious child sex offenders.

In summary, the Liberal Party supports this bill, but it has serious reservations about its implementation. We do not understand why there is no mechanism in the bill that forces the corrections system and the courts to pass information on to the sex offenders register. We do not believe that registering or reporting once a year is good enough. We have serious reservations about juvenile child sex offenders not being forced to go onto the registration list. We think if a 16 or 17-year-old has committed a serious class 1 or 2 offence, they should be forced to go onto the registration list. In short, we will make a commitment that the Liberal Party will fix this piece of legislation if it is elected at the next state election.

Dr SYKES (Benalla) — I rise to speak on behalf of The Nationals on the Sex Offenders Registration Bill. I congratulate the member for Scoresby on covering a wide number of the issues that needed to be addressed.

The Nationals support the bill. We believe the intention of the bill is good, and with some reservations we believe the implementation strategies proposed are generally sound. This is in stark contrast with many other bills I have seen go through this Parliament in my short time here — for example, the Child Employment Bill and the Catchment and Land Protection (Amendment) Bill, which seemed to be ideologically driven and totally and practically inept.

Firstly, I will provide an overview of the bill, and secondly, pick up some of the key issues for discussion. Prior to that I would like to acknowledge the briefing given to me by the Department of Justice staff who provided a good overview of the bill.

Mr Wells — Very good.

Dr SYKES — And my colleague, the Liberal Party member for Scoresby, is re-endorsing that acknowledgment.

The bill seeks to reduce recidivism amongst convicted sex offenders by requiring that they lodge personal details with police for inclusion in a register of sex offenders. It also makes it an offence for registered sex offenders to apply for employment in a child-related field. The bill seeks to amend the Ombudsman Act 1973 and the Crimes Act 1958.

In formulating The Nationals position on this bill, we consulted in particular with the Crime Victims Support Association. It made it quite clear that it supports the bill, but would like to see, as I understand it, all sex offenders placed on the register for life, regardless of the offence. Again, I think the member for Scoresby outlined some of the reasons for that.

Some of the issues that stand out to The Nationals is that firstly, the bill forms part of a proposed national registration scheme for child sex offenders, which is fundamental to the success of such legislation. Secondly, certain convicted sex offenders, in this case in Victoria, against children and adults will be required to keep police informed of their whereabouts and other personal details for periods of between four years and life, depending on the number, severity and timing of their offences. Under the act offenders listed on the register will be prevented from working in child-related employment.

Offenders must report their changes in details generally within 14 days, but as noted later a variation has been made particularly in the United Kingdom, and we need to explore the rationale of that 14-day timeslot. There is provision for offenders who have failed to register and update their details to be imprisoned for up to two years.

Interestingly, and I will draw this out during my contribution, the Victorian legislation does not allow for offenders' details to be made available to third parties whereas in the United States of America a lot of

the information is made available, depending on which of the 50 states the legislation is directly applied.

We have some major concerns about the police capacity to implement and maintain the system, not only from a resourcing point of view but also from the quality control and data management, analysis and proactive use of the data to get best value from a lot of effort that will go into collecting and storing that data.

Finally, we are concerned that where there is similar legislation in other countries, such as the USA and the United Kingdom, it would appear that in the development and formulation of the bill, there has been a limited analysis of the impact of the legislation in those jurisdictions.

I am pleased to see that a lot of the background to the bill is linked to an inquiry by the Victorian parliamentary Drugs and Crime Prevention Committee, of which I am a current member, which undertook an inquiry in 1995 into sexual offences against children and adults. The committee noted the high rate of continuing recurrence by offenders over their lifetime, and highlighted the importance of steps being taken to address that.

Some of the key recommendations that have been generally picked up in the legislation, which is a credit to members of that committee, albeit after a period of nearly nine years, include lifetime registration of all adult offenders convicted of an indictable sex offence; a requirement that adolescents against whom a summary sexual offence is proven should be registered for five years; a requirement that adolescents convicted of an indictable offence be registered until they are 21 years of age providing they do not reoffend; and an information register including names, dates of birth, addresses, employment details, physical descriptions, sets of fingerprints, DNA samples, and photographs. Government departments, including corrections and courts, are to advise the sex offenders registry when persons are convicted of a sex offence and when they are released from prison, which is one of the committee's recommendations that appears not to have been picked up.

There is also a recommendation to require written notification of a change of address or source of employment to be made to the registry within 10 days of the move, which has been extended to 14 days generally. It is also recommended that any person moving into the state of Victoria who has been convicted interstate of a sexual offence be required to register within 10 days of arrival and be subjected to the same registration requirements as Victorians.

A series of recommendations were made, and to a large extent they have been picked up with some variations. One of the critical success factors in legislation such as this is that the databank must be national. As I understand it New South Wales got the ball rolling by putting in place a register for people committing sex offences against children. There has been agreement among all states and the commonwealth for a national database, and a bill modelled on the New South Wales legislation has been circulated for states to implement within their own jurisdictions. Victoria was the second cab off the rank to New South Wales, but other states are yet to follow. It is absolutely critical for a successful register that all states move quickly. I encourage the Attorney-General and others to lean on their Labor Party colleagues in other states to follow the good lead of the Victorian government.

Mr Hulls — We are always asking them to follow our lead.

Dr SYKES — That is right. It is important to look at the experience in other jurisdictions. As was mentioned earlier, in the United States of America legislation has been in place for a number of years and has been ramped up with what has been referred to as Megan's Law in terms of the information recorded and made available. A critical point to note in respect of the USA is that it is up to the individual states to determine how the information is released to third parties. It may be by passive notification, which means the information is available to those who seek it, perhaps through Internet sites, registry books or CD-ROMs; or it may be by active notification, where citizens are informed if a registered sex offender has moved into their neighbourhood through direct mailing, door-to-door notification or community meetings. Approximately 20 of the 50 American states have mandated for some form of active notification.

The effectiveness and appropriateness of community notification schemes have proved controversial. There are arguments both for and against. The arguments for include that the public has the right to know if a convicted offender is living in their area so that they can take appropriate measures to protect themselves and their families; that it provides peace of mind for victims, as they can monitor the movements of the person who has assaulted them; that sex offenders are notoriously repeat offenders, so all measures should be taken to protect the community against future attacks; that sex offenders have given up their right to move freely within the community; and that the right of children to be safe takes precedence over the right to privacy of convicted offenders.

Some of the arguments against include that the registration and notification schemes infringe upon the individual liberties of the offender, who has paid his debt to society during a jail term and should not be subject to further punishment and humiliation; that sex offenders receive a double punishment by being monitored after their release while other perpetrators of horrific crimes do not; and that with the threat of community notification offenders may choose not to register altogether, thinking it better to ignore their obligation to register than to lead their life as a known sex offender. This makes the future investigation of sexual assaults more difficult and diminishes the effectiveness of any monitoring scheme. A further argument against is the risk that the wrong people may be identified as sex offenders — for example, if they have the same name and live in the same area as a registered offender — causing much distress to an innocent person. There is also risk of a vigilante mentality being encouraged in the community, with citizens taking their own action against offenders. They are some of the arguments for and against in the United States of America.

The United Kingdom has had a Sex Offenders Act since 1997. The act requires certain sex offenders to register their details with the local police for various lengths of time depending on the act committed and the sentence imposed. Under the act police may be authorised to notify third parties of the whereabouts of registered offenders, but an assessment must be made that the potential harm of a sex offender living in the area outweighs the privacy interests of the offender and the victims.

There was an update of the act in May 2004, and interestingly offenders now have to register changes of any details within 3 days as distinct from 14 days as was previously the case and as is generally the case in Victoria. So after some experience there has been a general tightening up in the United Kingdom. That is a brief outline of the situation in the USA and UK.

It seems to me from the briefing I have had and the information I have read that there has been a lack of critical analysis of the effectiveness of the legislation in other jurisdictions. The New South Wales legislation has been in force for a short time only, and it is difficult to pick up the long-term impact. However, the US and UK legislation has been there for a long time. The questions that come to mind are: what is the deterrent effect of the legislation and is there a difference between the deterrent effect in the US where there have been forms of notification and in the UK where there have not? What is the difference in non-compliance rates of third-party notification between the US and the UK and what degree of assistance has the legislation provided to authorities investigating crimes? How can the legislation or the database be used to identity risk areas where police attention can be focused and is there a risk associated with that interval of 14 days or more before notification of changes in details is required? What number of offences occur in that time?

Another aspect to examine is the impact of third-party notification where you have different levels of requirements between different states in the US. While third-party notification is not provided for in this piece of legislation, in Victoria victims of crime can access information in relation to the offenders if they register.

Another concern is the resourcing of police to undertake their duties. Clause 25 of the bill says that receipt of information must be acknowledged as soon as practicable after receiving a report. That worries me. If we look at the performance of other databases the police and other authorities have managed in recent times — I refer to the firearms registration databank where it was months and months before paperwork was processed and the firearms buyback scheme — we see that the resourcing of the people who have implemented the legislation has been inadequate. It has been an absolute shemozzle. Clause 25 is a get-out clause. I raise that as a concern and ask the Attorney-General and others responsible for the staffing of the police to ensure that they are adequately resourced to do this job.

As raised by the honourable member for Scoresby, there are concerns about the quality control of the data received. Checks need to be made on that data. We are relying on convicted criminals to supply this information. If you think they will put in in a timely way information that is 100 per cent accurate 100 per cent of the time, you are away with the fairies. We need a system in place to monitor that to ensure the maximum level of compliance. We are gravely concerned about the reliance on the offender providing the information and the absence of a provision for the prison system to provide early information as sex offenders are released.

There seems to be limited strategic proactive use of the data — or at least it is not incorporated in the bill. I guess in one way that makes sense. However, it is important that, when using the databank information, the police do not just use it to interrogate, in a reactive form, alleged sex offenders.

The police should be on the front foot, and they should be proactive. They should be strategically analysing their data, looking for patterns of crime and assessing

the risk of offences being committed within the first 14 days or within a short period after an offender's release from prison. They should be analysing the appropriateness of the terms of registration according to the classification of the crimes and, importantly, in terms of the dispensation given to juveniles, given that they are normally shorter requirements.

In summary The Nationals support the bill because we recognise the devastating emotional impact of sex offences on victims, their families and the community. It is critical that we have a national database in place and that Victoria urges the other states to come on board as soon as possible. We are concerned that in the development of this bill there appears to have been only a limited review of similar legislation in other jurisdictions. We are concerned about resourcing the police to do this job properly and to have accurate information in place in a quality-controlled situation. Finally, we are concerned about the need for the police to be on the front foot and to use this information proactively so that rather than just reacting to the committing of offences they are out there anticipating and getting ahead of the game. With those concerns The Nationals wish the bill a speedy passage.

