PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

Book 2

26 and 27 March 2002

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Tuesday, 26 March 2002

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Road Safety (Alcohol Interlocks) Act
Sentencing (Amendment) Act
Wildlife (Amendment) Act

FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. R. THOMSON (Minister for Small Business).

COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

Council's amendments

Returned from Assembly with message disagreeing with Council amendments.

Ordered to be considered next day.

QUESTIONS WITHOUT NOTICE

Ice sports centre

Hon. I. J. COVER (Geelong) — In May and November 2000 the Minister for Sport and Recreation informed the house that the government was looking into the development of an ice sports centre, which I might point out had been part of Liberal Party policy in 1999. When did the minister first take action to deliver this much-needed and widely supported sporting facility?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his question. I appreciate that there is a fair degree of enthusiasm in the community for ice sports facilities, and members of the opposition might also appreciate that I have discussed this issue in the house on previous occasions.

In late 1999 Sport and Recreation Victoria commissioned a feasibility study in the city of Melbourne to determine the likely demand, and it has since been proven that there is significant demand and, I suppose, need for the facility, particularly amongst ice sports enthusiasts. What is interesting is that we have been able to determine from that work that the facility will cost in the order of somewhere between $30 million to $40 million, so a fairly substantial amount of support is required.

The previous government identified the ice sports facility as an election commitment, and I reinforce that the Honourable Ian Cover has mentioned that, but it failed to identity in its forward estimates the level of financial commitment that that would require. This government has determined the quantum of funds required for such a facility, and at this time is also working on the issue through the department, but that is also based on an identification-of-interest process which was undertaken by Sport and Recreation Victoria recently. That has flushed out those who are prepared to support such a facility. One particular group has been very vocal in the media, and we will continue to discuss and negotiate with that group about the sort of support it is looking for. Recently it submitted a business plan to Sport and Recreation Victoria, and at the present time we are looking through that business plan to see if it is viable. The group is looking for substantial government funding support.

I reinforce that the difficulty in this area is that across the rest of Australia and traditionally ice sports facilities have been privately owned ventures.

This would be new territory for the government, and because of that it is proceeding cautiously to ensure that any potential public–private partnership does not expose the government to excessive risk, as was the case with the privatisation that the previous government undertook. That arrangement exposed the government to excessive risk which we are not prepared to do. We are reviewing the business plan very cautiously to ensure that when we progress in this direction that it is economically viable and a worthwhile investment for the state.

Hon. I. J. COVER (Geelong) — I have a supplementary question. It is plain from the minister's answer as he trawled back to November 2000 when he last mentioned it in this house that he has done nothing for 18 months — and frankly he has done nothing since 1999 when he became minister. He has clearly failed to deliver on this project. I ask by way of supplementary question — I was just giving a bit of background to the fact that he has done nothing, which does not take a lot of time to say — —

Hon. B. C. Boardman — How much has he done?

Hon. I. J. COVER — Nothing! I thought this might be an opportunity for the minister to share with the chamber what he has done to deliver this project for Victoria.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As I mentioned before, we have continued to discuss it in meetings with Sports Australia, the consortium which is approaching the government in relation to support for its facility proposal, and I also appreciate that any support from government in this matter would have to undergo a full, frank and clear process.

Marine parks: establishment

Hon. R. F. SMITH (Chelsea) — Will the Minister for Energy and Resources advise the house what the Bracks government's revised marine parks package means for the fishing industry and recreational anglers?

Hon. C. C. BROAD (Minister for Energy and Resources) — The Premier today announced that a world-class system of 13 marine national parks and 11 marine sanctuaries covering about 5 per cent of Victoria's marine parks will be created by this government. Today's release of the revised package provides the basis for further consultation with the fishing industry and recreational anglers ahead of the release of a draft marine parks bill and introduction of new legislation. The Bracks government has listened to concerns raised in the community about the original package and importantly it has acted. There are a number of modifications — —

Honourable members interjecting.

The PRESIDENT — Order! I ask the Leader of the Opposition and Mr Smith to keep out of the debate and allow the minister to answer.

Hon. C. C. BROAD — The government has acted following reactions to the original package, and there are a number of modifications to the proposals as a result which are of direct benefit, I am pleased to say, to the fishing industry — for instance, a compensation assessment panel will be created in legislation to assess eligible fishers for compensation. The amount of financial assistance will not be capped and a tribunal will be created for fishers to appeal the assessment of the panel. It is also proposed that fishers will be able to make claims to assist them in maintaining their net income while they adjust to the new arrangements. Under the new revised proposals there will be no provision to alter or vary section 85 of the Constitution Act.

The fishing industry generally and the abalone industry in particular will benefit from a substantial boost to fisheries enforcement, which will also ensure the protection of marine national parks and sanctuaries. With regard to recreational anglers, the government will further discuss issues including beach angling with stakeholders and the opposition with a view to achieving a balanced result which will maintain the environmental credibility of the parks.

According to the most recent version of the *Victorian Fishing Atlas*, just 19 out of more than 300 coastal fishing spots and other locations will be incorporated in the proposed marine national parks and sanctuaries. In addition, not one pier or one jetty will be in any park or sanctuary in these proposals.

I urge the opposition to show that it is not just negative and carping, but that it is capable of standing for something, and that on this occasion it supports the government's vision for marine national parks into the future.

Liquor: licences

Hon. W. I. SMITH (Silvan) — My question is directed to the Minister for Small Business. On Sunday an article in the *Herald Sun* states that the government had brokered a landmark agreement allowing Woolworths and Coles to increase the number of liquor outlets in Victoria. This deal was brokered with two independent liquor associations — the Master Grocers Association of Victoria and the Liquor Stores Association of Victoria — which represent one-fifth of the total independent liquor stores in Victoria; there are 1090 stores and they represent 200 stores. What were the results of the minister's discussions with the other liquor associations — the other four-fifths of the industry?

Hon. M. R. THOMSON (Minister for Small Business) — The hypocrisy of the opposition on this issue is amazing. In 1996, when the now Liberal Party opposition was in government, the Kennett government conducted a sham review into shop trading hours, involving no consultation with small businesses that were to be affected by deregulation — none whatsoever! What was the level of consultation then with the 39 300 small businesses in the retail sector out of the total of 40 500? None!

How hypocritical for opposition members to come here and talk about consultation and small business as if they care. Their record stands. They did not care about small

business then and they do not care about small business now. We know that, with a nod and a wink, had the opposition won the last election it was going to do away with the 8 per cent.

We have allowed for the industry to find its own solution to allow for a transition to a deregulated industry. What we have had is Geoff Gledhill from the Master Grocers Association of Victoria who, in the *Herald Sun* newspaper article referred to by the honourable member, agreed that it:

> … gave small operators their best chance to remain viable in a deregulated marketplace.

Peter Wilkinson, president of the Liquor Stores Association of Victoria, was quoted in the same article as having said:

> The agreement will give us an orderly phase-out period and the chance to prosper in the future.

I reiterate that we welcome the fact that the industry is looking to find its own solutions to its own future. We welcome those discussions and we are looking to the finalisation of an agreement.

Hon. W. I. SMITH (Silvan) — I understand from the minister's answer that there has been no consultation with the Local Independent Liquor Stores association, the Australian Liquor Marketeers and the Southern Independent Liquor Group. I quote Ian Urquhart from the Local Independent Liquor Stores association, who wrote to me about discussions with Peter Wilkinson of the Retail Liquor Association of Victoria:

> … they are working on an industry document under significant pressure. Apparently the majors would only entertain an industry document if certain of the valid points were not raised.

So much for accountability by the Bracks government. Why has the minister left out the remaining four-fifths of the industry?

Hon. M. R. THOMSON (Minister for Small Business) — It is so hypocritical for members of the opposition to talk about consultation when they do not know what it means; they cannot engage in it and they certainly were not prepared to engage the small business community when they reviewed shop trading hours and imposed a great deal of hardship on small business when they changed the shop trading hours.

Geelong: triathlon world cup

Hon. E. C. CARBINES (Geelong) — In light of the Bracks government's commitment to regional events, will the Minister for Sport and Recreation advise the house of the importance of the recently secured International Triathlon Union World Cup event in Geelong?

The PRESIDENT — Order! Will the honourable member assure me that this is not the same as the question asked last week?

Hon. E. C. CARBINES — It is not the same as the question asked last week.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Whilst I have mentioned this in the house before, I have not elaborated on it in great detail, and I would like the opposition to hear this today. Victoria has won the right to stage the Australian leg of the International Triathlon Union (ITU) World Cup from 2002 to 2004. The event will be held in Geelong, with the first event being staged in April this year. The event has previously been held in Noosa and in Sydney. Victoria has also won the right to stage one leg of the National Triathlon Series in 2002, 2003 and 2004. These events will be held in Geelong in 2002 and in St Kilda in 2003 and 2004.

The government has been able to attract these events to this state and deliver them to Geelong as part of trying to broaden the scope of major events to encompass regional Victoria. The government is currently discussing with Triathlon Australia the funding arrangements for assisting the staging of these events. It is expected that Victoria will receive significant promotional and economic benefits through athlete and spectator visitation, as well as international broadcast, which is why it will have significant impact in attracting tourists to our regional areas. The major international markets for triathlon are the USA, Canada, China and the UK, so these events will help to broaden our tourism attraction.

The staging of the world cup event and the national series offers a significant opportunity to further develop the state's focus on triathlon events and to position Victoria as a training destination for international triathletes who need to prepare for these events and also during the off season. It will ensure they are well acquainted with the venues and are training in the climatic conditions of Victoria. As well, people often fail to recognise that holding major events assists in skilling up the local sport and the officials involved in the sport. Events of this nature will assist in developing the skill base of local volunteers and technicians within triathlon.

The world cup will provide a unique opportunity for regional communities to experience the social and economic benefits from staging a major international event. Hopefully this will increase — I am sure it will — the popularity of triathlon in the community and enable residents of those areas to witness elite level sport free of charge, which is part of the government's policy platform to increase access for all sports events including triathlon. This shows that we are delivering for the whole of the state and growing the whole of the state, particularly those areas in rural and regional Victoria.

Freeza program

Hon. E. J. POWELL (North Eastern) — Given the former minister's decision to drastically cut funding for the Freeza program, will the new Minister for Youth Affairs show her support for the program by reinstating that funding?

Hon. M. M. GOULD (Minister for Youth Affairs) — The government is committed to the program and like programs developed through Freeza funding. The previous government only put in $1 million. When we came into government, we increased that to $1.7 million because we understood the need to have such a great program that expanded right across the state to 62 different providers. Did the opposition and the National Party when they were in government encourage the previous government to increase funding? No. Did they encourage it to expand right across the state? No, they did not do that. This government has increased the funding for Freeza right across the state where regional and rural areas of this state benefit from the Freeza program. This government is committed to Freeza and to like programs, in community building and bringing people together. If the honourable member had listened to the answer I gave in the house — —

Honourable members interjecting.

The PRESIDENT — Order! I suggest the level of conversation drop dramatically so we can hear the minister finish her answer.

Hon. M. M. GOULD — The honourable member should have listened to the answer I gave in the house last week about the Push organisation, which this government funds, and about being involved in the Push On event, which is also connected with Freeza. I indicated that buses had come from the Benalla area down to Melbourne to attend that event, which was held on Labour Day at the Moonee Valley racecourse. The Bracks government has shown its commitment to the Freeza program by increasing funding. Unlike the opposition, which did not care, we increased funding across the 62 different providers, so the government's position with respect to Freeza is quite clear.

Hon. E. J. POWELL (North Eastern) — I thank the minister for her response, because it certainly was not an answer to my question. I asked the minister what guarantee she would give to show her support to reinstate the funding. The former coalition government knew how important that Freeza program was because it was effected under our government. We had given a commitment of $1 million. We were then going to increase the funding. This government instigated an amount, increased it, reviewed it and is now going to drastically cut it. The minister has not acknowledged that it has not cut the funding, and I ask her in her new portfolio to show her continued support for that program and reinstate the funding.

Hon. M. M. GOULD (Minister for Youth Affairs) — As I indicated in response to the original question, the government is committed to it. It has increased funding from $1 million to $1.7 million. That is the hypocrisy of the opposition parties which are nothing but negative and carping with respect to such a program. As I have indicated, the government supports the Freeza program and has shown that by its increase in funding from $1 million to $1.7 million, expanding it right across the state. With respect to the opposition and the National Party in asking such a question, it just shows their hypocrisy.

Schools: relocatable classrooms

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Education Services please advise the action the Bracks government took to ensure that relocatable classrooms were in place for the start of the school year?

Hon. M. M. GOULD (Minister for Education Services) — I thank the honourable member for her question. I am pleased to advise the house that the Bracks government has been extremely successful in its program to ensure that schools in this state had in place all the relocatable classrooms that were needed for the beginning of the school year.

Unlike members of the opposition, who carp and whine about education — they do not care about it — we are delivering to our schools. Preparation for the start of the school year in 2002 was a major logistical exercise involving — —

Honourable members interjecting.

The PRESIDENT — Order! A conversation across the chamber does not help the Leader of the Government complete her answer. I ask other honourable members to allow the minister to finish.

Hon. M. M. GOULD — Preparation for the start of the school year was a major logistical exercise involving 92 relocatable classroom movements, and all of the 92 relocatable classrooms that were identified as being needed were put in place over the Christmas period for the beginning of the school year. All buildings promised to schools were delivered on time, and all of these classrooms are now being used by the schools.

In addition, seven supplementary movements of relocatable classrooms were required to provide extra classrooms to cater for unexpected enrolments at the beginning of the year, and these have also been completed.

I am pleased to advise the house that this year's relocatable program was successful, but of course there is, as always, room for improvement in such a difficult process. The Bracks government is committed to looking at innovative ways to ensure that we deliver the best results to our schools — which is in contrast to the opposition.

Since 1999 the Bracks government has overseen a major step forward in the upgrading, expansion and relocation of classrooms across Victoria. Unlike the previous government, which had no vision for education, the Bracks government is taking a positive step to turn things around in this state.

Liquor: licences

Hon. W. I. SMITH (Silvan) — Will the Minister for Small Business explain how the proposed $3 million fund will assist small liquor outlets when the real issue is predatory pricing?

Hon. M. R. THOMSON (Minister for Small Business) — It is amazing that the opposition continues on this issue given that when it was in government its way of assisting small business on shop trading hours was to move the responsibility for shop trading hours from the former Minister for Small Business, Louise Asher, to the Honourable Mark Birrell. That was its solution!

The discussions being held with members of the industry in relation to the industry fund are to help prepare them for change and to provide them with funds to actually get the expertise they need to be able to position themselves and niche themselves in the marketplace. This is something that is wanted by small businesses. It is an opportunity to get the kind of expertise that will aid them in being better in their businesses, and it is something that they are welcoming.

Hon. W. I. SMITH (Silvan) — The industry is very interested in this fishes and loaves $3 million, but as one wine merchant put it to me: how do you train staff to sell more when the market has diminished in your store due to the buying power and cheaper prices of the Woolworths and the Coleses?

Hon. M. R. THOMSON (Minister for Small Business) — As I have stated before and as is known in this house, an industry agreement will be the facilitator to the phasing out of the 8 per cent ahead of the legislative time frame that was put in place.

We want to see an industry where small businesses are viable and able to compete. The industry is looking towards a capacity to adapt to change and the time in which to do it. I welcome the discussions that have occurred in the sector; I welcome the further discussions that will occur and I look forward to a viable small business sector providing liquor to Victorians.

E-gaps program

Hon. D. G. HADDEN (Ballarat) — I refer my question to the Minister for Information and Communication Technology. On 1 March the *Stawell Times-News* reported on the success of a public Internet access point provided under the Bracks government's e-gaps program at the Great Western service station. Similarly on 7 March the same paper reported the launch of a further e-gaps Internet access site at the Navarre general store. Can the minister inform the house what other rural areas are to benefit from this program?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — Last week I was able to inform the house of the Bracks government's Skillsnet extension program, and e-gaps is further proof of the Bracks government acting to close the digital divide. The e-gaps program is a $1.3 million program that has been allocated to address the gaps in Victoria's public Internet access networks. Many of the access points provided, such as those of the Great Western service station and the Navarre general store, have provided not only Internet access but also a community meeting place.

When the opposition was in government we saw the closing of schools and banks, particularly in rural and regional Victoria. The opposition took from the

community, and the e-gaps program is just one of those programs that is putting back the capacity for communities — —

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to settle down. I ask the minister not to help his colleague, and I ask the Minister for Information and Communication Technology to come to the conclusion.

Hon. M. R. THOMSON — I am pleased to be able to announce a second round of e-gaps funding totalling over $465 000. This funding for further Internet access will go to 30 locations in 15 municipalities. The councils to receive funding are the City of Greater Bendigo, the shires of Buloke, Campaspe, Cardinia, Central Goldfields, East Gippsland, Hindmarsh, Moorabool, Moyne, Northern Grampians, Melton, West Wimmera and Yarra Ranges and the cities of Hume and Moreland.

The new public Internet access sites will provide at least one Internet-connected computer and printer. They will be open to the public for a minimum of 20 hours a week. They must be accessible to all members of the community, including people with disabilities and those from non-English-speaking backgrounds. They have to be located close to public transport and other public amenities and have the support of the communities they aim to serve.

I am certain that the e-gaps funding for terminals in locations such as the Blackwood general store in central Victoria or at the local hotel-cum-general store in Darlington in the Moyne shire will not only help to close the digital divide but also continue to maintain the community spirit which is the lifeblood of Victorian towns.

Gas: SEA Gas pipeline

Hon. C. A. FURLETTI (Templestowe) — I direct my question to the Minister for Energy and Resources. I refer to the report in today's *Herald Sun* indicating that the Bracks government has finally given the go ahead to SEA Gas to construct the 680-kilometre gas pipeline linking Victoria and South Australia. The minister would be aware of the need for SEA Gas to acquire easements over private farm properties along the proposed route, but is the minister aware of a $5000 inducement being offered to solicitors representing so-called recalcitrant farmers for each signature of a client they can procure to an easement agreement? If she is, I ask: what is the minister doing to stop such inducements being offered?

Hon. C. C. BROAD (Minister for Energy and Resources) — These are not matters that have been brought to my attention, including by the honourable member who has just got to his feet. If the honourable member cares to make that information available, it will be investigated.

Schools: funding

Hon. S. M. NGUYEN (Melbourne West) — My question is to the Minister for Education Services. Will the minister please advise what the Bracks government is doing to improve the learning environment in Victorian schools.

Hon. M. M. GOULD (Minister for Education Services) — I thank the honourable member for his question. The Bracks government has invested heavily in improving the maintenance of Victorian schools. Educational research shows that the quality of students' learning environment has a positive impact on academic results. The government recognises the need for investment in this area, unlike the opposition that closed over 300 schools, sacked over 9000 teachers and left our schools crumbling.

I am proud to say that the Bracks government is upgrading one-third of government schools and has invested $590 million in the last two budgets to improve schools and TAFE institutes. This compares to only $275 million in the previous government's last two budgets.

The upgrades are taking place right across the state to repair the damage left by the previous government's neglect. One example of this — and I know the Honourable Mark Birrell will be interested — is the Roberts McCubbin Primary School in Box Hill South. Earlier this month I had the pleasure of announcing a $75 000 upgrade of the staff amenities at that school. The upgrade is sorely needed as the staff were working in cramped conditions. The upgrade will improve the conditions. The school is a fantastic example of a great government school. The entire community is passionate about its school. I had the opportunity of having a look around the school — —

Honourable members interjecting.

Hon. M. M. GOULD — The community is working tirelessly to provide the best education for its students. The previous government did not care about education. It did not care about the conditions in which the schools were left. This government is fixing up the mess and turning them around.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Ice sports centre

Hon. I. J. COVER (Geelong) — I move:

> That the Council take note of the answer given by the Minister for Sport and Recreation to a question without notice asked by the Honourable I. J. Cover relating to the ice sports centre.

I refer to the issue of the ice sports centre for Melbourne which was mentioned during question time and about which the government has clearly done nothing.

Honourable members interjecting.

Hon. I. J. COVER — Mr President, 15 seconds into my contribution to take note of the minister's answer, it is clear that the minister has no interest in this topic, which is an important piece of sporting infrastructure for Victoria. During his answers, he pointed out that the government was proceeding cautiously on this issue.

Honourable members interjecting.

The PRESIDENT — Order! I remind the minister that when the Chair is on his or her feet the minister stays where he is. Mr Cover is making a point under this heading.

Hon. M. M. Gould interjected.

The PRESIDENT — Order! It is a general point for anyone, and that is why I said 'his or her'; it applies to whoever is in this position. We are going through a process and we are entitled to hear from Mr Cover. Other members will then get a chance. I ask the house to settle down to allow Mr Cover to continue.

Hon. I. J. COVER — Let it be known that 40 seconds into my contribution the minister has left the house. He should have taken notice and stayed in his place so he could tell us about what he has done to advance this ice sports centre for Victoria. Clearly in his answer in question time today he indicated that he had done nothing. He said the government is proceeding cautiously, which is obviously code for doing nothing.

The ice sports centre proposal was part of Liberal Party policy in 1999. There has been further advancement of the idea, particularly by the Ice Sports Australia consortium, which has been working for some two years to advance this proposal with the government. Following Australia's outstanding showing at the Olympic Winter Games it can be seen that such a facility would further advance Australia's future prospects. Indeed, Geoff Henke, chairman of the Olympic Winter Institute of Australia, says the institute has been working for a couple of years now with Ice Sports Australia, and it now needs the state to back the development of a Docklands project and to provide world standard ice skating rinks.

The government has moved slowly on this, if at all. Suddenly it has been stung into some action not only because of the success of the winter Olympics but the presence in Melbourne over the past few days of Alisa Camplin for various activities, including a state reception. In Saturday's *Herald Sun* Alisa Camplin is reported as saying:

> Now we're looking to the state government to help out with the site so skaters can build on our success.
>
> … with a world-class ice facility there's no reason why we couldn't be winning more gold with skaters, an Australian women's ice hockey team, even a world curling team.

Part of the state reception for her yesterday was conducted in the Sir Redmond Barry Room at 55 Collins Street, not many floors from the minister's office. There may have been a good reason, but I understand the minister was not in attendance at that civic reception. Had the minister been in attendance he could have heard personally from Alisa Camplin of her support for this facility that he has done nothing about for more than two years.

Clearly the minister has no influence and no clout around the cabinet table when it comes to advancing such important sporting facilities for the state. There has been a raft of support since the Olympics. I have received letters urging the government to get on with this project. I have received letters from young skaters such as Josephine Brand and Cherry Lau who have aspirations of being Olympic skaters. They know the provision of such a facility would greatly enhance their prospects of fulfilling their dreams.

I am happy to present this to the minister if he has not already seen a copy. Josephine Brand points out that if we do not get facilities like this she and others like her will move interstate where there are better facilities. This is a classic case of Victoria losing under Labor and potentially losing even more under Labor if it does not get behind it.

As the minister said in November 2000, to facilitate such a project would require a partnership between the government, a commercial operator and local government. The commercial operator has put a

proposal to the government and is keen to enter into a partnership. It is time the government did as well. I conclude by quoting from the editorial of the *Herald Sun* on Saturday, which states:

> … the state government has a golden opportunity to set that right —

that is, the provision of a world-class skating facility —

> while providing a new, major attraction.

Geoff Henke says that he:

> … has backers willing to sink $55 million into a rink — if the government provides the Docklands site.
>
> It is an offer too good to refuse.
>
> The government should get its skates on while the offer holds.

I could not agree more.

Hon. T. C. THEOPHANOUS (Jika Jika) — Let me begin my contribution by saying that this performance today will certainly not get Mr Cover a seat because he was so interested in his electorate that he has written it off and will abandon it and go somewhere else. The proposition put by the opposition again displays the gross hypocrisy that it works under. There has been a problem in relation to ice-skating facilities in this state for more than a decade. In fact, ice-skating facilities have probably been a disgrace for even longer than that.