Ms D'AMBROSIO (Mill Park) — I am pleased to join the debate and speak in favour of the Sex Offenders Registration Bill. The bill represents an important next phase in the protection of children and others against sex offenders and those charged with sex offences. The bill is presented to Parliament in the context of the extremely high rates of recidivism among sex offenders, particularly paedophiles. For this very reason the bill is warranted given the very different steps it takes in an attempt to combat that recidivist behaviour.

The nature of the bill means that the Parliament is faced with competing community interests, which have already been touched on in debate. There is of course the inevitable split between privacy rights and the rights of children and others to be protected. However, this bill certainly falls on the right side of these competing interests, and I believe that until remedies are found to effectively combat the causes of sexual misbehaviour and offences, we as lawbreakers are obliged to take steps to implement out-of-prison protective measures for the sake of our children and others. We only have to look at the fact that the rate of recidivism among sex offenders is considerably higher than it is among other offenders to know that the current sanctions of prison sentences and other responses are not as effective in preventing these recidivist acts.

The bill will reduce the prospects of re-offending and assist in the investigation and prosecution of future offences by requiring specified sex offenders to inform police of relevant personal information for a period of time after their release into the community. The bill refers to registrable offences where committed against children. They include, for example, sexual penetration, assault with intent to rape, indecent assault and the possession or production of child pornography. Those who are found guilty of registrable offences will be required to report to police. Whereas for someone who has committed a registrable offence against an adult the requirement to report to police will occur if they have previously been convicted of at least two sex offences or one or more sex offences and one violent offence for which a custodial sentence was imposed, juvenile sex offenders will be required to report to the police only if ordered to do so by a court.

In line with this government's correct response to sentencing, the courts will be allowed discretion to impose a sex offenders registration order in the instance of a non-registrable offence if the court's opinion is that the offence has a sexual element and that an offender possesses or poses a sexual risk to the safety of the community. The sex offenders database will include the offender's existing and any pre-existing names, date of birth, address, employment details et cetera. The offenders will be required to report to the police annually and at any other time to provide changes to personal details.

The government has included a safety mechanism to prevent any misuse of personal information held on the sex registration database, and access to information is only possible through the express authority of the Chief Commissioner of Police. The police ombudsman will have the power to monitor police access to and use of the database and will be required to provide written reports to the minister of the results of any inspection carried out. A registered sex offender will have a right of access to, and to make copies of, the information held on the database. They may request a correction to any information held on the database.

The database will assist police in the investigation of future crimes. It will also give back to the victims of sexual crimes, their families and friends a greater sense of control in their lives. The registered offender will be required to report to the police for a period of time determined by the nature or classification of the offence or by the committal of further registrable offences. As we have already heard, mandatory reporting periods will range from four years to life.

A separate regime of reporting periods will apply to juvenile offenders to give recognition to research which indicates that juvenile sex offenders have a better responsiveness to treatment and exemplify lower rates of recidivism in contrast to adult sex offenders. For juvenile sex offenders the reporting periods are halved to a maximum of seven and a half years instead of life.

In addition to the requirement that they report to police, the bill also requires registered sex offenders or indeed a person with a pending registrable charge against them to disclose this fact to their employer or prospective employer if the employment is child related.

Let there be no doubt that the bill prohibits registered sex offenders being engaged in child-related employment. Children, our community's most defenceless group, deserve no less protection than what is afforded to them by this bill.

Further, this bill will not be restricted by state borders with respect to its recognition of mandatory reporting systems for sex offenders in other states. We know New South Wales legislated for mandatory registration of sex offenders in 2000. This bill will also recognise an offence committed in a foreign jurisdiction if it would have constituted an offence of a kind as described in this bill and committed in Victoria. In the case of the New South Wales legislation, a registered child sex offender will be required to report to Victoria Police if they stay in Victoria for longer than 14 days. On the national horizon, the Australasian Police Ministers Council has given in-principle support for a nationally consistent approach to the registration of child sex offenders. The bill we have before us is based on that national model bill.

The bill is necessary. It will provide an effective means by which we can give greater protection to our children and the broader community against some of the most heinous of crimes. It is a well-balanced policy response to the needs of the community.

I take this opportunity to correct some of the misunderstandings shown by the member for Scoresby in particular, the opposition and the VicNats in general. Comments have been made that the onus of reporting lies solely with the offender. May I remind the opposition that the bill is based on the national model bill which was given in-principle support by the Australasian Police Ministers Council. I specifically refer the member for Scoresby to clauses 51 and 53 of the bill, because those provisions exemplify that his comments, made to the contrary, are wrong. Clause 51 is headed 'Courts to provide sentencing information to Chief Commissioner of Police'. It states, in part:

> (2) The court must ensure that details of the order or sentence are provided to the Chief Commissioner of Police as soon as is practicable after the making or imposition of the order or sentence.

Further, to correct the misunderstanding of the opposition and The Nationals with respect to the reporting requirements, clause 53 entitled 'Supervising authority to notify Chief Commissioner of Police of certain events' provides:

> (1) This section applies if a registrable offender —
>
> …
>
> (b) ceases to be in government custody; or
>
> (c) ceases to be subject to a supervised sentence; or
>
> …
>
> regardless of the reason why the registrable offender was in custody …
>
> (2) As soon as is practicable before or after the relevant event listed in sub-section (1) occurs, the supervising authority is to give written notice of the event to the Chief Commissioner of Police.
>
> (3) The notice must include any details required by the regulations.

Regulations are being drafted and will come into effect at the same time as this legislation, which I believe will be in October. It is quite clear that there is a requirement on the courts and correctional services to provide information regarding registrable offenders to the Chief Commissioner of Police. With respect to concerns raised by the member for Scoresby regarding the police not having specific authority to verify reported information, they have the operational ability and means by which to do that. It is quite clear that the opposition has not read the bill as thoroughly as it should have and is purposely creating mischief and misinformation in the broad public as to the effect of the bill.

This bill should prove to be quite effective. Initial figures in New South Wales show that there was a 95 per cent compliance rate there, and four years into the operation of the United Kingdom legislation the compliance rate for offenders was 95 per cent.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until later this day.

NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Environment).

Dr NAPTHINE (South-West Coast) — I rise to speak on the National Parks (Additions and Other Amendments) Bill and particularly about a couple of additions to national parks in my electorate or close to my electorate that I have an interest in. Clause 19(4) provides for an addition of 2425 hectares to the Mount Eccles National Park, which is near Macarthur in my electorate of South-West Coast in western Victoria. The Mount Eccles National Park is currently 6120 hectares in size so the addition to it will increase the national park by 40 per cent. This is a significant addition. Mount Eccles is an extinct volcano and nestled in its crater is the magnificent Lake Surprise. That is exactly what it is. When you drive up to Mount Eccles you do not get any impression that there is a magnificent lake in the crater; the surprise is absolutely fantastic. There are great walks around the lake and the rim of the volcano and lava caves and flows. It is an excellent national park which also contains unique flora and fauna.

The addition this legislation provides for is a large area called the Dunmore State Forest, which is to the south-west of the national park. In that forest are stringy barks, messmates and white gums. It is home to possums, gliders, wallabies, echidnas, koalas and other local flora and fauna. It is a very important habitat for the highly endangered spot-tailed quoll, which I am sure the member for Swan Hill would be very interested in. The Dunmore State Forest was subject to selective logging until the mid-1990s, when the regional forest agreement which was developed under the previous state government stopped logging in that area and protected it. The next step now is to include it in the national park.

Two blocks to the west of the national park are quite different from Dunmore State Forest, with typical stony rises on the lava flows and large basalt boulders. Previously they were the subject of grazing licences but were rarely grazed due to the terrain and problems of supplying water to the stock in those remote areas. A couple of small areas to the north-west of the park are subject to grazing rights which will terminate in June next year, when they will be included in the park.

As explained in the memorandum, clause 19(8) adds 985 hectares to the Grampians National Park, which would be well known to all members as an absolutely magnificent national park in western Victoria and one of the icons of Victoria. It runs from the Stawell–Halls Gap area in the north across to Horsham and south to magnificent Dunkeld. The 985 hectares will add significant vegetation to the national park, including grassy woodlands and stands of red gum and yellow box, and will help with the protection of such species as the smokey mouse, the heath mouse, the brolga and the great egret.

It is interesting to note that the additions to the Mount Eccles National Park and the Grampians National Park have been made possible by both state and commonwealth funding. It is important to recognise the significance of the commonwealth funding for some of these additions, particularly through National Heritage Trust funding. The money has come from the part sale of Telstra, and those funds are provided to help the environment. I congratulate the federal government on its initiative in the National Heritage Trust funding, which has proved to be one of the most successful environmental programs in Victoria and in Australia. The federal government deserves congratulations for that.

These additions to the national parks are welcome, but we do need proper resources to manage these additions and all our national parks. For the Mount Eccles National Park, where we are adding a further 40 per cent to the area, it is absolutely imperative that additional staffing and resources be provided so that the park can be managed effectively. There are already a number of issues in the Mount Eccles National Park — for example, there is a real problem with the overpopulation of koalas that are destroying the vegetation. The rangers are catching the koalas, sterilising them and releasing them in other areas. We have to be prepared to accept that we have to bite the bullet on some of these issues. When there is overpopulation, corrective measures have to be undertaken. This government would not even cull the bats in the botanic gardens. When the bats should have been culled by shooting, the government would not take even that decision.

There are real problems with weeds in the national parks right across Victoria — whether it be blackberries, Paterson's curse or Cape tulip, a whole range of weeds are out of control. As the member for Swan Hill said before, throughout country Victoria the state government-controlled national parks are seen as the neighbours from hell because they are the source of reinfestation of all the noxious weeds. There are major problems with the national parks in my area with rabbits and particularly foxes ever since the government

withdrew the fox bounty. When the government withdrew the fox bounty we had an absolute plague of foxes destroying livestock throughout western Victoria. This government cynically introduced a fox bounty just prior to the last election and immediately the election was over it removed it — it was absolute and utter rubbish.

There needs to be good management of tourist visitation and the Aboriginal cultural values of Lake Condah and Tyrendarra. It is interesting to note that since 1999 funding per hectare of national park in this state has been reduced by about 15 per cent. This government adds land to national parks but does not add resources to manage those national parks. That is an indictment of this government, which is negligent in managing those national parks and is causing enormous trouble to adjoining land-holders and to the parks themselves.

We only have to look at the terrible 2002–03 bushfire-wildfire damage of 1.3 million hectares of national and state parks, 110 000 hectares of private land, 41 houses, 3000 kilometres of fencing and over 9000 livestock. The investigation found quite clearly that the government had been negligent by not doing enough adequate fuel reduction burning to prevent wildfire, and manage those parks properly.