What did the Kennett government do during its seven years of government about providing an ice-skating facility for this state? Absolutely nothing — it did nothing for seven years about ice-skating facilities. Let us get it on the record — opposition members knew it was a problem and did nothing. And during the last election campaign in another desperate attempt to get themselves re-elected for another term they said as part of their third-term policy that they would look at developing an ice-skating facility for Melbourne. They did not identify the location, the scope and, most importantly, the funding — not a single dollar was in the Liberal campaign document.

Hon. I. J. Cover interjected.

Hon. T. C. THEOPHANOUS — I look forward to any information which shows that before the last election you made a $28 million commitment, because I do not believe there was. Since the government came to power a feasibility study has been undertaken by Sport and Recreation Victoria and the City of Melbourne to determine the scope, cost, viability and location for an international standard ice-skating facility. I believe Melbourne will ultimately get an international standard ice-skating facility, but it is important to have such projects properly costed and to examine who will be the partners in such a proposal. Traditionally, and in all other states, ice-skating facilities have been a province of the private sector. If we are to go down the track of injecting public money into the construction of an ice-skating facility it is entirely appropriate to have a proper feasibility study, proper costing and proper accountability of the mechanisms. It has not all been done; it is in the process of being done. A number of issues have been identified which are currently being considered by the government.

I can say one thing: the former government did not get past the feasibility study. It did not even do that. That is the level of interest it had over the period of seven years.

We on this side of the house are doing it by carrying out a proper feasibility study, by looking for partners and, most importantly, by doing it in a financially responsible way.

Hon. N. B. LUCAS (Eumemmerring) — We are talking here about a failure of the Labor government to act, a failure of the Minister for Sport and Recreation to act. This is another example of the Bracks Labor government's do-nothing attitude. This is another reason why Victoria is losing under Labor.

I raised this matter in this house in May 2000 and the minister said in answer to me, 'We are having a feasibility study — a joint feasibility study'. I have a copy of the feasibility study and you know what — it is dated June 2000! But the government had a review on that, so it reviewed the feasibility study and came up with an updated version. In August 2000 we note the second version, the review. Do you know what happened then? It reviewed the review! The review was updated again in May 2001 and do you know what the feasibility study said? It basically said, 'An ice facility in Melbourne would be fantastic!'.

Today we are asking, 'What has the minister done in response to this feasibility study?'. The minister said to us that the government is doing further work on it; it is having another review! So we have a study which has been reviewed, the review has been reviewed and now we are reviewing the reviewed review, and that to me is just extraordinary. It is typical of this do-nothing Labor government and it is just an extraordinary disgrace.

The people of Melbourne who are interested in ice sports are so keen to have this facility. I had a

constituent come to me saying, 'What about it?'. That is why I raised it. There are people right across Melbourne who want this facility, and after the success in the Olympics this year, yes, we have a reason for having it in Melbourne. We have the opportunity of having the headquarters for ice sports in Melbourne, Victoria, and what has the government done about it? Nothing but studies and reviews. All that is needed from the government is sufficient money for the land to be provided there and the go-ahead being given to the successful developer. The successful developer has $55 million. The money is on the table and the government is saying, 'No, no, no!'. I rang the government up; I spoke to this departmental fellow and he said, 'No, we have other priorities at the moment. We are looking after aquatic facilities and leisure centres all around Victoria so we have put this to one side'. This fantastic centre that we could have in Melbourne has been shelved for the moment because we are doing these other things, and yet all along we have had a developer who is willing to go, and all he needs is a footprint of land. If a footprint of land were available in the Docklands that would be fantastic; if it were somewhere else that would be fantastic too — anywhere! We will have it anywhere in Melbourne. The opposition wants it — it was in its policy prior to the last election.

Hon. T. C. Theophanous interjected.

Hon. N. B. LUCAS — Mr Theophanous asks, 'Where was it?'. I have it here: 'Working for our future'. It has the Liberal logo on it and it says that the coalition will spend $28.5 million over the next three years to develop a volleyball centre and a Victorian ice centre and upgrade and expand the Melbourne Sports and Aquatic Centre. It is quite clear in our policy. It is there in black and white. We were going to do it. And gosh, what has this party done?

Hon. T. C. Theophanous interjected.

Hon. N. B. LUCAS — The Honourable Theo Theophanous asked who is going to be the partner? There are many people out there wanting to do this and they are pleading with the government: 'Just give us a footprint of land and we will be right into it'. So today we have asked the minister the question, 'What have you done?'. What has he said? He said, 'There is a fair degree of enthusiasm in the community'. Well, beauty, why not build it? He said that there is proven significant demand — well, why not build it? And he says, 'We are waiting for a business plan'. I have looked at the feasibility study and do you know what is in there under a heading? Business plan! The government already has a draft business plan in this document, the reviewed reviewed review; the business plan is already in here and all we need do is fill in the spaces and the figures in accordance with what is required.

Let us be quite clear on this: Victoria is losing under Labor. This is a do-nothing government. The government is willing to put up $40 million for a film studio in Docklands but it is not willing to put $5 million or $6 million up for the footprint of the land. I call on the minister to make a decision, to do something. We want this facility, and it is not good enough for the minister to hide in his office and listen to this debate.

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

Hon. R. F. SMITH (Chelsea) — It gives me pleasure to engage in this debate, albeit that it is a sham. This so-called debate is clearly an exercise in futility being pursued by Mr Cover to try to establish some profile in Geelong, given the fact that he has been dumped by his own party down there and has nowhere to run. It is a matter of public record that Mr Cover attempted to move from Geelong Province to the safe confines of Bellarine. He has a big problem now and this is all about trying to create some sort of publicity for himself in Geelong. I say to Mr Cover, 'Good luck!' It is a bit of a pity really because in a way Mr Cover is the victim of unforeseen circumstances within his own party in that he has been crucified for the attempt of his own party — —

Hon. Bill Forwood — On a point of order, Mr President, it is a nice effort by Mr Smith to try to divert attention away from the fact that this government has no policy in relation to the ice centre. The take-note motion is about the answer given by the Minister for Sport and Recreation to a question asked by the shadow Minister for Sport and Recreation, and I ask you, Sir, to tell Mr Smith to debate that topic.

The PRESIDENT — Order! The motion before the house is strictly to take note of the minister's answer. The matters raised by the honourable member at the moment clearly have nothing to do with that. Passing references are okay. I call on the Honourable Bob Smith to continue.

Hon. R. F. SMITH — The reality is honourable members can manipulate this house in any way they so choose. We will not get away from the fact that the honourable member got dumped by his own because the opposition tried to knock off Vogels and Mr Cover paid the price. Bad luck!

The most famous rink in Victoria is St Moritz, which closed in the 1960s, and during the 1970s three others were developed and they were in Footscray, Oakleigh and Bendigo. I suppose the one line of consistency through all of them is that they were privately owned and developed — nothing to do with the government.

Today we have rinks in Oakleigh, Ringwood and Bendigo. Again, they are all private — no public funds. All of a sudden propositions are being put by the opposition — comrades opposite — that we should expend huge amounts of taxpayers' money to help their mates with land and other resources to develop rinks wherever they choose and where they will make it better for them politically. It is a sham. This whole debate is a sham and the opposition's consistency in trying to portray us as a do-nothing government is pathetic.

I reiterate that this take-note motion moved by Mr Cover is specifically designed to enhance him, and the government will reject it.

Hon. B. C. BOARDMAN (Chelsea) — There is an element of predictability with this, Mr President. Under the take-note motion the government is always going to be hamstrung in trying to delve into the abysmal talent which exists on the other side of the chamber to try and find people who have a degree of competency and ability to participate in this debate. We know that Mr Theophanous will always ramble on about something he is completely unaware of, but judging from this contribution from Mr Smith I think he has had his go. We do not think the government will be relying on Mr Smith in the future to participate again because clearly he has decided to divert the lack of action from the government and the indecisiveness and the inability to make — —

Hon. R. F. Smith — On a point of order, Mr President, I am interested in the fact that you are allowing the Honourable Cameron Boardman to babble on about my contribution et cetera. I thought you may have taken the opportunity to bring him back to the subject at hand, and I ask that you do so.

Hon. Bill Forwood — On the point of order, Mr President, it is entirely appropriate in debates in this house that an honourable member can comment on the contributions of previous speakers. Mr Smith got to his feet and spoke for 2½ minutes when he had 5 minutes available to him and it is entirely appropriate for Mr Boardman in the first 30 seconds of his contribution to comment on Mr Smith's contribution. I put it to you, Mr President, there is absolutely no point of order and you should invite Mr Boardman to contribute further.

The PRESIDENT — Order! The primary rule of any contribution to debate before the house is relevance. It has to be relevant to the matter before the house. In this case it is a take-note motion in relation to answers given by the Minister for Sport and Recreation. Subsequent speakers have the opportunity to comment on that issue but also on issues raised by previous speakers and that was what the Honourable Bob Smith was doing. Mr Boardman had only been going for 37 seconds before he was pulled up. As I said, passing reference in relation to these matters is relevant. In this case he is commenting on Mr Smith's contribution, not something as irrelevant as whether someone gets a preselection or not. I ask the Honourable Cameron Boardman to continue.

Hon. B. C. BOARDMAN — I shall continue because Mr Smith is obviously disappointed about the fact that he had 2 or so minutes to go and he needed to get a bit more on the record, but in doing so he completely embarrassed himself further. Nonetheless by diverting from the real facts of this issue highlighting the inability of this government to make a decision, Mr Smith attempted to try quite vitriolically to turn this debate into a personal attack on my colleague and friend Mr Cover. I think Mr Smith has got far more pressing issues to worry about than Mr Cover down his way because he came in the other day and decided to defend his mate Matt Viney and I think he regrets that now.

The PRESIDENT — Order! I think the honourable member should move to the issue of responding to the minister's answer.

Hon. B. C. BOARDMAN — In May of last year there was an advertisement in the daily papers about expressions of identification of interest for the development of an international ice-skating centre in Melbourne. Eleven months later what do we have from the minister today? We have an acknowledgment that the government is proceeding cautiously. Those were his exact words. Eleven months later, after the government had received quite a comprehensive business plan from the tenderers and there had been review after review on this specific issue, the government is still proceeding cautiously.

By inference the government suggested that although this was costed as part of a comprehensive policy from the Kennett government leading up to the 1999 election, what it failed to take into consideration was the fact that the former government was already in the process of developing quite strategically responsible and necessary sporting infrastructure for Victoria, such as the Melbourne Sports and Aquatic Centre, the

Vodafone Arena, Colonial Stadium, the State Netball and Hockey Centre and other arrangements for the Commonwealth Games. This international ice-skating centre, as it has been identified, was the next one on the list because the demand had been identified, there had been wide acknowledgment that the facility was viable and, importantly, the developers were willing to fund this facility themselves. Unfortunately they are now being hamstrung because this government through its inability to make a decision and its inaction to represent the needs of the community, which it should be doing, will not provide a measly $5 million to the Docklands Authority in order to fund the land necessary for the project.

A press release from the Ice-Skating Affiliated and Associated Sports Committee in Victoria, an association which incorporates Ice-Skating (Figure) Victoria, the Victorian Ice Hockey Association, the Victorian Ice Racing Association and the Victorian Curling Association, states that there is an urgent need for this facility and makes the comparison that there are no major ice-skating facilities within Victoria. There is a dilapidated facility in Ringwood that is quite openly acknowledged as not being up to scratch insofar as what it is trying to achieve, in comparison with Sydney which has six full-size icerinks and Queensland which has three icerinks. Although it must be acknowledged that Stephen Bradbury, a gold medallist, trains in subtropical Queensland, the Victorian movement believes Melbourne is the best city to not only have this facility but also be the base for the whole Olympic Winter Games program. Yet the government does not acknowledge that as being worth while.

The Victorian Olympic Council and the Olympic Winter Institute of Australia are in agreement that there is this niche and they want to incorporate this as part of a conclusive facility. They want racing facilities, recreational facilities, training and industry association-type facilities in conjunction with having more commercial and recreational emphasis that will sit very nicely into the Docklands precinct. So the bottom line with this is that we have a facility that is widely acknowledged as being necessary and viable but the government is not realising its potential. Because the government cannot make a decision and the minister responsible for overseeing this project is obviously too junior or too lacking in influence at the cabinet table to get this message across, Victoria is suffering. Victoria is undoubtedly losing under Labor and ice-skating and winter sports are equally losing under this government.

Motion agreed to.

Marine parks: establishment

Hon. P. R. HALL (Gippsland) — I move:

That the Council take note of the answer given by the Minister for Energy and Resources to a question without notice asked by the Honourable R. F. Smith relating to marine national parks and sanctuaries.

Mr President, I am responding to a dorothy dix question that was put by the minister's own backbench. The answer we got from the minister was a dorothy dix-type answer. It was an absolute joke. I tell you what, Mr President, it is not the biggest joke that has been played on the people of Victoria today. The far bigger joke is the publication of this so-called discussion paper on marine parks. The whole content of the discussion paper is eight pages. Eight single typed pages. Page 1 is an introduction by the minister; pages 2 to 5 contain some overviews of the new proposals; page 6 is a summary; and page 8 has other parts. There are four pages of content in this discussion paper, a large part of which is simply tables.

I will tell you why it is also a joke, Mr President. Not once in the eight pages of this so-called discussion paper is there an invitation to members of the public to comment on it. In not one place is there an invitation for people to make comment on this proposal put forward by this government today. So if it is a discussion paper it seems to me a phoney discussion paper. If it is not a discussion paper it is once again an expensive propaganda exercise by this government to try to prove that its marine parks have some claim in our community. There are quite a few expensive, coloured pictures in it. I say this is nothing more than another expensive propaganda exercise by this government to prop up its marine parks proposal which is absolutely full of faults.

The minister raised the issue of compensation in her answer. I have spoken to literally hundreds of professional and recreational fishermen around the coast of Victoria, yet I have failed to find one who has told me he or she wants to be compensated. They want a job. They want the right to keep on fishing. If they are professional, their first preference is to keep their job and to fish commercially, and if they are recreational fishermen their first preference is to keep their recreation and to fish recreationally. I have not found one whose first preference is to be compensated out of a job or out of the industry.

Further on the issue of compensation, compensation in the document is restricted to some classes of professional fishermen, not all classes of professional fishermen. Certainly not if you happen to hold an

abalone licence — stiff luck, fellas, if you are in the abalone industry; no compensation whatsoever for you. It is a pity if you are a fisherman who fishes and takes most of your catch from Beware Reef in East Gippsland — and I know a member in the other place who has an interest in an abalone licence there and whose licence takes a large percentage of the catch at Beware Reef. Stiff luck for him, there will be no compensation for the loss of resource available from that marine sanctuary.

Further, there is no compensation for recreational fishers proposed in the document. There is also no compensation offered for businesses that conduct a business related to marine activities and are impacted upon by the classification of a marine park. Stiff for them, no compensation for them either.

Further, compensation is restricted to somewhere between three and four years. After that, fellas, you are on your own again — the government will wash its hands of you after three years of limited compensation. Compensation is an absolute joke. No-one wants it; people want the right to continue with their job and to continue with their legitimate recreational rights.

What annoys me more than anything else is that compensation as an issue totally misses the point. Fishing in itself does not impact on the marine environment to anywhere near the extent that a range of other activities does. Pollution has the biggest impact on the marine environment. The muck that comes down the rivers and streams into our ocean, the ocean outfalls that dump into the ocean and the exotic species that have been introduced into some of our bays impact far more on the marine environment than a rod, a reel or a net cast by professional fishermen in a sustainable way. Each of those fisheries is regulated. They all have bag limits and catch limits and they have input and output controls to manage the fishery properly.

The government is totally out of kilter on marine parks. New South Wales has a model; Western Australia has a very successful model of multiple use marine parks. The government has its head in the sand. It misses the point on this issue, and these proposals will be soundly rejected by the people living in coastal communities around Victoria.

Hon. G. D. ROMANES (Melbourne) — The Bracks Labor government has announced today that new legislation will be introduced into the Parliament this session to create 13 marine national parks and 11 marine sanctuaries covering about 5 per cent of Victoria's coastline. All the honourable members of this Parliament have an opportunity to put in place through our actions a world-class system of marine national parks and sanctuaries.

What the Minister for Environment and Conservation has put forward in the consultation paper that is being released today is a way of handling the concerns relating to compensation that waylaid the bill in an earlier sessional period in the other place. The consultation paper is in the community, transparent, out in the open, ready for comment and ready for feedback, and an exposure draft for the legislation will follow, again for feedback.

Members of this chamber should be aware of the polling that has been done on this issue. The vast majority of the people of Victoria want to see those marine parks and sanctuaries in place. This is an issue that had bipartisan support. In the past 9 or 10 years both sides of the house were working to develop the proposal, and it is time the opposition put into practice what it has said in the past and support this proposal.

Motion agreed to.

PETITION

Pakenham–Launching Place Road: safety

Hon. N. B. LUCAS (Eumemmerring) presented a petition from certain citizens of Victoria requesting that the Minister for Transport give urgent attention to and approve funding for the construction of the Pakenham–Launching Place Road between the Pakenham Upper roundabout and Boyd Road (465 signatures).

Laid on table.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Education Services) — I have answers to the following questions on notice: 2057, 2277, 2511 and 2699.

Hon. C. A. FURLETTI (Templestowe) — I raise again, as I did last week, an answer to question 2339, which the minister has now on at least four occasions undertaken to pursue for me — unsuccessfully.

The process of questions on notice is a matter of convention, but it is now some six months since the question was asked, and if the Premier does not want to answer the question perhaps the minister could let me

know, which would at least save me the time it takes to keep raising the matter with the responsible minister.

Hon. K. M. Smith — On a point of order, Mr President, it is not a matter of the Premier ignoring the question on notice or saying that he does not want to give an answer, I understand it is up to the minister to ensure that answers to questions on notice asked by members of this house are presented in this place. The minister has a responsibility to respond to members who ask questions in this place. Otherwise, ministers in the other place will refuse to give answers to members of this house. That is not good enough. Surely there must be some way this house can take action against ministers or the Premier for treating this house with contempt.

Hon. M. M. Gould interjected.

Hon. K. M. Smith — It is treating this house with contempt — you are!

Hon. M. M. Gould interjected.

The PRESIDENT — Order! The fact is it is very obvious that ministers make very strong endeavours to get answers to questions.

Hon. M. M. Gould interjected.

The PRESIDENT — Order! I am just saying that it is obvious that ministers in this place make strong endeavours to get answers on time. It is not in their interest to be harangued when answers are not given. On the other hand, I believe it is a grave discourtesy on behalf of their ministerial colleagues when they let down their colleagues in this place by not providing answers. The minister has assured the house she has done everything possible to get the answer. No doubt she will raise the matter again with the Premier, and perhaps generally she should talk to her cabinet colleagues about backing up the ministers here so that we do not have these unfortunate situations.

Hon. M. M. Gould — I don't need help with what I need to say to my cabinet colleagues.

The PRESIDENT — Order! I am just making a suggestion.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I also have a question outstanding for the Leader of the Government, question 2213, parts (ii) and (iii), I think it was, which was for the attention of the Premier. It was placed on notice on 19 September last year. I wrote to the minister on 30 November and followed up in the house on 4 December of last year. I am now following up again hoping that after six months we can get an answer from the Premier.

Hon. M. M. GOULD (Minister for Education Services) — With respect to the matter the Honourable Carlo Furletti raised, I have passed it on to the responsible minister, in this case the Premier. He raised a couple of answers last week, and one out of three of them has been provided. On the one raised today, I am waiting for a signature. Hopefully we will have it by tomorrow.

With respect to question 2213, which the Honourable Gordon Rich-Phillips has raised, I will raise that with the Premier again.

The PRESIDENT — Order! The Honourable Andrew Brideson wrote to me seeking my ruling in relation to question on notice 2153. In my opinion part (a) of that question has not been answered. I therefore direct that that part of question 2153 be reinstated on the notice paper.

PAPERS

Laid on table by Clerk:

Border Groundwaters Agreement Review Committee — Report, 2000-2001.

Desert Fringe Regional Waste Management Group —

Minister's report of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Report, 2000-2001.

Goulburn-Murray Rural Water Authority — Report, 2000-2001 (*in lieu of that tabled on 31 October 2001*).

Melbourne Parks and Waterways — Report, 2000-2001.

Mildura Regional Waste Management Group —

Minister's report of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Report, 2000-2001.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme — Amendment C25.

Cardinia Planning Scheme — Amendment C25.

Geelong — Greater Geelong Planning Scheme — Amendment C15.

Glenelg Planning Scheme — Amendment C6.

Golden Plains Planning Scheme — Amendment C8.

Hepburn Planning Scheme — Amendment C6.

Indigo Planning Scheme — Amendment C13.

Melbourne Planning Scheme — Amendment C40.

Mitchell Planning Scheme — Amendment C26.

Mornington Peninsula Planning Scheme — Amendment C36.

Nillumbik Planning Scheme — Amendment C3 (Part 2).

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 — No. 18/2002.

Victorian Civil and Administrative Tribunal Act 1998 — No. 17/2002.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 17 and 18/2002.

A proclamation of the Governor in Council fixing an operative date in respect of the following act was laid upon the table by the Clerk pursuant to an order of the Council on 4 November 1999:

Health Services (Conciliation and Review) (Amendment) Act 2001 — Whole Act — 25 March 2002 *(Gazette No. G12, 21 March 2002).*

CRIMES (DNA DATABASE) BILL

Second reading

Debate resumed from 20 March; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. R. M. HALLAM (Western) — The purposes of the Crimes (DNA Database) Bill are twofold. Firstly, the bill is designed to improve upon the current procedures in respect of the obtaining, use and retention of forensic samples. Secondly, the bill has the objective of facilitating Victoria's effective participation in the national DNA database.

I begin my contribution by acknowledging that DNA testing represents an absolutely quantum leap in the solving of crimes and to that extent at least is similar to the breakthrough that fingerprinting represented about 100 years ago. Indeed both of those technologies can be said to have brought great benefits to our community, not just in respect of the solving of crimes but perhaps more pertinently to the extent that they have acted as preventers of crime, given the dramatic increase in the prospect of detection which comes as a direct result of that technology.

However, whereas fingerprinting was a massive breakthrough, and to that extent is most welcome, it does have a number of fundamental deficiencies. I am not an expert in the taking of fingerprints, but I do know that one's fingerprints do not show on all surfaces, and I know, therefore, that all of the surfaces or articles at a crime scene have to be painstakingly dusted in a search for those prints because they do not show up to the naked eye.

In addition to that, it is a fact that each of our fingers and thumbs is unique. In respect of their prints, they are different from those of any other person, but they also happen to be different from each other. Thus we have a much more complex testing process to determine whether a particular person has been present in a particular location. The time taken for that testing process is a complicating factor, as is the prospect of those prints being fused with the prints of other persons, and coupled with that the difficulty in that one is not able to tell with precision which prints were there first and which have been overlaid.

In addition to that we should acknowledge that fingerprints do fade over time through the action of dust and so on, or can, as I said, be obliterated by another person's prints through subsequent usage or presence at that scene. So there is a whole range of obvious drawbacks with fingerprints.

There is the major drawback that it is relatively easy for a person to avoid leaving his or her prints at a particular scene simply by the wearing of gloves, so the technology of fingerprints becomes of less importance, particularly in respect of premeditated crimes such as burglaries and so on, given that the would-be perpetrator is quite simply able to avoid leaving evidence of his or her presence.

The really important thing in respect of DNA technology is that it overcomes all of those shortcomings. The DNA profile is just as unique to the individual. It still remains our biological blueprint. In addition to that, it can be simply recorded and simply catalogued. Coupling that with the enormous advance in computer technology where we get the ability to match quickly and accurately, the DNA technology becomes a very powerful system indeed. Perhaps even more importantly our biological blueprint can be established from samples taken from our skin, hair, blood, semen and even saliva, and from very small samples of each. Indeed it is a little scary to note that every single human cell exhibits its own unique DNA, and so to that extent exhibits a sort of human bar code. In those circumstances it is quite difficult for a person to attend a scene and to not leave DNA traces of their

presence, whereas the reverse, as I said, might well apply in the case of fingerprints.