The *Weekly Times* of 11 August says:

> In autumn — the key period for reduction burns — DSE carried out 429 burns across about 92 196 hectares.
>
> This compares with 49 000 hectares last year, 81 000 hectares in 2002, 65 000 hectares in 2001 and 58 000 hectares in 2000.

Those figures show a paucity of fuel reduction burning through that period. Although the department did 90 000 hectares, and I quote from the *Age* of 7 August:

> The figure fell short of the department's 155 000 hectare-target — which represents 2 per cent of the 7.7 million hectares of department managed land …

It says further:

> The 2 per cent figure is well below the minimum 6 per cent that critics say needs to be burnt if there is to be any real effect on bushfires.

Any wonder the *Age* concludes in its editorial of 6 August:

> Emerging clearly from the report and from Australian Bureau of Statistics data released last week is the need for government to better fund public land management to counter problems such as fires and weeds.

We are finding that it is all right to add land to national parks, but if you do not manage that land it is not in the interest of the flora and fauna, it is not in the interest of protecting native vegetation, it is not in the interest of protecting species in the long term and it is certainly not in the interest of the regional and rural communities that border on those national parks.

Let me say one final thing in the last 45 seconds of my contribution. It is absolute hypocrisy for the Bracks Labor government to add land to the Wyperfeld National Park in this legislation when, at the same time, it is putting a toxic waste dump at Hattah-Nowingi. It is going to chop down 1000 unique Mallee trees and clear native Mallee vegetation that is needed to protect the Mallee fowl and other species in that area. It will clear that area, denude it of vegetation and threaten those species to put a toxic waste dump in the middle of the Hattah-Nowingi area. It is absolutely disgraceful and hypocritical. This government stands condemned for its lack of management of public land in this state.

Mr MERLINO (Monbulk) — I rise in support of the National Parks (Additions and Other Amendments) Bill. While the bill itself represents a relatively small area of the state — 37 000 hectares compared to a total of more than 3.8 million hectares — it also represents an important step forward. It consolidates additions to our world-class system of parks and reserves and it implements important environmental protections.

In terms of environmental protection, this government is always moving forward. It always has the goal in its sights of improving the environment and creating and consolidating parks and reserves for future generations to enjoy. It is a record I am proud of, and one that stands in stark contrast to that of the previous Liberal government.

Just having a look at our environmental record as a whole, there are 13 new marine national parks and 11 marine sanctuaries. We have seen an expansion of the box-ironbark parks. The White Paper on water has been released. The green wedge legislation has reduced logging in the Otways, championing the creation of a significantly expanded Otway National Park — and the list goes on and on. In terms of the environment, the Bracks Labor government is a national leader, and while this bill has humble intentions and humble outcomes compared with some of the items I have listed, it is nevertheless very important and indicative of the direction and leadership of this government.

The benefits are not only in the fact that there is simply an additional 37 000 hectares, an increase in the number of national parks or the size of the state parks, historic and heritage parks, and major conservation reserves but that there is a whole range of benefits in

terms of environmental benefits, heritage and cultural benefits.

In terms of environmental protections we should remember things like benefits to endangered species — the mallee fowl in the Wyperfeld National Park, the red-tailed black cockatoo in the Grampians National Park, the spot-tailed quoll in the Mount Eccles National Park, the protection of flora in the woodlands in western Victoria, the wetlands of French Island and the rainforests of far East Gippsland. There are other benefits in terms of cultural and heritage values — for example, the protection of Herons Reef gold diggings, including some fantastic goldmining relics at Castlemaine Diggings National Heritage Park — and the land of the Mount Eccles National Park retains significant Aboriginal heritage values including stone dwellings.

The achievement of these additional benefits has been through the work of not only the state government but also a whole range of people, organisations and governments working together, such as individuals who donated land to the Crown as an incredible gift for the benefit of all Victorians; Trust for Nature, and friends groups that are directly associated with the land acquisitions in this bill. I deal personally with a number of friends groups in my electorate, and one that always comes to mind is Glenfern Valley bushland which is some 40 hectares of land that this friends group has come together to save. There are local municipalities, the former Land Conservation Council, the National Parks Advisory Council, the state government and commonwealth government working together, so in a range of ways people and organisations have been working together to provide this benefit through this additional 37 000 hectares.

There are a couple of minor things in the bill that are quite close to my heart. One is the reference to surf life saving within the bill. A small but important change to the National Parks Act relates to tenancy for surf lifesaving purposes, and there are two additional locations at Sorrento ocean beach on the Mornington Peninsula National Park and Venus Bay in the Cape Liptrap Coastal Park. My family has been going to Venus Bay since 1988. It is a wonderful but very dangerous beach. It has something like 22 kilometres of sandy surf beach and is 165 kilometres south-east of Melbourne. It is very exposed and very dangerous, and the one surf lifesaving club patrols the whole of this very long surf beach, so swimmers have to be extremely careful there. I noticed that this bill had a reference to Venus Bay, so I was very keen to get up and talk about it.

Clause 14 of the bill affects Lysterfield Park in that it repeals the grazing licences, which is a redundant provision within the act. We have moved on from grazing to create a world-class park including an international-standard mountain bike track for the Commonwealth Games. This includes 14 kilometres of trails and 6 kilometres of elite course for the mountain bike competition and also an environmental management plan to protect the areas of higher environmental value.

This amending bill is small but it continues on the path of this government in terms of making major improvements to our system of national parks, state parks, and heritage and cultural parks. In concluding my brief contribution tonight I wish the bill a speedy passage. It is an excellent piece of legislation.

Mr DIXON (Nepean) — I welcome any addition to the national parks of Victoria. I wish to talk a little about that and also to concentrate a little on the Sorrento Surf Lifesaving Club aspect of this bill, as well as addressing a very obscure part of this bill dealing with the Mornington Peninsula National Park.

First of all, it is good to have an addition to our national parks system in Victoria. However, we need additional resources to manage that additional park area. The opposition raised that question with the government and was told that $1.4 million worth of labour or resource labour from the Department of Sustainability and Environment would be used to maintain these additions to the parks and that that would be at no cost to Parks Victoria. Whichever way you look at it, it is very hard to work out the economics of that because in the end someone is going to pay for it. Work that would have been done in the existing national parks or some other area of that portfolio or that department will now not be done because the resources are being used in the national parks. It is not new money that has been added to the current state budget to address these additions to the national parks system. It is well and good to have additions to national parks but you have to manage them well in the meantime.

This reminds me of what happened when the government announced at the last election that it would put on 50 new rangers who would go up to the alpine regions that had been devastated by fire. I was up there a couple of weeks ago and the extent of the fires was incredible. I am sure those new rangers are doing a great job. I have seen new signs going up in the national parks and there are some quite obvious things happening, which is good. However, the local rangers told me that the resources and the environmental budget of the Mornington Peninsula National Park were being

reduced to pay for these 50 new rangers. The department was up front about that. It said that was where the resources would go for a few years until they were returned to the parks. It was not new money. On top of that, the Australian Bureau of Statistics has announced that the parks in Victoria are the lowest funded in the country with the least amount per head being spent. With all this background I find it very hard to believe that real new money and extra resources will be added to Parks Victoria to maintain our national parks.

I know the Mornington Peninsula National Park very well. Over the past 12 months I have noticed the effects of these budget cuts on the environmental aspects of that park, especially in weed growth and a lot of the environmental tracks and roads that run through the park. It is very obvious that the weeds have come back with great force in the past 12 months. A new issue which has arisen recently is that we have had an incredible explosion in the fox population in the Mornington Peninsula National Park. Parks Victoria and the rangers in the park had done a great job locally in all but eradicating foxes from the national park through a quite extensive baiting program. The department has now withdrawn the bounty and stopped the baiting programs in that area of the Mornington Peninsula. That money is going to be spent on what the department has said are areas of great need. The great work that had been done by Parks Victoria in the Mornington Peninsula National Park in reducing and almost eliminating foxes has gone. That very close-to-home example of a reduction in park resources does not augur well for the new parks to be established through this piece of legislation.

Turning to the Sorrento Surf Lifesaving Club, I think it is the newest surf lifesaving club in Victoria. It was established only a few years ago at the very dangerous Sorrento back beach. It is a great club. Ken de Heer was one of the founding fathers of the club, and Marc Clavin is its current president. Within a very few years they have established a huge lifesaving program. They have tremendous membership and are very well supported by the local businesses. It is seen as the local lifesaving club.

The clubs at Gunnamatta and Portsea do a great job as well, but Sorrento is the one that seems to have the most locals as part of it. Hundreds of young people have been trained in the Nippers over the last few years and it is a very strong club. It has been established on the Mornington Peninsula National Park at Sorrento where beautiful new clubrooms have been built. I was down there the other day, and they are putting the final touches to that, with the new balcony and facilities from which to keep an eye on the beach. It is tremendous what great work, with the cooperation of Parks Victoria, has been done by that lifesaving club. It is great that they have been given that 21-year lease because that is what they need for security and long-term tenure.

In the autumn sittings — it seems a long while since we were last in this place; we do not seem to meet very often these days — I raised my concerns in this place because Portsea Surf Lifesaving Club had come to me. They had been in negotiations for four years about the renewal of their lease with Parks Victoria, and the club had been run to the wall by Parks Victoria. They had come to me and said, as they had said publicly, that with all the obstructions that were being put in their way during the lease renewal, they were not going to patrol Portsea back beach over this coming summer. Portsea back beach is the most dangerous beach in Victoria, yet out of pure frustration they said they would no longer patrol it.

The sort of conditions that were being placed on them were unbelievable and in fact the club could not fundraise. They could not do anything that they used to do. They were being asked to sign a lease which had a clause in it that said their rent could be increased at any time without any consultation by the department. They were being asked to pay for a geographical survey of the entire section of the Mornington Peninsula — nothing to do with their club — but they were being asked to do that as one of the provisions of their lease. They were conditions put on the clubrooms which meant that they could not even fundraise for their lifesaving club.

Through the publicity and my raising it here, and through the publicity in local papers, I am thankful that higher office-bearers within Parks Victoria discovered what had been going on, and have now taken over those negotiations. It looks as though the situation might come to a fruitful solution. I am glad that Parks Victoria has seen the sense of that. You almost get the feeling that some elements within Parks Victoria and the Department of Sustainability and Environment do not like people in our national parks using their national parks. The place is to look at but their attitude seems to be, 'Don't you dare go in and use them because they are sacred grounds'.

I see this growing emphasis in all sorts of areas around Victoria, especially in my tourism portfolio. What happened to the Portsea Surf Lifesaving Club was farcical and was a good example of that emphasis. Thank goodness that wiser heads have prevailed and this lease will be settled!

I certainly hope that the negotiations for the new 21-year lease for the Sorrento Surf Lifesaving Club — I will not be here in 21 years, but I hope the member for Nepean who is here then will stand up for the Sorrento club — will not be like the farcical situation that Portsea had to go through.