In addition to all that, perhaps the major advantage with the new technology of the DNA profile is that the process by which it is established is relatively simple and absolutely and totally clinical. It is not affected by external factors. It does not diminish over time. So, for instance, a sample of semen taken from a particular crime scene might readily be matched to a DNA profile established some years later by a simple buccal swab. That of itself indicates better than anything else I could bring to the attention of the chamber what a dramatic breakthrough this new technology represents.

The good thing about DNA technology is that it is relatively simple and inexpensive to employ, and it can be used quite directly to establish the presence of a particular person at a particular scene. Just as it might assist in the solution of a particular crime, the converse is also the truth, and maybe the converse is even more important in that it may lead to establishing, through the DNA samples collected at the scene, that a particular person was not the person directly involved at the scene or in the crime, and it therefore may lead to proving their innocence.

While the DNA technology has enormous applications in our community, it is the massive breakthrough in crime prevention and solution that is, in my view, the most important. It follows that we as a community — or perhaps, more importantly, we as a Parliament — should be very keen to embrace and to employ that new technology and to capture its benefits. Our only hesitation and our only reservation should go to the question of the rights of the individual and the collection, the use and retention of samples and how those individual rights should be recognised and protected.

To that extent we go right back to the age-old question of competing rights, which is a familiar theme in this place: the rights of the individual and the questions of personal freedoms and entitlements versus the rights of the community at large, where those rights might not necessarily be compatible. Again it falls to Parliament to determine the balance of those competing rights. We are asked to strike a balance on the line of continuum that goes from the absolute freedom of an individual at one extreme to the total power of the state at the other.

The debate today — or at least the variation in the positions taken by the individual members and parties — relates only to that point on the continuum where we think the law should land. To that extent we are debating this issue at the margin and we are not addressing the principal issues, and that of itself is pretty good because that is how the system should work.

At that point I should report that the National Party shall be supporting the amendments to be brought forward by the Liberal opposition when this bill is debated at the committee stage. As I understand it, the purpose of the amendments to be offered to the chamber by the shadow spokesman are quite straightforward. They simply say, as I understand them, that the rules relating to the collection, use and retention of forensic samples will effectively be the same as those which currently apply to the collection, use and retention of fingerprints. In other words, samples may be collected from a suspect in the normal course of a police investigation where it is believed on reasonable grounds that the sample would tend to confirm or disprove the suspect's involvement in the commission of an offence.

That to us seems to be an absolutely logical position to prosecute and we shall, in fact, be supporting the amendments on that basis. But I make the point that the position to be put forward by the shadow spokesman is in stark contrast to the government's position which would — again as I understand it, because it is something of a moving feast — require a court order to obtain a forensic sample.

We in the National Party are not convinced that that is a practical or even reasonable prohibition because we are not convinced that the requiring of a court order will provide any protection to the individual, given that it is likely to become a standardised stock procedure. Indeed, it is not all that long ago that we in this chamber were required to address an issue whereby some thousands of orders gained from a court were struck down because they had not been appropriately granted. The question in that case was whether a judge could provide these orders in chambers, and to clarify the law we were required to revisit that issue.

In any event we are not convinced that the mere requirement for a court order to be obtained before a sample might be taken would provide anything like the individual protection that government members apparently believe it would.

I might also say that that is quite different and quite separate from the government's revised position in respect of the requirement that a sample be taken in the presence of an independent witness and that the procedure be captured on videotape. I understand the government has in fact shifted from that position and I look forward to hearing the latest version of the

government's position because, as I said, it has been something of a moving feast. But I note that it is that issue of whether the taking of a DNA sample should require the presence of an independent witness or the recording on video that prompted the secretary of the Police Association to write to every member of this chamber, and, indeed, to every member of this Parliament.

I am a bit intrigued at receiving a letter from Mr Mullett. I cannot remember receiving a letter from him in the past. In fact, I put this down as something of a red-letter day to get a letter from Mr Mullett seeking my assistance, because I do not recall anything quite like that occurring in the seven and a half years I was a minister of the Crown in this place. I note that Mr Mullett cannot quite bring himself to acknowledge that it is members of the government who intend to impose the debilitating and unnecessary restraints which he complains of in his letter, in which he says:

> These measures apparently include the requirement for an independent person to be present whilst the samples are obtained and/or the process is proposed to be the subject of videotape recordings.

He says of members of his association:

> We believe that this would be a time-consuming and resource-intensive imposition on our members that would involve considerable delays in terms of collecting the DNA that is so vital in relation to the compilation of a contemporary database.

He draws the following conclusion:

> The proposed amendments would have a counterproductive effect on the ability of our members to do their job.

As it happens I agree wholeheartedly with him, but it would have been nice to have Mr Mullett say, 'Hang on, it is the members of the government who apparently intend to bring in these debilitating and unnecessary restraints'. He might also have gone on to note that it was, in fact, the members of the Liberal Party who were wanting to ensure that the advantages of the new technology would be available to the police force without impractical conditions being imposed on its use. He might also have noted that the members of the National Party have been fulsome in their support for the embracing of the new DNA technology.

I hope Mr Mullett's hesitation in noting the differences in the stances across the political spectrum is nothing more than embarrassment, because there is every reason for him to be embarrassed. It is, after all, the same persons who are now apparently offering those debilitating and unnecessary restraints whom he so fulsomely supported in the most recent election campaign. If he is embarrassed that is a very good thing, because his partisan support of one particular party was in my view most inappropriate on that occasion.

In any event we are now told that the government's position has shifted again, and we should be thankful for that. I must say that the government's position today is dramatically different from that which it adopted in earlier debates on the same issue back in 1993 and 1998, where the general concept of embracing the DNA technology was fundamentally opposed — and, I believe, fundamentally opposed on quite frivolous and partisan lines. I only hope the members of the Bracks government feel a bit embarrassed today at the position they adopted in respect of that earlier legislation and that they are now acknowledging the importance of embracing the DNA concept. They should feel good about actually expanding upon that application in today's climate. But such is politics, and more's the pity.

I am charitable, Mr Acting President, and in that charitable light I offer the government my response: 'Thank goodness you have actually seen the light and are prepared to now not only embrace the DNA technology but improve upon its application'. I extend my genuine congratulations.

The specifics of the bill are really quite simple. They say in the first place that whereas the 1993 legislation allowed the taking of forensic samples from suspects and the 1998 legislation expanded on that to allow for the taking of forensic samples from prisoners and convicted offenders, in each case that process applied only where the sample was either volunteered or the person was in custody.

As I said earlier, we currently have some 3500 unexecuted orders for forensic samples, and those orders cannot be executed because the persons who are the subject of them are no longer in custody and, not surprisingly, few of them are volunteering a forensic sample. The bill expands the power of the police force to obtain a sample when the person is not in custody. I note that safeguards are employed in relation to the physical collection procedure, but the bottom line is that a person can be required to attend a certain place at a certain time for the purpose of providing that forensic sample, and where that person does not attend the police are able to seek and issue a warrant for the arrest of that person for the specific purpose of gaining that DNA forensic sample. That is effectively what the bill says. It means that the acknowledged weakness in the law, insofar as it previously applied to the collection of DNA samples, has been overcome. That is a good

thing, and to that extent I congratulate the government on its preparedness to embrace modern technology.

Secondly, the current act specifies the offences for which a forensic sample can be obtained. Those offences include, not surprisingly, the offences of murder, burglary, armed robbery and rape. The bill now extends the definition of 'forensic sample offence' to include false imprisonment and the assistance of an offender to commit a forensic sample offence. In an appropriate response to the atrocity of 11 September we see two new offences included in the definition of a forensic sample offence, being the contamination of goods and a bomb hoax. Again, I suggest to the chamber that that is a reasonable expansion of the law and one that is supported by the National Party.

Thirdly, the amendments in the bill ensure that Victoria can expect to effectively participate in the national DNA database which is currently being developed — and this should be a two-way street. For maximum effectiveness those national records need to capture all the state-based sample inputs and on the other hand should provide states and territories with uninhibited access to the total database collected from across the nation and should particularly include access to data derived from the other states and territories.

This is a complication resulting from our constitutional structure and the fact that the national government was established as a commonwealth of states — that of itself imposes some well-known technical difficulties and a whole range of well-trodden sensitivities. It is very clear that it is in the best interests of all Australians to have a free flow of information to get the best possible data access and usage from the database, but it is also just as important that we should do so in a way that does not unnecessarily impinge upon the sovereign rights of the states if we are to get total support. We understand that.

It is another quite tricky constitutional issue requiring model legislation and cooperation across jurisdictional borders. I have to say I am personally delighted to see the level of cooperation that has emerged over the past handful of years. I am happy also to put on the record that over the years I may have in some way contributed to that through the good fortune I had in representing the state as a minister of the Crown. There are many instances where we have enjoyed great levels of cooperation across state lines and have been able to find practical solutions to the matrix of commonwealth and state responsibilities.

In this case we have a solution which has been fashioned on an initiative taken by the Standing Committee of Attorneys-General, and I commend them for what I believe to be a practical outcome. It is good to see that cooperation, and I live in hope to see it spread, because I think there is much more to be done, not just as to the question of whether we can prevent the crazy border anomalies which have bedevilled us in the past but as to whether we can avoid the parochialism that led to situations such as the rail gauge disaster of 100 years ago. There is still a level of duplication and even triplication in the delivery of services across three tiers of government. In the same breath that I congratulate the attorneys-general for finding a way through the DNA technology, I extol to them the need to go back and address a whole range of other issues that fall in a similar basket.

That will take a statesmanlike approach. I point to the Kennett government's decision to cede industrial relations to the commonwealth as a case in point. I cannot recall an example either before or since where a state has been prepared to give up any of the territorial jurisdiction that it has enjoyed since Federation. That was a good case in point, not just in terms of the merit of the decision in itself but in that it removed an entire tier of administration and to that extent represents a more effective government structure. That is a really good example of where good sense should be driving us and where there is a clear recognition of the need to refine a costly and top-heavy structure across the three tiers of government.

I extend my congratulations to the attorneys-general on what I believe to be a good decision. But there are many other anomalies which blight our community due to the structure of the states. There are many other issues where for years we have been tip-toeing around the question of states' rights, and we should be prepared to grasp the nettle.

There is one issue I want to mention in passing that gets me really mad, and that is the ability for delinquent debtors to secure protection from their creditors simply by crossing state borders. It is a problem which, not surprisingly, looms bigger for businesses that operate near or on state borders. The service of debt proceedings interstate is a difficult issue. The state-based police forces are not really interested in migratory debtors. The extradition costs are prohibitive, and the smartest delinquent debtors simply trade on the anomalies by border hopping. I could tell many stories, particularly relating to the hire car industry where the opportunity to skip is greatest.

I invite the Standing Committee of Attorneys–General to go back to the table to talk through a workable solution to this particular border anomaly and the

frustration which is caused to businesses across the state, particularly small businesses — more often than not large businesses have branch offices across the jurisdictional borders and are thereby able to follow up on a delinquent debtor. Anybody who wants a really good example of someone working the system to avoid paying his or her debts or the conversion of leased goods should call Cr Des Brown, the newly re-elected mayor of the Shire of Southern Grampians who has had a classic experience to demonstrate why we should do something about the border anomalies that remain.

This bill is about the collection, use and storage of DNA specimens and how we get the best possible use from this exciting new technology while at the same time respecting the rights of individuals. It is practical and reasonable legislation, and the National Party is happy to indicate its support for the bill before the chamber.

Hon. JENNY MIKAKOS (Jika Jika) — I rise to make a brief contribution in support of the Crimes (DNA Database) Bill. My colleague the Honourable Dianne Hadden made an excellent contribution to this debate last week, and it is not necessary for me to cover a lot of the same ground.

The bill is part of the government's commitment to developing new and expanded crime prevention programs to keep Victoria safe. Honourable members would be aware of the government's commitment in this regard, which has seen hundreds of additional police added to our streets to keep our community safer. At a personal level I am pleased that the government has also funded the building of two new police stations in my electorate — at Northcote and at Preston — both of which are currently in the process of having their site locations finalised.

As part of its commitment the government is also prepared to embrace the benefits that modern technology can bring to modern policing. As part of this acknowledgment, the government appreciates that DNA technology is a valuable investigative and evidential tool. Honourable members have already indicated in their contributions that DNA technology is able to do a lot of things that fingerprinting and more traditional forms of policing have not been able to do. The value of DNA information lies not only in its capacity to implicate a person in the commission of an offence but also in its ability to eliminate a person from suspicion. Over a number of years there have been cases, particularly in the United States of America, where convicted prisoners, even on death row, have been released after many years upon providing DNA samples because those samples have been able to prove their innocence.

I come to the bill with a perspective that DNA sampling is something that innocent suspects should not fear. Honourable members have had a lot to say about the need to balance fundamental rights, the protection of people's privacy and ensuring that there are adequate safeguards in legislation with the need to give police appropriate powers to detect and investigate crimes. This legislation strikes that careful balance in providing safeguards and enabling police to do their job.

As the Honourable Roger Hallam acknowledged, I too am no expert in DNA technology, but my understanding of it is that DNA is a unique identifier of each person in a way that is similar to fingerprinting, but it is a more effective form of identification because each person has unique DNA and a sample can be obtained from various sources, not just from the tips of one's fingers but from biological specimens that a person is able to provide.

I am pleased that Victoria has been at the forefront of utilising DNA information for criminal investigations in this country. Existing legislation already allows for forensic samples to be taken from suspects, prisoners, convicted offenders and volunteers. This legislation seeks to improve upon the existing procedures for obtaining, using and retaining forensic samples as well as facilitating Victoria's participation in a national DNA database.

It is possible for the police to take DNA samples from certain individuals. The bill allows for a person to consent to take their own forensic sample by way of a mouth swab, a simple procedure involving a cotton bud being scraped against the side of a person's mouth. This procedure will be subject to the supervision of an authorised trained police officer; currently such forensic samples must be taken by a doctor or a nurse. It is believed this requirement is not necessary where a suspect consents to the procedure being undertaken. The change to the procedure will seek to minimise the intrusiveness of procedures for the taking of such forensic samples.

Other changes to the legislation relate to concerns expressed by the Victoria Police Association, and the Honourable Roger Hallam referred to a letter he received from Paul Mullett, secretary of the association. I believe that correspondence was sent to all members of Parliament, and the government engaged in discussions with the association as a result of those concerns and will be proposing amendments to the bill that seek to alleviate those concerns. Some concerns

raised by the association were unfounded because I believe they were based on a misunderstanding about how the legislation would work. I acknowledge that it is important for police not only to obtain such forensic samples in a way that is not intrusive to the individual suspect but also ensures that they are able to undertake their work without undue complication and delay.

The government will be seeking to make changes to the procedures to remove the requirement that a forensic sample procedure must be either videorecorded or witnessed by an independent person. This requirement is seen to be unnecessary in circumstances where the person consents to conduct the procedure themselves. The government's view is that it is vital that police have the proper tools available to effectively investigate crimes and the requirement that the self-sampling procedure be videorecorded or witnessed by an independent person is seen to place an unnecessary burden on Victoria Police. The government will be introducing an amendment during the committee stage to remove that requirement and to address the concerns raised by Victoria Police.

The other aspect of the bill I wish to touch upon relates to the widening of the definition of a forensic sample offence. Under existing legislation police may apply for an order to take a forensic sample from a person who has been found guilty of a forensic sample offence. The current definition of a forensic sample offence includes offences such as murder, burglary and armed robbery. In response to community concern about serious crimes, the government is proposing extending the definition of a forensic sample offence to include offences such as false imprisonment, assisting an offender to commit a forensic sample offence, a bomb hoax, offences connected with explosive substances, and the contamination of goods.

It is my recollection in reading about the 1993 bombing of the World Trade Centre in New York that the Federal Bureau of Investigation in the United States of America was able to trace the perpetrators of that crime by using DNA technology. Such technology is an effective investigative tool. Given the present heightened concern in our community about terrorism, it is important that we reflect that community concern and extend the bomb hoax offences connected with explosive substances and the contamination of goods in the definition of a forensic sample offence.

The other key feature of the bill relates to streamlining of the current procedures for retention orders. Currently police must apply for an order to retain a DNA sample to the Magistrates Court. However, given that many offences are heard and prosecuted through the County Court and Supreme Court, particularly in relation to indictable offences, it is only sensible that those courts also have the ability to order that forensic samples be retained. The bill will seek to allow a police officer to apply to the County or Supreme courts for a retention order that a forensic sample be retained after an offender has been convicted of an indictable offence.

The other aspect of the bill relates to the arrangements currently in place for the carrying out of court-ordered forensic procedures. Police are able to apply to the court to take a forensic sample where a suspect is already in prison. However, at present there are over 2500 unexecuted orders made against people who are not in custody. Unless those orders are able to be executed, the ability of the police to utilise DNA information will be severely limited.

The bill seeks to introduce new procedures that will enable the police to obtain a court-ordered forensic sample from an offender who is not in custody. Where a person refuses to provide a court-ordered forensic sample, police will be able to apply to a magistrate or a registrar of the Magistrates Court for a warrant to arrest that person.

The Honourable Roger Hallam in his contribution suggested that a court order would be required in all situations. However, it will be the case that where a suspect volunteers a forensic sample the police will not need to apply to the court for such an order, nor will they need to execute a warrant for the person's arrest.

The safeguards the government is putting in place will ensure that DNA samples are only obtained from people where there is a reasonable belief the person has committed an offence and the taking of the forensic sample will assist in the investigation.

The final aspect of the bill I wish to address relates to Victoria's participation in the national DNA database scheme. The bill seeks to facilitate Victoria's participation in a national DNA database by enabling Victoria to enter into arrangements for the exchange of DNA information between Australian jurisdictions. It seeks to provide for reciprocal enforcement of orders for the carrying out of forensic procedures made in other jurisdictions. Such procedures will be particularly useful where suspects in Victoria flee interstate and the reciprocal enforcement of orders will effectively allow for a warrant to be executed against a suspect in another jurisdiction.

Victoria's participation in the national DNA database scheme has been modelled on the draft Model Forensic Procedures Bill developed by the Model Criminal Code

Officers Committee at a national level. This particular scheme provides for a number of safeguards relating to the disclosure and use of DNA information, and the legislation will ensure that DNA information is only exchanged for law enforcement purposes. The bill also contains provisions relating to the misuse of such information and includes criminal offences for any breach.

I note in this respect that the bill has been modelled on the national approach. To date the commonwealth, New South Wales, Tasmania and the Australian Capital Territory have all passed similar model legislation, and it is hoped the other jurisdictions will also participate. This will be an invaluable tool in ensuring that suspects who either work across a number of jurisdictions or who flee from Victoria to another jurisdiction will be able to be prosecuted for their offences.

Finally, I note that while we have not as yet seen the amendments the opposition will bring before this house at the committee stage, I wish to make some comments in anticipation of what those amendments may relate to.

I anticipate that the amendments may replicate the amendments that the opposition moved in the other house, and I stand to be corrected in that respect when we get to the committee stage. The opposition in the other house sought to introduce a number of amendments relating to the storage of DNA samples and particularly to move to an approach used in the United Kingdom where the Department of Justice controls DNA samples rather than the police themselves.

While in principle I have no fundamental objection to such a proposal the opposition needs to be mindful of the national approach that has been agreed to and the fact that these types of alterations will impede Victoria's ability to participate in a national DNA scheme. All the other jurisdictions have taken an approach similar to ours. As I indicated earlier, the Victorian bill has been modelled on the Model Forensic Procedures Bill developed by a national Model Criminal Code Officers Committee. In fact that legislation was even passed by the federal Parliament — the opposition's colleagues up in Canberra. The opposition perhaps may not have thought through the consequences of these amendments, and I look forward to making some further comments in this respect perhaps once we see the amendments in the committee stage.

The opposition in the Legislative Assembly also sought to remove the requirement that court authorisation be required where a person had refused to provide a forensic sample. Again the government takes the view that the existing requirement for a court order where a person does not wish to voluntarily provide a DNA sample is an important safeguard to ensure that forensic samples are only taken compulsorily from suspects where there are reasonable grounds to believe the person has committed an offence and that the taking of a forensic sample will assist in the investigation. I do not believe that requiring the courts' vetting of such procedures provides any type of impediment to police conducting their work, and I think it is a very necessary safeguard, given that DNA is able to provide a lot of information to the police that is not available from a mere fingerprint.

The opposition is seeking to put DNA information on a par with fingerprints. It would be inappropriate to regard fingerprints and DNA as being of equal forensic value because DNA information provides a lot more information about a person's biological composition and about a range of other things which are not relevant to policing or the investigation of an offence, and for that reason it is necessary to build some safeguards into the system.

In conclusion I believe the legislation seeks to strike a very careful balance between the need to provide adequate safeguards for the community and the need to allow the police to properly investigate offences and to protect the community from offenders. That balance has been reached. The government has done well to respond to some of the concerns raised by the Police Association in the amendments that it will be moving in the house later today, and I wish the bill a speedy passage.

Hon. B. C. BOARDMAN (Chelsea) — I pick up on the concluding comment by the Honourable Jenny Mikakos that she believes the government has addressed some of the issues the Police Association raised with the government. What a hypocritical statement that is! This is the government that purports to have some genuine interest in crime management and in reducing the crime rate in the community by providing adequate law enforcement resources and regulation. It now goes through this confusing process. It introduced amendments into the other place and then reassessed the situation when the Police Association identified some sound and justifiable practicalities and brought them to the government's attention. Subsequently it moved to remove those amendments when the legislation was read for a second time in this chamber today.

I find it amazing that a government which purports on the one hand to be generally interested in trying to

achieve the best possible result for the community in so far as its safety and welfare are concerned could then on the other hand introduce legislation such as this which is cumbersome, confusing and not in the best interests of the service providers which it is supposed to be regulating for.

Ms Mikakos also made the point that there is insufficient evidence to suggest there is an impediment to police by going down the path of obtaining a court order in order to take a sample when the voluntary submission of a sample is not possible. I do not know where that briefing note or that suggestion came from or if Ms Mikakos is simply philosophically basing her arguments on past experience. The reality is that if a police officer has a suspect and wants to take a sample of that suspect's DNA the officer has to go through a complicated process of filling in forms and conducting evidentiary procedures with the court, lodging an application with the court, and then subsequently finding the time to attend the hearing, present the evidence directly to the court, wait for the court to make a decision and then go back and take a sample. I do not know if Ms Mikakos has any idea of how long that would take, but during that time the police would be off the road, tied up with bureaucratic nonsense when clearly they should be serving the community in a more proactive way to provide better solutions.

It seems to me that this legislation is somewhat of a challenge for the government because past history shows that it has some difficulties both practically and philosophically with this type of legislation — with anything that is designed to improve the investigative capabilities of Victoria Police and actually contribute to making the community a safer place.

I note, however, the comments of the honourable member in relation to the national DNA database. If we can recall, on 13 July 2000 the Minister for Police and Emergency Services released a press release entitled 'Crimtrac program on track'. This was about an agreement reached at the Australian Police Ministers Council where he joined his state and federal counterparts in signing off on the multimillion-dollar Crimtrac national crime database. The philosophy behind this database was to reduce unsolved crimes and serious offences and to simplify the job of identifying suspects of crimes who might have transdata locations. It went on to say that the government would fund 70 live scan units that would capture not only fingerprints but palm prints. This would be introduced to improve taking a suspect's fingerprints by replacing the old inkpad and paper method.