The last point I wish to raise is that there will be no more grazing on the Mornington Peninsula National Park. I presume that means cattle grazing, because I know that the foxes and all sorts of other animals are grazing there. I am not really happy about that aspect, because I thought that that might be one way of keeping down all the weeds that have grown on the Mornington Peninsula National Park. If a herd of cattle were allowed to wander through the national park and keep the weeds down, it could lessen the fire problem that might eventuate there. No cows is a good idea.

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

Ms BUCHANAN (Hastings) — Yes, I regret that the member for Nepean will not be around this place in 21 years, but when the ALP member for Nepean stands up here in the next term and talks about the fantastic contribution this state government has made in its additions to national parks, that person — I hope it will be a 'she' — will be talking very strongly about this government's commitment to management through resourcing. It gives me great pleasure to speak on this national parks bill.

What I will do is break it into two parts. I will talk about the additions and I will talk about the issue of resourcing. This is a bit disappointing to come back to on the first day, when one would hope — I guess it is wishful thinking — that clarity and information based on fact would be prevalent in this chamber. It is unfortunate to see that misinformation is the name of the game, and I will certainly be clarifying a few issues about resourcing later on.

I am very proud of what this government has done in terms of additions to national parks in this bill. Like the ALP member before me, I rise to highlight the most generous donation of individuals adding on to national parks in this way and to some degree the collaboration between the state and federal governments on the purchase of extra land to add to national parks.

I would like to highlight some of the additions to the national parks, and I have a wonderful list of some of them. I direct to the attention of members the additions to the French Island National Park. The residents of French Island have been well supported by this government in relation to park additions — 165 hectares has been added on the northern and western sides of the existing park. As a result of the very generous grants given to the Friends of French Island and other Landcare associations on the island, members of those groups will be doing a fantastic job in restoring vegetation on French Island and working towards getting some wonderful things done to enhance the national parks.

One of the matters that many members have talked about is the value that friends and volunteer groups add to national parks. That is an area where this government and Parks Victoria have been very good in terms of inclusive community involvement. The member of Nepean stated that people seem to be excluded from national parks. I disagree with him on that point. Volunteers have played a great role within national parks. I speak from example. My daughter has been a camp host at many parks around Victoria over the recent school holidays. She has been up to Hattah-Kulkyne — we were up there at Easter — and worked with the rangers up there. We had a fantastic time. This is how members of the community can play an active and vital role in national parks.

On the issue of it sometimes seeming that the government does not want people in national parks, the one area where I agree with the member for Nepean is in relation to Point Nepean. Let us look at Point Nepean in terms of the federal government — and complicit in that the Liberal Party supporting it — flogging off that site, subsequently proposing a long-term, 50-year, forever-and-a-day lease on the site and then, for the moment, coming up with some sort of furphy, a half-baked trust proposal for the site which incorporates a lot of commercial activity. It is a scam.

Mr Perton — On a point of order, Acting Speaker, I know that the bill contains a number of additions to national parks, but the topic the member is now relating to is not contained within the bill. She is not the lead speaker, and I would ask you to bring her back to the content of the bill.

Ms Delahunty — On the point of order, Acting Speaker, there have been a number of speakers on this bill and they have ranged quite broadly across issues relating to national parks. The member for Hastings has been entirely consistent with that pattern of speeches in this place on this bill, so I would ask you to give her the latitude that has been given to previous speakers.

The ACTING SPEAKER (Mr Kotsiras) — Order! At this stage there is no point of order. The member is only making a reference to Point Nepean.

Ms BUCHANAN — Yes, that is right. In some respects I concur with the person who put the point of order, because it is a damn and terrible pity that Point Nepean is not on this list. If the federal government had come to the ballpark and done what the Victorian community has asked, Point Nepean would be on this list and we would be talking about the fantastic opportunities for the community to play an active role on that site. I thank the member very much for bringing that to the attention of the Parliament. I really do appreciate it.

In the time left to me I would like to talk about the issue of resources. Earlier the member for Warrandyte — I will try to paraphrase as much as I possibly can — talked about the maintenance budget for the Mornington Peninsula region being cut from $80 000 to $12 000. I am really glad that he is not the shadow Treasurer, because he certainly cannot read figures.

I would like to read from an email I got from someone who does know about the operational budget for the park at Point Nepean. He, like me, was wondering where this absolute furphy in the local papers about the budget for the national park in the region being cut by 85 per cent was coming from. Journalists were ringing up and saying, 'We have looked through the budget papers, we have rung the Parks Victoria people; we do not know where this figure has come from either'. The email states that the environmental budget for any park can vary considerably based on issues facing it. Members on the other side need to appreciate that we have gone through an incredible round of drought — we are still in the middle of it — and that last year we had major bushfires across much of the state of Victoria that needed a lot of resources and energy put into them. It is amazing how some people have selective and short memories when it comes to that issue. Resources do need to be directed into the areas of greatest need, and that is where a substantial proportion of money and resources needed to go last year to address those critical issues. In any national park those issues are looked at.

I just want to clarify one point. The Mornington Peninsula National Park's environmental budget categorically did not fall by 85 per cent. I want those members who have been out there touting that figure — —

Mr Perton interjected.

Ms BUCHANAN — It fell last year. Are you listening?

Mr Perton interjected.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member will continue without the assistance of the member for Doncaster.

Ms BUCHANAN — I think you know what I mean.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member, through the Chair.

Ms BUCHANAN — The Mornington Peninsula National Park's environmental budget did fall last year — by 25 per cent — to reflect the resource diversion to the bushfires. However, it increased by an equivalent amount this year. With fluctuating budgets priority is always given to priority works where there is a threat to the environment, such as with pest plants and animals. When the additional funds become available they are often allocated to one-off projects such as revegetation and fencing down that way. The assertion that resources are not put into areas of need and high priority such as weed eradication and vegetation control is totally inaccurate. Members on the other side need to start showing that they are doing their homework correctly and reading things properly before they go off at a tangent making crazy remarks like that.

Going back to national parks, I am very proud to be part of a government that has been looking at consolidating and tidying up some of the additions to national parks to make them more consistent with a strategic and focused approach to the management of these fantastic Victorian assets. Other members have alluded to the fact that about 37 000 hectares have been added to national parks. I understand valuable additions will be made to the Grampians, Mount Eccles, Morwell and other national parks that will be available for the enjoyment of all Victorians as well as to interstate and overseas visitors. They will certainly add to the economic focus of this state and to people's appreciation of its natural environment.

One of the other things this government has been fantastic at addressing is environmental awareness through water management and conservation. That is certainly reflected in how catchment management authorities look at revegetation works and translates into state government land management in national parks.

In conclusion, I am very proud to be part of the government and to support this bill that provides for additions to national parks. It is indicative of the fantastic work this government does in valuing the many environmental precincts of this state. As a final comment, it would be really good, as one member

alluded to earlier, to see Point Nepean on this list. As to issues on resourcing, I think members on the other side need to have a crash course on reading budgets carefully. I fully support this bill.

Dr SYKES (Benalla) — I rise to speak on the National Parks (Additions and Other Amendments) Bill. Like my Nationals colleague, I strongly oppose the bill because the government cannot manage what it has on its plate at the moment and has no right to take on more. It would be irresponsible. If you want a simple analogy that most people should be able to get their minds around, we have a five-year-old grand-daughter living with us at the moment, and she gets a simple message: if she cannot eat what is on her plate she does not get any more.

That is the message to the government: if you cannot manage what is on your plate now and if you are going to be responsible, how can you take on more? There are two reasons beyond that, and they can be characterised as philosophical and funding. If we look at the philosophical issue, the government's failure to manage Crown land is because it has a mentality of lock the gate and throw away the key, which does not work.

The Bracks government is known as the neighbour from hell. It was responsible for the burning of 1.3 million hectares of country. There is still seething anger in the north-east. Come to the north-east and sense the seething anger resulting from the Bracks government's irresponsible management of Crown land. The Crown land is a haven for weeds, foxes, wild dogs, pigs and deer. Why did the Bracks government choose to decrease the funding for doggers in spite of the obvious damage being caused to the neighbouring properties, with thousands of sheep being torn to death, mercilessly injured and killed by dogs? The government was not prepared to put in the money to fund doggers, but it finally responded to the pressure from the furiously angry neighbours.

The principle with the government and Crown land management is that you cannot lock the gate and throw away the key. You must proactively manage it. If we look at the experiences with Landcare — one of the most successful environmental strategies over the past decade — we see that it is successful because the people involved are passionate and they manage the resource. When we set aside country for revegetation, we do not just put up the fences, plant the trees and walk away. We lock into a 10-year or a lifetime commitment to manage that area. Management means checking; it means repairing the fences and controlling or exterminating the foxes, the vermin, the rabbits and the weeds — the Patto, the Bathurst burr and the blackberries that come down the stream from the Crown land.

If the government is going to get on board and take on more country, it must manage it. If the resources are limited, as they are — and I am not critical of the individuals out there in the field — the government should take on board the assistance being offered by people such as the Sporting Shooters Association of Australia, the Australian Deer Association, the four-wheel-drive club of Victoria, the Bush Users Group, the timber industry and the mountain cattlemen. They are all experienced people. They are all skilled and passionate about the high country and the bush. They will get in and work with government — with Parks Victoria and with the Department of Sustainability and Environment — to make our national parks and state forests better places.

On that note it is pleasing that the government has recognised to some extent the contribution these people can make. It is pleasing to see that it has an agreement with the Sporting Shooters Association of Australia to involve it in the management of pest animals such as the foxes, wild cats and dogs that are destroying our native fauna as well as the domesticated animals on adjoining properties.

Mr Cooper — Too late.

Dr SYKES — It is late, but maybe we can recover. There are some signs that the government is starting to hear and respond. Similarly, the mountain cattlemen have an enormous amount to offer in the management of the high country if only their voice can be heard and continue to be heard.

To take on the issue of proactive management you need funding. You need serious money. When you go into a Landcare agreement with the funding bodies you lock into a 10-year-plus commitment to manage that land. That is not done for nothing. That is a big input of time and resources, and it costs money.

If the people in this Parliament do not accept the comments made in earlier presentations on the relatively low funding by the Victorian public compared with the public in other states, I say, 'Get up to the national parks and state forests and see for yourselves the blackberries and the Patto congesting the parks and flying out into the neighbouring properties. Come up to the Upper Ryans Creek Landcare group and you will see how it is combating the feral pests, the weeds and the blackberries that come into properties each year because they are not being controlled in the state forest'.

Having said that, we can work together at a local level with our colleagues to manage the state forests. If more money were available, we would make more progress.