I do not know what has happened to those live scan units or whether they have been implemented in the Victoria Police and are proving to be effective, but the technology is internationally renowned, and I hope they are out there. I will be following up on the minister's press release today to establish whether those resources have been allocated. I say that on the basis that the technology is evolving even further, and although Crimtrac was originally designed to try to improve the transmission of fingerprint information, now we are in the final processes of the national protocols for DNA information. Part of the Crimtrac program was to include the national DNA database and also to incorporate a national sex offenders database, and that is what part of this legislation is designed to do. It is to provide the state with the mechanisms for obtaining and storing these samples and to ensure that law enforcement and the investigation of crimes in Victoria is best equipped to meet the community's expectations.

I remember that there was considerable discussion when this legislation was introduced last year. A press release from the Attorney-General dated Thursday, 29 November 2001, states that the introduction of this legislation 'paves the way for Victoria to join the national DNA database' and indicates that there have been significant advances in the collection and collation of samples of both fingerprints and DNA to provide a national response in the investigation of crime. That is very pleasing, and the technology has been working quite effectively. There are profoundly successful examples of other countries having interrelated their own databases with those of external jurisdictions to provide the best result. That level of cooperation has resulted in real successes. The Attorney-General said:

> The Crimes (DNA Database) Bill will improve the existing procedures for obtaining, using and retaining forensic samples.

In one way that sounds quite reasonable, but only if it is the case. Philosophically that might be what this legislation is trying to do, but in practice the situation is somewhat different. I again make the point that this story has evolved considerably because the government has not been able to make up its mind to the extent that best reflects the community's attitudes and will lead to a practical and reasonable outcome for Victoria Police.

This press release is quite fascinating. It goes on to state:

> The bill allows police in Victoria to share DNA information with police in other Australian jurisdictions for law enforcement purposes. Safeguards are provided to ensure that DNA information can only be disclosed and used for certain purposes.

Once again that sounds quite a reasonable statement and that seems to be the objective need to work towards, because there is no such thing as complex criminal investigations being isolated to specific geographical areas. We know that although technology and response by law enforcement agencies is evolving, so also are the methods and the technologies that criminals are utilising in order to commit their crimes. The legislation needs to reflect that to ensure that there is an adequate and appropriate response and allocation of technology and resources.

It is probably opportune to identify the historical aspects of what has happened with DNA and body sample-taking regulations in the state, to give an appreciation of why we are having this debate today. There is an issue that I need to state from the outset, and that is that it is fine in one sense for the government to introduce the legislation and make the point that its motivations are in the national interest and also, equally importantly, in the interests of all citizens of the state of Victoria. But there is a lack of identification and acknowledgment of the difficulties and challenges that confront Victoria Police at the moment in allocating additional resources to analyse these samples. There is a real situation with this. The Victoria Forensic Science Centre at Macleod is facing extraordinary pressure in trying to keep up with the demand this process requires, and that is before this legislation is passed. That is under the current regime, which has quite strict criteria as to how police can and cannot take these samples. Once this legislation is passed the criteria and eligibility methods will change considerably, and there has not been the identification of resources or a sufficient allocation of funds to enable Victoria Police to manage the problem. I am going to talk about that in some detail.

Touching on the historical aspect, I need to highlight some of the hypocrisy the government has shown in introducing this legislation. It is important to note that the first time Australia had comprehensive legislation in relation to forensic procedures was in Victoria in 1989, with the introduction and passing of the Crimes (Blood Samples) Bill.

Part of that act incorporated a sunset provision for one year because the then Cain government was again failing to adequately address the philosophical differences within the Labor Party and was facing external pressures. Groundbreaking and of national importance as it was at the time, the legislation was for only one year. With the benefit of hindsight it is difficult to acknowledge that if there was that genuine commitment to law enforcement activities you would hamper law enforcement activities by having a sunset provision or introducing a restriction that prohibits that type of investigative technique to only one year.

The legislation proved to be groundbreaking and incredibly successful. In 1991 the Crimes Legislation (Miscellaneous Matters Amendments) Bill was introduced. It repealed the sunset provision and expanded the range of offences for which blood samples could be taken by order or consent to cover all indictable offences against a person. There was that acknowledgment of availability of having such procedures. The Kirner government of the day went down the correct path, battled the philosophical differences that no doubt the Labor Party would have been confronted with and introduced legislation that was the appropriate response in dealing with what was the evolving technology in law enforcement.

In 1993 the Crimes (Amendment) Bill was introduced. It broadened the type of samples that could be obtained. No longer was the technology restricted to blood samples. It included samples such as pubic hair including the root, if required; samples from external genital or anal regions and female breasts, saliva, mouth scrapings and dental impressions. Non-intimate samples of the body were defined as non-pubic hair including the root, if required; matter from fingernails or toenails; swabs from non-genital or anal external parts, and not female breasts. That legislation identified that there were a number of other ways in which you could take the samples so as to provide a forensic analysis with the appropriate material in order to come up with a reasonable analysis of a person's DNA.

I recall that at the time that was subject to significant debate in this place. It resulted in considerable outrage from particularly the Council of Civil Liberties, and the Labor Party was internally divided on that type of legislation because there was that lack of acknowledgment that technology had progressed to such an extent where you could move from blood as being the only sample to be taken for analysis to the other samples, as I have mentioned.

In that regard I find it quite curious to note the comments from the Council for Civil Liberties at the time. I refer to the *Age* of 4 March 1992, where the council states that the law was:

> … unjustified and deceptive law-making which was unlikely to provide reliable evidence for criminal prosecutions.

It is interesting to note that we have moved considerably forward in that regard.

The Labor Party was faced with a difficulty of trying to get over its own predeterminations with this legislation

and trying to work out whether they would be progressive and in tune with community expectations or whether they would succumb to pressure groups such as the Council for Civil Liberties. Mr Neil Cole, then the honourable member for Melbourne in the other place, in his contribution to debate on the legislation on 23 November 1993 said he was:

> … extremely concerned that the capacity of people to object to having their fingerprints taken has been removed and that matters now have to go before the Magistrates Court.

He was making the point that because there were quite clear procedures in relation to taking a person's fingerprints, they could be taken in a number of situations where consent was involved and otherwise. He concluded that the government needed to be very cautious about moving forward in relation to what eligibility was placed on the taking of DNA samples. Mr Cole further states:

> Members of the opposition are concerned about the taking of mouth swabs and dental impressions …

He made a comparison in relation to a report by the Coldrey committee that said there was no justification for making the scraping of a person's mouth a compulsory procedure for criminal investigation purposes. Even in those days, which is just on 10 years ago, there was that difficulty about the philosophical obligations of a person to provide a sample and whether it would be a worthwhile tool in criminal investigations. The reality is that, as has been widely acknowledged not only in Australia through some of the technological increases and inroads made by ourselves but also internationally, it is the future of law enforcement. In fact, it is the current process in law enforcement.

There have been a number of cases in Victoria and throughout Australia where DNA has not only provided incredible effectiveness in proving that somebody unquestionably has had a role to play in a serious offence but equally has provided valuable information in exonerating or clearing a person who may have been implicated through a range of other circumstances. For that reason, I find the objections of some members of the government about consent or court orders or whatever the processes may be somewhat difficult to digest because there is that presumption that if a person does not consent to this, they are probably doing themselves an injustice because it has the potential to clear as well as implicate them.

I refer to another curious comment made by Neil Cole in 1993. He said:

> The opposition believes strongly that technology such as DNA testing should not be precluded for want of a legal ability to obtain it. The opposition's overall concern is that the government is attempting to alter the balance between the liberty of the individual and the right of the state.

It is fascinating to see that we have moved considerably further than Mr Cole said was the situation in 1993. I am glad that is the case although it is undoubtedly a little difficult to comprehend why the government would be trying to stifle the quite commonsense and adequate amendments that the opposition proposes to move during the committee stage, which are not only in the community's best interests but also preclude the police from participating in processes and administration that may be disruptive and that may be cumbersome and an unnecessary burden.

To highlight some of the issues confronting resource allocation in relation to scientific analysis of DNA samples it is important to note and point out in doing so that comments made in this chamber or publicly by members of Parliament have the potential to come round and resurface themselves as the opportunity arises. In doing so I highlight some of the comments made by the present Minister for Police and Emergency Services when he was the opposition police spokesperson. On 1 June 1995 his press release states, in part:

> The shadow minister for police said that a report by the all-party Crime Prevention Committee revealed delays of six months or more in the analysis of some blood samples.

He went on to state:

> … if samples were analysed sooner it would enable police to solve crimes more quickly.

That is all well and good because if he were genuine in that comment and if he were seriously committed to ensuring that police could solve crimes sooner by trying to address the problem of the backlog and some of the resource or management difficulties that the police currently face in Macleod with their forensic analysis, he would have done something in the two and a half years he has been the minister because the backlog is completely and totally unacceptable. Although that press release may be six and a half years old it still makes the point clearly that it is one issue to simply have the mechanics to enable police to do their job and to assist in trying to apprehend and prosecute offenders, but it is something completely different to allocate the necessary resources to assist and aid this technological response that undoubtedly is very important.

Victoria Police identifies how important this is. On its web page in relation to what DNA profiling results mean for a case it states:

> DNA profiling can be a very powerful investigative tool. Of the cases carried out so far, approximately 50 per cent of the profiling results have established that the suspect was not the source of the sample associated with the crime — that is, he/she was excluded as being the perpetrator of the crime.

Once again the point is clearly made: the benefit is not just for the police as an investigative tool, but also to potential suspects to exonerate them if necessary, and that is widely acknowledged.

The resource issue is extremely important. Absent from this debate so far, particularly from the government side, is the cost and implications of the cost associated with this technology. To conduct DNA profiling — and I refer again to information from the Victoria Police web site — it costs approximately $50 for consumables and approximately $150 per hour for the analysis, which includes all parts of the analysis including overheads and the cost of the scientists. The difficulty in getting a specific case-by-case cost is obvious because a sample may be a trace sample, a body sample or involve different body methods and techniques depending on what type of sample is provided, but on average it takes about two weeks to obtain a full DNA profile and usually they are analysed individually and entail crosschecking and referencing to ensure the sample is analysed correctly and appropriately in so far as the evidentiary provisions are concerned. So it can run into a costly exercise for the Victoria Police in providing this service.

That is where the problem starts because as from the end of February this year there is an enormous backlog of cases at the Victorian Forensic Science Centre awaiting analysis that clearly is hampering crime investigation and crime reduction in the state. The backlog insofar as biological examinations are concerned from a branch level — I understand these are where there has been a request from a criminal investigation unit or crime squad for a sample to be analysed where a suspect is identified — as at February 2002 is 840. The numbers pending — this is where the request has not been formally submitted but no doubt will be submitted as part of the investigation process — is approximately 800. That does not include where a suspect has not been identified. There are two specific differences in relation to what necessitates the priority in the order of sample analysis. If we include where a suspect has not been identified and where the urgency is not as high a priority as where a suspect is identified, there are in excess of 3000 cases backlogged at the Forensic Science Centre awaiting analysis — that is of considerable concern. The government has not acknowledged how serious this problem is, yet it is introducing legislation that may compound the problem.

I call on the government to identify a strategy, a policy, some funding or some allocation of resources to deal with this serious situation. The comparison is profound. In 1987–88, when the legislation was first discussed, there were 517 cases in that financial year requiring analysis. By contrast in 2000–01 there are in excess of 3700 cases requiring analysis and the legislative procedures have changed, technology has changed and the evidentiary procedures that now make it a necessity as a component of investigations have changed.

It is unacceptable that this should jeopardise public safety in Victoria, particularly when honourable members consider the seriousness of the crimes that necessitate police going down this path. Currently there is an eight-month backlog — the time it takes from when the State Forensic Science Centre receives a DNA sample — for that sample to be analysed. That is extraordinary. So a known defendant, someone who has the potential to commit other crimes while being investigated, may wait eight months to get a sample analysed. Undoubtedly the community has strong reasons to be outraged. The government has not responded to that issue. It introduces legislation but it has not indicated how it will identify and improve the situation at Macleod and provide a more worthwhile alternative to a serious challenge.

There is a contrast to this issue — I personally have some indifference to this — but if a sample is required as part of an internal investigation, and I am not down-playing how serious internal investigations must be treated, the sample analysis is almost instantaneous. It is done within the two-week opportunity that it takes to conduct the analysis. There is some management hypocrisy on behalf of the Victoria Police, that although it can get a sample turned around where it is essential because there is a directive relating to an internal investigation, there is an eight-month backlog for other crimes where a suspect is identified.