In the Upper Ryans Creek area land-holders such as Terry Ring can sit down with the Department of Sustainability and Environment and negotiate a strategy for controlling the blackberries and stopping the re-infestation of the streams downstream from the forest boundaries. It can be done. The will and spirit of cooperation is there from the grassroots, from Department of Sustainability and Environment and Department of Primary Industries staff and local land-holders. What is needed is serious funding from the government.

Similarly, the Upper Holland Creek people are fighting with the continual reinfestation of their country of blackberries and Paterson's curse from the perimeters of the forest. What is required is serious money and a commitment to back the local people who have demonstrated that they can work together.

My plea to the government is to accept a philosophical change, get out there and proactively manage a resource — because it is our resource, the public of Victoria's resource — and take advantage of the many willing helpers who have used, worked in and loved the bush over many years, and instead of being known as a neighbour from hell the government should become part of our community, work with us and make Victoria a better place to live.

Mr THOMPSON (Sandringham) — In joining the debate on the National Parks (Additions and Other Amendments) Bill, I shall start with a criticism of the government for its lack of commitment to a number of environmental issues in the state. The first issue relates to the northern Pacific seastar in Victorian waters. Question on notice 349 in the Legislative Assembly asked a number of questions, the first being:

> What is the current estimated number of seastars in Port Phillip Bay?

Mr Batchelor — Thirty-seven!

Mr THOMPSON — They were numbered in the millions. There have been various reports on the number of seastar in Port Phillip Bay, ranging between 5 million, 10 million, 30 million, 90 million and 160 million. The best the government was able to provide was 37 from the Minister for Transport, or that they were numbered in the millions. It shows there is a lack of commitment to proper research in relation to this important environmental issue.

Another question asked of the government was:

> What is the funding allocation for research into the seastar in 2003–04?

It is a relatively simple question that should produce a relatively simple answer. A further question was asked:

> What has been the allocation for research funding into the problem of the seastar on a per year basis over the last four years?

Again, a straightforward question. The best the government could do in answering those questions was to state:

> Victoria, in collaboration with marine industries and research providers, has allocated considerable funding to tackle this marine pest.

There is no indication as to the current funding allocation for the last financial year, and there is no indication of the correlation of that funding commitment to funding over the proceeding four years for an important environmental issue.

A number of comments were made on the environmental initiatives of the ALP. In the last Parliament, in relation to one of the more important bills that were passed, when the National Parks (Marine National Parks and Marine Sanctuaries) Bill was first introduced there were two important omissions from the report of the Environment Conservation Council. Firstly, the area around Cape Howe had been excised completely and was not included in the recommendations, and the area around Ricketts Point was also not included. It is ironic that when the bill was reintroduced those two areas were included and a sector of the coast which the government did not have the political will to implement in the first instance ended up being the site upon which it launched marine parks in Victoria, not long before the state election.

The Liberal Party has a clear and strong record of achievement on environmental matters. The Land Conservation Council was established in 1970 under the Land Conservation Act, an initiative of the Liberal Party. The achievement of this legislative regime included the development of a land classification system with 40 different public land-use categories, dividing Victoria into 17 study areas where public land use was analysed, and making over 4000 recommendations on land management, most of which were accepted and implemented by the Hamer government of the day.

The Land Conservation Council was superseded by the Environment Conservation Council. This body made a number of recommendations in relation to marine parks

and sanctuaries, the box-ironbark forests and the woodlands areas which have subsequently been reproduced in legislation.

In 1970 the Bolte government established a statutory body under the Environment Protection Act 1970, which brought under one act and one regulatory authority the 25 acts then in place in Victoria for the control of land, air, water and noise pollution. That act represented the key principles as follows: the precautionary principle, the protection of intergenerational equity, the polluter-pays principle and the protection of biodiversity. It is noteworthy that in 1970 this was a world-leading piece of legislation, and Victoria's environment is the beneficiary of the foresight of the then Liberal government.

Other environmental initiatives include the abolition of scallop dredging in Port Phillip Bay and the diversion of treated sewage from Mordialloc Creek. A corollary of that initiative was the development of innovative wetlands to improve environmental flows to Port Phillip Bay. I have mentioned in other speeches to this chamber the significant commitment of the former coalition government to beach renourishment. There is a lack of commitment to that on the part of the Labor Party, as exemplified by the lack of funding for cliff stabilisation works near Red Bluff in Sandringham and the beach at North Aspendale, which is being washed away at the present time. If the government had any sense of vision about good coastal management and planning, it would be doing some very strong and strategic work on recurrent funding for beach renourishment purposes around Port Phillip Bay. It will be interesting to see whether the government is able to respond to the petition about to be lodged by over 900 residents in the Carrum–Chelsea area in relation to the importance of works being undertaken on the North Aspendale beach.

There have been significant developments in relation to the setting aside of national parks including Wilsons Promontory, Mount Buffalo, Wyperfeld, Mallacoota and Wingan Inlet. The Bolte government passed the National Parks Act in 1956 to ensure the long-term protection of these natural areas. It was the first of its kind in Australia, and the National Parks Authority was set up to administer the new act. In 1975 the Liberal Party in government developed a new National Parks Act which was more comprehensive and replaced the struggling committees of management with advisory committees. Those initiatives provided greater protection and a clearer direction, and they are still the basis for park management today.

At the federal level there has been the significant commitment of funding under the National Heritage Trust. A number of years ago an unprecedented $2.5 billion had already been committed to the environment through the establishment of the National Heritage Trust. That is a significant commitment.

In relation to the bill before the house I want to comment specifically on the amendment to section 32B of the principal act, whereby a number of changes have been made relating to tenancies for surf lifesaving purposes. In particular, according to the *Alert Digest*, subclause (2) inserts proposed subsection (1A) to enable the minister to grant tenancies of land in Mornington Peninsula National Park, Port Campbell National Park and Cape Liptrap Coastal Park for surf lifesaving purposes. This new provision enables a tenancy to be granted at Sorrento ocean beach, where there was no surf lifesaving operation prior to 1978, and at Venus Bay in the Cape Liptrap Coastal Park.

Lifesaving is an important initiative that has seen the saving of many lives. At the moment a merger is taking place between the Royal Life Saving Society of Australia (Victorian Branch) and Surf Life Saving Victoria. It is notable that a number of years ago some 69 people lost their lives in Victorian coastal and inland waters. As a result of a commitment by the former coalition government two important initiatives were developed: firstly, Play it Safe by the Water, which saw extensive advertising programs promoting water safety; and secondly, Lifesaving into the 21st Century.

This second initiative saw a major upgrade of most of the lifesaving clubs around Port Phillip Bay.

In conclusion I pay tribute to a former Australian Football League footballer who was actively involved in lifesaving for over 50 years and who died earlier this year. Cameron Fitzgerald commenced membership of the Chelsea Lifesaving Club in 1938, and his participation in lifesaving is epitomised by his gaining of all of the Royal Lifesaving Society Australia awards up to and including the Royal Life Saving Society Australia (RLSSA) diploma in 1960.

He assumed a role in state, national and international competitions which commenced initially in 1950, when he served as a state team member. He was then a Victorian and Australian teams coach and a state and national lifesaving competition judge, culminating in his position of director of the Asia Pacific and Commonwealth Championships in 1994.

He made a major contribution to lives being saved, not just directly but also through his education and training

over many years, and his passing is a great loss to lifesaving, an element of which is advanced by this bill.

Mr DELAHUNTY (Lowan) — Thank you, Acting Speaker, for the opportunity to speak on this very important bill for rural and regional Victorians. Along with my national colleagues, I will be opposing the bill for the reasons that have been outlined by the members for Swan Hill, Benalla and others on this side of the house.

The reality is that the bill has a purpose — to provide a net increase of some 37 000 hectares to parks and reserves throughout the state. This will comprise both additions to existing parks and reserves, and some new nature conservation reserves.

I am informed that there are some 14 000 hectares of new national parks and 23 000 hectares of new native conservation reserves, representing about a 1 per cent increase; but I do not see anything in the second-reading speech nor have I heard anything in the debate in the house about the possibility of a further increase in funding or resources to help manage these parks.

It has often been said in the house that since the government came to power, farmers and other landholders adjacent to conservation reserves and national parks consider the Department of Sustainability and Environment to be the neighbour from hell. There needs to be an increased allocation of resources for staff and funds to look after those areas and control such things as weeds and vermin.

When I talk about vermin I am talking particularly about rabbits and foxes. Today prime lambs are worth big dollars in the saleyards, and farmers are very concerned about the fact that they are not able to use all the resources available, with the assistance of government, to ensure they control these foxes. As we know, leading up to the last election in 2002 the government brought in a fox bounty; but straight after the election that fox bounty was removed. It was working very well. Twelve months earlier a review was done by the department which said it was working effectively and efficiently and achieving its aims; yet it was removed.

Therefore in these ever increasing national parks and conservation reserves we are seeing an explosion of foxes which are creeping onto farmland and taking away prime lambs, which are very valuable to the community. This is another reason why we are not supporting the bill.

Another purpose of the bill is to repeal some provisions relating to grazing and timber harvesting in certain parks. As the member for Swan Hill said, we are importing timber from Third World countries which have no conservation strategies and which are raping and pillaging — —

Mr Helper — A fat lot you guys care!

Mr DELAHUNTY — I would like to hear what the member for Ripon has to say about this, because I am sure his community is saying the same thing to him as mine is saying to me. We are taking timber from these Third World countries, importing it into Australia and value adding, therefore taking away opportunities for our timber harvesting industry in Victoria.

I even have one furniture manufacturer in my electorate who is concerned that the very small amount of red gum timber that is able to be harvested in Victoria is going overseas, coming back in, supposedly having been manufactured in Victoria, and being sold even though it has been manufactured or value added in Third World countries. So again it is impacting on some of these important furniture manufacturers in rural and regional Victoria.

I want to highlight some concerns about firewood. Some people in the community at Rainbow in the far north-west of the state and in the north-west of my electorate, have to drive 100 kilometres to source firewood for their wood heaters and some of them even have to use it for cooking. When we wrote to the department they came back to us and said, 'Tell them to go on to natural gas'. Do they not look at a map? Do they not realise that the closest natural gas outlets are probably 120 kilometres away and very unlikely to get up to Rainbow? So again we see the city-centric Labor government unaware of what people in rural communities really need in relation to firewood and other heating sources.

An honourable member interjected.

Mr DELAHUNTY — It is good to see that I got a bite over there!

Fire management was another concern raised by my colleagues, and particularly by the member for Benalla. I note from reading reports in the paper and particularly a report with a preface written by Allan Myers, who is a highly respected Queen's Counsel in Victoria, that a review of fire management was done which was very critical of this government. Not enough local knowledge is used in fire management. We are seeing more and more computers being used local knowledge is not being sourced, and we are therefore running into

a lot of problems with fire management. We have had the problem in western Victoria. It did not only happen in the north-east and in Gippsland in the last couple of years, it also happened in the Big Desert and around Stawell. If it were not for the great Country Fire Authority volunteers, we would have had a real problem on our hands.

If we are going to have nature reserves and national parks, we need services such as an emergency services helicopter in western Victoria. We are the only part of Victoria that does not have an emergency services helicopter. It could do work in the ambulance sector, in fire management and also in search and rescue, particularly in national parks. This government must put more resources into managing the national parks, and a helicopter would help in that regard. I put on record my support for an emergency services helicopter.

The definition of 'restricted Crown land' is also being amended. Since this government came into power Crown land management has been appalling. We have had further restrictions to firewood collection; we have restrictions in relation to beekeepers and to timber harvesting. We must have further resources to look after Crown land. I looked at the map which my colleague the member for Swan Hill provided to me. We have seen the addition of the Mount Arapiles-Tooan State Park and also the Grampians State Park. Only a couple of years ago there were not enough funds coming from the government to repair the road in the Mount Arapiles-Tooan State Park and we were looking to the Horsham Rural City Council to use its funds to pay for this state park.

However, I believe that funds have finally come through after many years of lobbying. As we all know, the Grampians National Park is one of the great Victorian icons. I think it is the second most visited icon in the state. Again, under this bill there is an addition to this park area. The staff up there do a great job, but I know they are stretched to the limit, and it is important that we get further staff and resources to manage the park.

The reserves in my area to be included are the Tallareira Nature Conservation Reserve and the Jilpanger Nature Conservation Reserve in the West Wimmera shire. When the community cabinet came to western Victoria concerns were raised about the management of nature reserves and native vegetation.

I finish by talking about the lodge in the Little Desert, which is a real icon and is somewhere for people to stay. I believe some of the ministers stayed there as part of the community cabinet visit. There are concerns in that region about the management and control of some of the things that are happening in the Little Desert National Park, particularly the concerns about black water being dumped from caravans and mobile homes in the park, because there are no facilities in western Victoria for black water disposal. I raised this matter with the Minister for Water during the adjournment debate in the last sitting of Parliament, but I do not believe much action has taken place. The government talks a lot in this house about what it is going to do, but when it comes down to managing things in rural Victoria its track record is appalling.

That is why I am opposing this legislation. The government's record on Crown land management is appalling.

Mr Plowman interjected.

Mr DELAHUNTY — As the member for Benambra has said, it is the neighbour from hell. The government should have shown with this bill how it is going to manage the parks into the future.

Mr TREZISE (Geelong) — I am pleased to be able to speak briefly in support of the National Parks (Additions and Other Amendments) Bill. This bill highlights not only the Bracks government's commitment to national parks but also its overall commitment to protecting Victoria's environment.

The Bracks government has a record on protecting our environment and national and state parks that is absolutely second to none. To see that one only has to hark back to one magnificent initiative: the creation of the marine parks in our state waters. It is world-leading legislation that is the envy of many nations across the globe. The bill we are debating tonight adds to the proud environmental record that the Bracks government has established over the last five years. As a member for the south-west section of this state I have to mention the Bracks government's proud record on protecting the magnificent Otway Ranges. The goals of working towards the cessation of logging in the Otway National Park and the expansion of the other national parks are icons of the Bracks government legislation that has been passed through this house since September 1999.

As all members know, the bill before us tonight expands our parks by a total of 37 000 hectares, and much additional land will be allocated to various parks across Victoria under this bill.

I would like to touch on a small area that will be protected under this bill, the Steiglitz Historic Park. For those members who do not know it, Steiglitz is to the north-west of Geelong, south of Ballarat. It is a very beautiful area in its own way. The historic goldmining town of Steiglitz could provide a great history lesson for the member for Doncaster. It is a magnificent little town that provides a great history lesson for the people who visit it. In my early days I spent a fair bit of time in and around the Steiglitz Historic Park, and I am very pleased to see that the old township will now be included in the established park.

This is good legislation. It adds to this government's proud record on the environment, especially the establishment and maintenance of our parks. I wish it a very speedy passage.

Mr COOPER (Mornington) — The network of parks that we have in this state, whether they be national, state or local, is something of which we should all be proud. I assume most members would be proud of that network of parks, but unfortunately, as we have heard in this debate tonight, there is a problem. As the member for Benalla said, a number of the parks are the neighbours from hell. That is due to the lack of resources to manage those parks. I want to touch on the poor management of our parks, because this government has, regrettably, not accompanied its additions with the appropriate resources. That is a matter of regret, particularly for people who have some regard for our parks and who are neighbours of our parks.

As other speakers have said, this bill adds some 37 000 hectares of additions to the system of parks and reserves, of which 23 000 hectares will go into the new nature conservation reserves. Most of these additions have come about through purchases, and in some cases they have come about through grants or gifts to the people of Victoria from people who have regard for our national park network.

I am interested in the resource issue. It is worth noting that tonight we have heard the member for Hastings admit that the resource allocation to the Mornington Peninsula National Park, for example, has been cut by 23 per cent. That is an admission that has not been made publicly by this government before, and I am glad that the member for Hastings has made that admission tonight. The national park that is in her electorate, the French Island National Park, is one that I have had a very close affinity with because it is in an area that I represented in this place between 1985 and the last election.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Somerville secondary college: construction

Mr PERTON (Doncaster) — My adjournment matter is for the Minister for Education and Training. The action I seek is for the minister to keep Labor's promise to the community of Somerville and build their secondary college on time, in full and on schedule for the start of the 2005 school year. As of this week the promise is broken. Labor will force Somerville secondary students to be bussed to portable classrooms set up on faraway schools.

In 2002 the Minister for Education and Training announced the school would open for the start of the 2005 school year. In 2003 the Liberal federal government paid the Bracks Labor government $800 000 to get the work on Somerville secondary college started. This year there was another federal payment of $1.2 million to fund construction of the Somerville secondary college in readiness for the start of the 2005 school year. It is not just local residents and federal Liberals who believed the minister and the Labor government. In her press release of 22 April 2004 the member for Hastings promised her constituents:

> Somerville secondary college will open its doors for local students at the start of the 2005 school year …

In the same press release the member for Hastings reminded her community that the school had been promised by the then education minister, Lynne Kosky, in 2002. She concluded with the comment attacking me and the Honourable Ron Bowden in the other place:

> Anyone who has enrolled their children into Somerville secondary for 2005 should not be fearful of the state opposition's scaremongering campaign.
>
> I assure Somerville residents that our enrolled students will be taught at this new local campus at the start of [the] 2005 school year.

That is a promise which was echoed by Simon Napthine, the Labor candidate for Flinders. Were these people liars or were they misled? We know about the incompetence of the Minister for Aboriginal Affairs, who has had a fair role in delaying the project. As the *Hastings Independent* states:

> The state Aboriginal affairs minister belatedly sought a change in commonwealth regulations to sort out tribal ownership, only to find the state held the head of power all along.

Now he claims that the Aboriginal objections have dissipated so the school should be built and ready for the new academic year. The school will not open in the 2005 year. Could it be that 2006 is more politically acceptable to the government, as it will be only months before the next election?

In the *Hastings Independent* this week the member for Hastings made the extraordinary claim that the parents of Somerville have decided they want to bus their kids to portable classrooms far away from the school site. I do not know what the member was thinking. I do not know whether she was telling the truth or not, but it sounds very much like a lie to me.

A meeting that was held in the electorate was presented with three options: portables with construction all around them, an August 2005 opening or waiting until 2006. They are unpalatable options. It could only be a lying and cheating Bracks government that would be so arrogant — —

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

Youth Girls Footy Pak Cup

Mr STENSHOLT (Burwood) — Acting Speaker, no doubt you have heard the phrase, 'You kick like a girl'. To that I say, 'Good for you', because this year Football Victoria launched the first community-based youth girls football competition in Australia, the Footy Pak Cup. I ask that the Minister for Sport and Recreation in the other place continue and enhance state government support for this competition next year through Football Victoria.

The Youth Girls Footy Pak Cup is an under-17 competition allowing girls aged 13 years and above to take part in Victoria's favourite sport. It was run each week for five teams in the south-east and Mornington Peninsula from schools and local community footy clubs. The official launch and registration day was 8 May in Sweeney Reserve, Narre Warren, with the Minister for Sport and Recreation, Justin Madden, the member for Narre Warren South and me attending to support our local teams. Therein lay the start of a fierce but friendly rivalry between the Sacre Coeur Kangaroos of Glen Iris and the Narre Warren South Tigers. Other teams in the competition were the Rosebud Stingrays, Waverley Power and the Berwick-Casey Hawks.

The driving force behind the competition was Football Victoria female football development officer Nicole Graves. She did a magnificent job running the competition and making sure it was effective. She and the umpires, managers, runners and other helpers deserve our congratulations. So does the Narre Warren South footy club for providing the facilities each week for the competition.

The girls had a great time playing footy and at the end of the 10 rounds Sacre Coeur Kangaroos were on top of the table with a magnificent percentage of 1963 and two games ahead of the Narre South Tigers. The end-of-season award for the best conducted club went to Waverley Power, and the equal leading goal kickers were Cassi Bell from Narre Warren and Kristin Stensholt from Sacre Coeur.

Now for the grand final wrap between Sacre Coeur and the member for Narre Warren South's beloved Narre South Tigers. It was a great match in tough, muddy conditions. A crowd of over 200 parents, families and friends saw some fierce tackling in the first quarter and at the end there were only five points between the teams. The Kangaroos got on top in the second quarter, with three goals from their star goal kicker. The Tigers came back in the third, with Stephanie Brown and Penny Moores getting plenty of the ball. But the Roos defence of Regan, Durnan and Charles stood firm, the Liston sisters dominating in the air and the Evas too strong in the centre and on the wing. Four unanswered goals in the last quarter saw the Sacre Coeur Kangaroos run out as worthy winners. Best on ground for the Kangaroos was Genevieve Liston and best for the Tigers was Cat Rodriguez. Kristin Stensholt kicked five out of seven for the Roos.

Credit goes to the Sacre Coeur coaches, Kim Elder and Adam Valladares, as well as to all the Sac girls: Briege and Alicia Eva, Rebecca McGlade, Olivia Garlepp, Monica Vandelaak, Stephanie Bartneby, Kristin Stensholt, Gen and Nicki Liston, Stephanie McLennan, Charlotte Packwood, Emma Charles, Catherine Ryan, Jamie Durnan, Catherine Regan, Laura Murphy, Claire Shone, Therese Mount, Brodie Grimes, and Caitlin Hillier.

Well done to all the girls from all the teams for a great year's competition. No doubt next year it will be even bigger and better. I am sure they cannot wait to have the competition start again.

Preschools: administration

Mr MAUGHAN (Rodney) — I raise a matter for the Minister for Community Services. I seek her

support to have preschool education come under the ambit of the Minister for Education and Training. In doing so, I stress that I am not intending to cause any offence whatever to the minister or her department.

To me it is obvious that of the three education sectors, preschool, primary and secondary, preschool is by far the most important in terms of the development of each particular individual and the sort of community we will have in 10 to 15 years time. There is absolutely no doubt that the first six years of a child's life are absolutely important in determining the make-up and attitudes of that individual later in life. Every $1 not spent on preschool education and early childhood development costs the community $7 further down the track. We should therefore be investing far more in preschool education than we are currently. There should be either more funding per se or a change in our priorities for funding. Proper funding for preschool education will attract and retain the best and brightest of the preschool sector. It will provide job security, remove the burden of fundraising and administration from volunteer committees of management and provide essential funding for critical capital works. It will be an investment in our long-term future.

I also advocate, because of the vital importance of our preschool education, that preschools should be part of the Department of Education and Training in the same way as primary and secondary schools are. This would solve the pay parity issue, provide opportunities for career advancement and remove the administrative burden from volunteer committees of management that change from year to year and have varying degrees of experience. It would remove the need for volunteer committees of management and local government to find significant amounts of capital to build preschools in the first place — and that is becoming an increasing burden, particularly on those volunteer committees of management — and would provide an efficient, standard, statewide administrative and payroll function.

This proposition is widely supported by preschool communities, preschool teachers and the general community. I therefore seek the support of the minister to further advance this concept, which I suggest has very widespread support in the community.

Youth Girls Footy Pak Cup

Mr WILSON (Narre Warren South) — I rise to call upon the Minister for Sport and Recreation in the other place to support the continuation of girls football in the next football season. Along with the Minister for Sport and Recreation and the member for Burwood, I recently attended the grand final of Football Victoria's new under-17 girls competition known as the Footy Pak cup.

An honourable member interjected.

Mr WILSON — Unfortunately we lost. As Parliament was told a little time ago, the 10-week pilot competition was launched in May this year. I thank the City of Casey, led by its mayor, Cr Rob Wilson, who is a strong supporter of the girls football competition, and the Narre Warren Junior Football Club for their cooperation in providing the ground, the clubrooms and the canteen for the use of all teams in the competition. The competition allowed over 150 girls aged between 13 and 16 to compete in a female, footy-friendly atmosphere. I must note, as I am sure the very proud member for Burwood noted earlier, that his daughter's Sacre Coeur team ended the competition with a percentage in excess of 1900 per cent. Whilst I am not one who could accurately describe the skills of other football players, I note that the skill level and confidence of the players increased with each game in which they competed.

The official sponsors for the competition were VicHealth, Footy Pak and Victor and Burley. As many members of Parliament know, without sponsors little happens, and I thank the sponsors and hope they will continue their sponsorship next year.

Dr Napthine — On a point of order, Acting Speaker, it is my understanding from listening to the members for Burwood and Narre Warren South that they have asked for the same thing in relation to the same issue, and I seek your ruling as to whether that is appropriate in the adjournment debate.

The ACTING SPEAKER (Mr Nardella) — Order! Can the honourable member for Narre Warren South point out the issue that is different from the issue raised by honourable member for Burwood?

Mr WILSON — On the point of order, Acting Speaker, I am calling for the minister to encourage the development of girls football in the state of Victoria, to promote competition amongst schools and football clubs and to recognise the need for activities such as those Football Victoria carried out earlier this year to continue during next year's football season.

The ACTING SPEAKER (Mr Nardella) — Order! At this stage I will rule it in, because it is slightly different.

Mr WILSON — As I said, it has been a major success. I must congratulate the Narre South Tigers — —

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

Adult Parole Board: powers

Mr McINTOSH (Kew) — I wish to raise a matter for the attention of the Attorney-General. The matter I wish to raise involves the powers of the Adult Parole Board. The action I seek from the Attorney-General is to implement a regime of continuing supervision of those prisoners about to be released from prison at the conclusion of their maximum sentences who may be assessed as a continuing and significant risk or danger to the public.

Such a regime could enable the Adult Parole Board to impose continuing conditions on dangerous prisoners even at the conclusion of their sentences as prescribed by the original trial judge. The prisoners could be released subject to stringent conditions relating to reporting, habitation and the prohibition of prescribed activities or contact with other individuals.

As members know, once a custodial sentence has ended the prisoner is released back into the community. Currently the Adult Parole Board, prison authorities and the courts have no jurisdiction to control or monitor those offenders, even if they remain a danger to the community. We can only hope that such prisoners do not reoffend. In many cases they will not reoffend, but in some hard cases prison authorities and the Adult Parole Board know they are releasing a recidivist time bomb that is just waiting to explode, unleashing untold harm and damage to innocent victims.

The Adult Parole Board is powerless to prevent the release of dangerous prisoners once their sentences have ended. The inability of law enforcement and correctional bodies to control or monitor released prisoners leaves these people effectively free to return to a lifestyle, location or contact with people with a strong likelihood of reoffending. The Attorney-General ought to implement a regime that could provide powers to the Adult Parole Board, with all its expertise, to tailor release programs for really hard cases. This would be legally possible and would not offend the principles of double jeopardy or judicial independence.

The Adult Parole Board carries on a function of the executive government. It is not a court; its powers are provided by the Parliament under a legislative regime. It could be empowered to properly protect the community from these hard cases. Take for example a recently convicted offender with a history of prior convictions for serious offences who had spent the majority of his adult life in jail. Psychiatric evidence at his sentencing described him as a predator and a deviant and as a person who was likely to reoffend and for whom a term of imprisonment would be no deterrent. The fact that this person could serve a term of imprisonment and then be simply released with a strong prospect of reoffending is unacceptable.

Controlling certain offenders once they are released from prison is a sensible, fair and just way of balancing public safety with the right to individual liberty. I ask the Attorney-General to ensure that the government moves swiftly to amend the Sentencing Act, which is governed by the state of Victoria and this Parliament, to ensure that — —

Mr Cameron — On a point of order, Acting Speaker, the honourable member is not raising a matter within the legislative capacity of the minister but rather seeking an amendment of legislation, which is not a proper matter for the adjournment debate.

Mr McINTOSH — On the point of order, it is a regime that is set up by the minister, operated by the minister and administered by the minister. It is very much an administrative action.

The ACTING SPEAKER (Mr Nardella) — Order! I will rule on the point of order. The honourable member for Kew did in the first instance call for the Attorney-General to implement a regime for dangerous prisoners, and on that basis I do not rule out his adjournment matter.

State Emergency Service: Casey unit

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Police and Emergency Services. The action I seek from the minister is that he support the City of Casey residents by ensuring that emergency services are adequate, by providing funds to establish a State Emergency Service (SES) unit.

The City of Casey raised the issue of the need for an SES unit with me early last year. I wrote to the minister commending a proposal put to me by the council. I informed the minister that at that stage the municipality's population was almost 200 000, with a future expected population of over 300 000. The council is offering the use of a council-owned site in Vesper Drive in Narre Warren to house the SES and its vehicles.

The response from the minister, whilst acknowledging that the area is in need of an SES unit, was that he had been awaiting the outcome of a statewide strategy identifying priority areas for the establishment of SES units. This was repeatedly explained to the council.

Local Labor members have continually lobbied for this service for Casey, acknowledging that Casey relies on SES units from outside its municipality. Obviously this takes away a valuable resource from other locations. Extra pressure is placed upon units at Pakenham and Springvale. The Frankston SES unit also feels the pressure from the growing population of Casey and supports the establishment of a Casey unit.

I have now been advised that the strategy referred to by the minister has identified the City of Casey as a priority in the expansion of VICSES services. I am sure that the mayor, Cr Rob Wilson, will be relieved to know this, along with all local Labor MPs, as he also has been an effective lobbyist on behalf of the council. Now that we know that Casey is a priority, I call on the minister to provide funds for the Casey SES unit.

Hepburn Spa Resort: sale

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Planning to do with the lease of the Hepburn Springs spa. I call on the minister to release all documentation associated with the lease, the proposed new lease and the tender for that new lease.

Hepburn spa has been leased for a number of years by Romny Grange Pty Ltd. Romny Grange was recently placed in voluntary administration, and negotiations were under way to assign the lease of the spa, which is from the Shire of Hepburn. I understand that Romny Grange is now in liquidation. A separate group, the Hepburn Spa group, now claims to have taken over the lease as part of the purchase of the assets of Romny Grange.

It is interesting that the minister has not yet signed off on a new lease as she is required to do in the assignment of any lease in this situation. Accusations are flying all over the place, and it is entertaining from this side of the house to watch one Labor member in another place, a Ballarat Province member, Ms Dianne Hadden, having a good crack at a number of Labor members from this place. How is it that a lease subject to ministerial approval can be sold without ministerial approval?

Who sought the nod and the wink in this case? Who gave the nod and the wink? Who was behind the negotiations? How was the sale of the Romny Grange lease negotiated? Was it tendered? Was there more than one tenderer? Was the selected tender the highest and best tender? What involvement was there from local Labor members? What involvement was there from local Labor councils? What probity regime was used in this process? What is the relationship of the administrator to the council and government members in the area?

How could this process be such that the Hepburn Spa group has taken possession of the Hepburn spa without ministerial approval? What is it about this process that could lead Dianne Hadden to state in regard to a government investigation she had called for:

> This check is not independent or at arm's length and its terms of reference must be made public …

Before that she was reported in the *Age* as saying:

> There needs to be a full investigation into the relationship between the administrator, the Hepburn Shire Council and the committee of management charged with overseeing the bathhouse property … The lease must go out to public tender in a fully transparent process.

Stateline recently reported that several unsuccessful bidders and creditors have lodged formal complaints about the administrator's conduct with the Australian Securities and Investments Commission. Surely this does not have anything to do with the $5 million from the Rural Infrastructure Development Fund the Treasurer recently granted the shire to redevelop the spa?

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

Yan Yean Road: upgrade

Ms GREEN (Yan Yean) — I wish to raise a matter with the Minister for Transport. The action I seek is the urgent safety upgrade of Yan Yean Road. Yan Yean Road was once a country road carrying low levels of traffic. It now carries some 8000 traffic movements per day and is a major north-south arterial road taking traffic from new estates in the city of Whittlesea and Kinglake in the north, through the Shire of Nillumbik down to Diamond Creek Road and ultimately the northern ring road.

Although traffic congestion on Yan Yean Road will be alleviated by the soon-to-be-duplicated section of Plenty Road, which I am proud to say was funded in this year's state budget, and the soon-to-be-completed Craigieburn bypass, the safety issues will remain. The road services schools, businesses, sporting clubs, the Country Fire Authority and the council depot. Casualty crashes along this section of road are significant, and sadly a 19-year-old motorist lost his life on an appalling bend in this road this time last year.

I inspected the tragic site at that time and discussed the problem with ward councillor Lex de Man and other local residents and businesspeople, including Rick

Morrison, who has operated kennels on this section of road for a very long time. He told me appalling stories. He cannot get gardeners to tend the verge in front of his business because it is too frightening to work on that section of road verge. It is covered in glass from the numerous accidents that occur — it is not just this fatality. Armour rail has been installed on this awful bend, but vehicles have jumped over it and landed in the front garden of Mr Morrison's business. The police have done a good job of monitoring the situation, but this section of road is just too dangerous.

I urge the Minister for Transport to fund the works for this dangerous section of road in order that members of the community have much safer passage and have some confidence that they will make their destination safely. I look forward to an outcome on this matter soon.

Lake Mokoan: decommissioning

Dr SYKES (Benalla) — I raise the issue of the decommissioning of Lake Mokoan for the Minister for Water. I ask the minister to consider the facts I will outline and to provide me with a written response.

The Benalla community, irrigators, yachtsmen and yachtswomen, and recreational fishermen from far and wide are extremely disappointed with the Bracks government's decision to decommission Lake Mokoan. Over 500 people packed the Benalla town hall on 8 July to protest against the government's decision to sacrifice Lake Mokoan and the community of Benalla to meet its political commitments to the Snowy River and the Living Murray.

We knew at the time that the information upon which the decision was made was flawed and incomplete — a trademark of how this government attempts to manage Victoria. It therefore came as no surprise that within weeks of the minister's announcement of the decommissioning of Lake Mokoan, the project implementation team has acknowledged significant flaws in the basis for making the decision. In particular the project implementation team acknowledges that the security of supply should be at least 91 per cent, not 80 per cent as used in the original modelling. This is due to the irrigators' claims that flawed operating rules had been used in the original modelling being accepted by the implementation committee. Further, the debate on the impact of improved water quality continues. If the government finally accepts scientific evidence that water quality in the lake is improving, it will have to accept irrigators' claims that the system currently provides 95 to 98 per cent security.

The project implementation team also acknowledges that increasing the height of the Lake Nillahcootie dam wall to capture extra water to offset the decommissioning of Lake Mokoan is flawed, firstly, because of the high cost of about $6000 per megalitre, and secondly, because of the poor catchment yield. In 7 of the last 10 years Nillahcootie has failed to yield 50 000 megalitres of water. Increasing the height of the dam wall will make absolutely no difference.

What about the government's commitment to conservation? Lake Mokoan is full of Murray cod, many of which have been released into the lake, but there is also evidence of the Murray cod breeding in the lake. Is the government going to pull the plug on the Murray cod nursery? Murray cod is listed as a vulnerable species under the commonwealth Environment Protection and Biodiversity Conservation Act, and closure of the lake is considered a threatening process under that act.

In light of the above I request that the minister advise the community of Benalla, irrigators and fishermen, firstly, how he will meet his commitment to maintain the security of supply to irrigators and what the cost implications will be of increasing the security of supply to 98 per cent, and secondly, how he will meet the state's obligations under the commonwealth Environment Protection and Biodiversity Conservation Act in relation to the endangered Aussie icon, the Murray cod?

Tullamarine Freeway: signage

Ms CAMPBELL (Pascoe Vale) — The matter I raise is for the Minister for Transport. I ask that the minister investigate better signage and road marking on the Tullamarine Freeway, particularly in the outbound lanes around the Calder interchange and inbound on the Bulla Road off ramp.

People leaving my electorate along Bell Street and heading out to the airport join the Tullamarine Freeway and before long come to the Calder interchange. At that intersection they obviously join with people travelling from the city to the airport along the Tullamarine tollway. People going towards the intersection are not always familiar with it and are unaware of which lane they should be in. There seems to me to be a fairly simple and cost-effective method of improving that particular interchange. I would like the minister to investigate putting line markings on the Tullamarine Freeway around the Napier Street bridge on the road itself so that at a fairly early stage people know that if they wish to go onto the Calder Freeway out to Bendigo or up to Sunbury they should get into the right-hand

lanes and those who want to go to the airport merge over to the left.

There is also another fairly simple option that I suggest would be cost effective, and that is to use the Napier Street bridge, which at the moment has an advertising hoarding on it that obviously generates income. If that bridge were used for signage when the current advertising contract concluded, at a very early stage people going to the airport would know — before they got to Bulla Road and before they got onto the Bulla Road on-ramp and the Calder interchange — that they should be in the left-hand lanes, and people who wished to go out on the Calder Freeway to Bendigo or Sunbury would know to get into the right-hand lanes. As I said, many drivers are unfamiliar with that very dangerous intersection, and this would be a cost-effective method of assisting them.

The inbound lanes in that particular area around the Bulla Road off-ramp have also been drawn to my attention by the Speaker, who has offered a very simple solution. Drivers in traffic travelling inbound to the city approaching Bulla Road may not be aware that that is the Essendon exit. If that could also be investigated by the minister it would be an effective and inexpensive way to ease traffic problems.

Responses

Ms GARBUTT (Minister for Community Services) — The member for Rodney raised with me a number of issues about kindergartens, but the basic one was about moving them from the Department of Human Services to the Department of Education and Training. I certainly do not disagree with him about the importance of early childhood. They are extremely important years. They establish the foundation for the adult that the child becomes, the relationships they are able to make and the education and learning they achieve, and they basically determine their life course. There is no argument about that at all. That is one of the reasons we have increased kindergarten funding by 55 per cent since we have come to office. That is a huge increase. That has more than made up for the $11 million the previous government so rudely cut out of kindergarten funding with its changes.

Our emphasis has included extra funding for children's centres. This year an extra $5 million was delivered for information technology for kindergartens, as well as extra funding so that more children can attend, including children with disabilities. That has led to the highest participation rates on record. The key question is whether kindergartens should be part of education or the broader early childhood years services. I firmly believe they should be part of the early childhood years services, not the education department.

In the early childhood years parents and children both need access to coordinated services and a full range of strong universal services, which this government is providing including maternal and child health, early intervention, child care, play groups, specialist children services, paediatricians and so on. The kindergarten very firmly fits into that group of services that needs to focus on early childhood. Our principles for these services are that they should be accessible to all, affordable for all and integrated. That is particularly important so that parents do not have to go traipsing off all over the countryside to find the services they need.

Kindergarten is about early learning. There is no doubt about that. It is about socialisation with other children. It is about taking the first steps outside of the family home, being independent and learning to be part of a group, to share, to play together and so on. It is not at all like the formal education that children receive in schools through the Department of Education and Training, which is curriculum driven with an emphasis on subjects. We believe kindergartens very much belong as part of an integrated coordinated range of early childhood services.

Kindergarten teachers do a great job. The government does not deny that, and it also believes they need a pay rise. We have increased their wages by 20 per cent since we came to office. We do not employ kindergarten teachers directly. The committees of management do that, but we have provided those committees with $10 million, which they received in December of last year, to fund pay increases for teachers which are in line with pay increases received by public sector workers which have been settled recently. That is 3 per cent per annum over three years. That is almost a 10 per cent increase that the committees of management have had sitting in their banks since December. They could have paid that increase in December. Kindergarten teachers could have been getting extra pay since last December. They have claimed parity with other teachers, but they do a different job from teachers and they have different conditions, including the fact that every kindergarten has an assistant in every room. No primary teacher has such assistance.

Kinder teachers need to sit down and negotiate a settlement of their wage claims with the Kindergarten Parents of Victoria, which is the body that represents community-run committees of management of kindergartens. They need to negotiate to get an

outcome. We certainly believe kindergartens belong in early childhood services.

Ms KOSKY (Minister for Education and Training) — I am responding to the matter that was raised by the member for Doncaster, and I am absolutely amazed by the hypocrisy of the matter that was raised in relation to the Somerville campus of Mount Erin Secondary College. I have to say that the member had no voice in the previous Kennett government when the site was approved.

Mr Perton interjected.

Ms KOSKY — The member for Doncaster should listen to this. The site was approved for sale by a former education minister, Phil Gude, and as I recall the member for Doncaster and other members on the other side were part of the government that approved that sale. They quietly sat by while the Minister for Education at that time decided to sell the site. So don't cry about it now.

As an alternative government, because we listened and then acted, we reversed that decision and committed to building a school, and in 2002, as Minister for Education and Training, I proudly announced that we would build a year 7 to 10 school in Somerville. I was very proud of that. I met with the parents in that community and talked with them about their needs, and in 2002, as I said, we announced that we would be building a school on that site, and I visited the site.

The construction — and opposition members know this, but they are not interested at all; they are too busy chatting among themselves — was delayed due to very complex issues about — —

Mr Perton — Very complex. The Aboriginal affairs minister did not know his job.

Ms Garbutt — Talk about not knowing your job!

Ms KOSKY — Talk about not knowing your job — that is exactly right! Aboriginal artefacts were discovered on the site. I know that is an issue the opposition could not give a hoot about and could not care less about; it is not concerned about the Koori communities of this state. We are concerned about Koori communities within this state, and we are very concerned about Aboriginal artefacts when they are on a site that we are looking at to construct a school or another facility on.

We had major community consultation about that site and we worked with the Aboriginal communities, and I have to say that the Minister for Aboriginal Affairs has intervened in this matter and allowed us to proceed with the building on this site. We take these processes very seriously, and I will be interested on Thursday to see where the honourable member for Doncaster stands on this very matter of the importance of the Aboriginal communities within Victoria. I am very interested. I am sure he will do a flip-flop, as he always does as he shifts ground and just runs with the issue of the day — the issue of the moment, rather than the issue of the day.

We had very long consultations with the Aboriginal community, but we also had very long consultations with the local community. I have to say that the member for Hastings has done a sensational job and has worked very closely with the community. The other night there was a public meeting. We had looked at the opening being in 2005, but the community overwhelmingly voted to open it in 2006. That was not the government's decision, but the community's decision, but of course the member for Doncaster was very busy overseas at the time this discussion was taking place.

The community has voted, and we are responding to its wish to open in 2006, with stages 1 and 2 to be opened then. I am very proud to be part of a government that opens schools rather than closes them.

Ms GARBUTT (Minister for Community Services) — The member for Burwood raised an issue for the Minister for Sport and Recreation in the other place; the member for Narre Warren South also raised an issue for that minister. The member for Kew raised an issue with the Attorney-General. The member for Gembrook raised an issue with the Minister for Police and Emergency Services. The member for Hawthorn raised an issue for the Minister for Planning. The member for Yan Yean raised an issue for the Minister for Transport. The member for Benalla raised an issue for the Minister for Water about Lake Mokoan. The member for Pascoe Vale raised an issue again for the Minister for Transport. I will raise those issues with the ministers.

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

House adjourned 10.40 p.m.