Where a serious crime such as a homicide is part of the equation, the backlog is reduced because obviously there is an allocation of resources, but the reality is, which is bad news for the police, people have to wait because they do not have the manpower or resources to deal with the situation and there is no acknowledgment by the government of how complex and serious the problem really is.

Currently 42 sworn members work at the Victorian Forensic Science Centre and not all of them work in DNA profiling because it is a very complex process requiring considerable academic and scientific qualifications to provide that expert advice. Those 42 members would be involved in other activities such

as crime scene investigation, fingerprints, photography, analysis of stolen motor vehicles and assisting in other investigations. This is the only forensic science centre in the state yet there are only 42 sworn members attached to the facility; so considerable resources need to be allocated to bring it up to an international standard.

I make the point that the opposition welcomes the philosophy behind the legislation and the motivation behind it, but is appalled at the hypocrisy of the government in introducing ill-conceived amendments in the other chamber and then having to go through a ridiculous process that shows its lack of preparedness and acknowledgment in consultation with the appropriate stakeholders on the real issues. The government has had to amend amendments simply because it is opportune and the facts have been pointed out to it, which demonstrates it is probably not in the best situation to be managing the legislative program in the state. On the other hand, in stark contrast, the opposition has identified and historically has a strong record in this type of legislation. It has identified how important it is to the community and how crucial it is for modern criminal investigation techniques to be used. It is essential that the legislation is amended in accordance with the opposition wishes because we are the only ones who have consulted the community extensively and know the reality of the challenges, problems and expectations of the Victoria Police and the community in relation to the legislation. If the government believes it is in a better position to block the amendments it is doing the community a great disservice.

I am appalled that we have had contributions from government members that highlight how important legislation is but have not done two vital things: tried to make the legislation respond to community needs and identified the problems that exist with the Victoria Police and the challenges confronting it with the analysis of forensic samples and in providing worthwhile techniques in criminal investigations. It is a disgrace that that issue has not been brought up by the government thus far. The opposition will pursue that in the committee stage and I hope during that stage the government will show some genuine commitment, because that has been sadly lacking so far.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

The ACTING CHAIRMAN (Hon. G. B. Ashman) — The committee has to consider amendments to this clause from both the government and the opposition, so I might indicate what it will try to do here. Both the Minister for Sport and Recreation and Mr Katsambanis are proposing to omit the same expression '17(2)'. However, the minister is proposing to insert '18(2)' and Mr Katsambanis '21(2)'. The difference is due to Mr Katsambanis's proposal to insert at a later stage four new clauses and the minister's proposal to insert only one. At this stage it may therefore be appropriate for each honourable member to canvass the amendments dealing with the proposed insertion of the new clauses. The first amendment of clause 2 proposed by each mover will therefore test which of the proposed new clauses will be accepted by the committee.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

1. Clause 2, line 2, omit "17(2)" and insert "18(2)".

I believe in speaking to this clause it is worth considering or canvassing the significance of amendment 20 in my name, and thereby I wish to make a statement. The Crimes Act 1958 currently provides that intimate forensic samples such as the taking of blood or a scraping from the inside of the mouth may only be taken by a person such as a doctor, nurse or dentist. The taking of that sample must be witnessed by an independent person. In this situation the independent person may be the doctor, the dentist or the nurse taking the sample.

Clause 7 of the Crimes (DNA Database) Bill provides that a person will be able to consent to taking their own sample of a scraping of the mouth, subject to the supervision of an authorised police officer. This will serve to minimise the intrusiveness of the procedure for the taking of forensic samples.

The bill provides that where a person has consented to conducting the procedure themselves, police must record that consent by tape recording or in writing signed by the person. The bill also provides that the conducting of the procedure must be either videorecorded or witnessed by an independent person.

Further consultation has taken place on this bill since it was passed in the Legislative Assembly. The

amendments remove the requirement that the procedure must be either videorecorded or witnessed by an independent person. This requirement is unnecessary in circumstances where a person consents to conduct the procedure themselves.

The government is concerned to ensure that the process operates both fairly and effectively. It is vital that police have the proper tools available to effectively investigate crimes. The requirement that the self-sampling procedure be videorecorded or witnessed by an independent person places an unnecessary burden on Victoria Police. Certainly there are many situations where the requirement that a process be either videorecorded or witnessed by an independent person operates to protect both police and the person who is subject to the procedure. This is particularly important where there may later be suggestions that the procedure was conducted unfairly or improperly.

Enabling a person to conduct the procedure themselves respects each person's autonomy and minimises the intrusiveness of the procedure. Because the procedure will be carried out by the person themselves, it does not involve the same level of intrusion as when a forensic sample is taken from a person by someone else. Therefore the requirement that the procedure be videorecorded or witnessed by an independent person is unnecessary.

An adequate safeguard exists to protect both the police and the person subject to the procedure with the requirement that the police must record the person's consent to take their own mouth swab in writing or by tape recording. Further, it is desirable for the person who is subject to the procedure that the procedure be carried out as quickly as possible. Removing the requirement that the procedure be either videorecorded or witnessed by an independent person will ensure that a simple and quick procedure is available for people to provide an intimate sample. The amendments strike an appropriate balance between the public interest in the investigation of crimes and the need to protect individuals from unlawful and unfair treatment.

The remaining amendments remove consequential clauses relating to the requirement that the self-sampling procedure be either videorecorded or witnessed by an independent person and make changes to the numbering of the clauses in the bill as a result of the amendments.

Hon. P. A. KATSAMBANIS (Monash) — I move:

1. Clause 2, line 2, omit "17(2)" and insert "21(2)".

The opposition has canvassed the issues relating to the amendments that the government is putting as well as the amendments that I will be moving on behalf of the opposition in the second-reading debate, and I do not intend to take up the time of the committee to unnecessarily re-debate them. However, it is worth stating for the record the opposition's position and what we are attempting to do with our amendments, which we believe are going to arm our police with the modern-day tools they need to fight crime in Victoria.

Insofar as the government's amendments are concerned, I can only say that we in the Liberal Party are glad the government has finally seen the light. Lord knows what possessed it to make the changes it did in the lower house, which introduced an unnecessary burden. In my second-reading contribution, I read on to the record significant amounts of a letter that Mr Mullett, the secretary of the Police Association, circulated to members, to highlight exactly how difficult life was going to be for a member of the Victoria Police force in obtaining DNA evidence if the government's position remained, and it did not change its stance that either an independent person would be present at the taking of a DNA mouth swab sample or that the process be videotaped.

As I said, it is heartening to see that the government has come to its senses. It has taken a lot of unnecessary talk and has created a lot of unnecessary angst. Certainly the Police Association highlighted the need to free up police people's time rather than to tie it up with unnecessary administrative burdens. I believe the government's move to no longer insist upon an independent person being present or videotaping of the procedure to take place is a good one.

As I highlighted in my second-reading contribution to this bill, there are no provisions anywhere in the world except for some bizarre provisions in South Australia that relate to an independent person or a videotaping of the taking of DNA evidence by mouth swab, so it is not as if we were attempting to follow some form of world best practice or trying to come into line with what other places are doing.

It was folly and the government has admitted that. We welcome the fact that the government is moving on this and that we will not burden our police force unnecessarily with silly administrative rules that would simply take police officers off the streets where they should be fighting crime on behalf of the Victorian society.

Insofar as the government is doing what it is doing, we support the thrust of its amendments. However, as I

foreshadowed in my contribution on the second reading of the bill, we in the opposition believe that the government has simply not gone far enough with this legislation; that, yes, this is making a significant change to the way DNA evidence is collected and databased in Victoria, but that it is only going halfway; and that it is only untying one hand of our police force in its never-ending and ever-vigilant battle to fight crime in Victoria.

The amendments I have circulated and which I intend moving propose inserting provisions in the bill that will amend the Crimes Act to give our police the powers that are certainly necessary and that they are certainly calling for in order to adequately fight crime in this state.

The amendments the opposition proposes to move will allow a member of the police force to request a sample of DNA from a suspect who is reasonably suspected of having been involved in the commission of a particular offence. That is basically the position that currently exists in England, where a Labour government introduced these provisions and where every suspect in every criminal investigation can be requested to give a sample of their DNA for the purposes of investigating that crime.

Hon. Jenny Mikakos — What are the Labor governments in the other states doing?

Hon. P. A. KATSAMBANIS — We will get there. That is the position in England. That is also very similar to the position that we have in relation to fingerprinting here in Victoria, where every suspect in every criminal investigation can be and is requested to provide a sample of their fingerprints which the police require to properly investigate that offence and to determine whether that person is the perpetrator or is actually innocent.

However, the opposition is adding one more safeguard than the existing law in Victoria has in relation to fingerprints and the existing law in England has in relation to DNA. That additional safeguard is that as well as the person being reasonably suspected of having been involved in the commission of a crime, there needs to be one more element of reasonableness in the minds of police officers before they can demand a DNA sample — that is, that there are reasonable grounds to believe that the DNA sampling of that person would tend to either confirm or disprove the involvement of that person in the commission of an offence within that schedule of DNA offences.

The police will have to have a reasonable suspicion that the person they are holding may have committed the offence, and furthermore they have to have a reasonable belief that the taking of a DNA sample will assist them in the solving of the crime. If they have not collected any DNA evidence from the scene of the crime or if they do not reasonably expect to collect any DNA evidence from the scene of the crime, then obviously that will be a test that will be pretty difficult to prove up. It provides protection for a suspected offender from having a sample taken unnecessarily or without any real reason.

I noted with interest the contribution that Ms Mikakos made during the second-reading debate in which she said — I am paraphrasing, because the contribution was made today — that basically an innocent suspect should have nothing to fear from this regime. I put on the record my full agreement with that view that an innocent suspect should in fact welcome the use of DNA evidence and should welcome the expansion of the use of DNA evidence. There are many examples, not only in Australia but around the world, of innocent people walking our streets as fine, upstanding citizens who have already benefited from the use of DNA technology to eliminate them as suspects in investigations. During my contribution to the second-reading debate I gave the example of the striking resemblance between two people, the photographs of whom some members of the Law Reform Committee actually saw. One of the two people was the suspected perpetrator of a crime who was arrested, charged and incarcerated pending trial and the other was the eventual perpetrator who was caught through the use of DNA evidence. In that case circumstantial evidence against a person who was eventually proven to be innocent could well have led to a wrongful conviction, and there is a real fear that without DNA evidence that sort of thing can happen.

I believe that innocent suspects welcome the expansion of the use of DNA evidence to prove up their innocence, and I agree with what I heard Ms Mikakos say earlier — that is, that innocent suspects have absolutely nothing to fear from the expansion of the use of DNA technology. As for those suspects who are not innocent, I have to say that on balance I would rather protect the interests of innocent Victorians than of suspects who have something to hide and something to fear from this sort of legislation.

I talked about safeguards in my contribution to the second-reading debate, and I am still concerned — this is a personal concern, but because the minister raised it in committee I have to put it on record again — that all of my investigations as to best practice in the United

States and in Europe and all the evidence I have obtained from senior officers in Scotland Yard, Interpol and various American police forces, including the New York police force and the New York Governor's office, have led me to the conclusion that self-administration of mouth swabs is not exactly the right way to go. It is not an overly intrusive procedure for a police officer to administer the swab, and I am concerned about the error rate of the sampling under self-administration.

This is something that we should be looking at, and I do not want to prejudge the results of the investigation that the Law Reform Committee is undertaking, but I have to say it rings significant alarm bells for me, mainly because those experts I spoke to universally condemned self-administration as a second-best option and said that the best option is administration by police officers who have had the requisite training, which does not take too long, and who know what they are looking for. The real safeguard for the people of Victoria in having mouth swabs obtained by police officers is that the persons administering the swab do not have any interest at all in getting a wrong swab — their sole interest is getting the swab correct. However, I must question whether a not-so-innocent suspect has any interest at all in providing a proper, usable DNA sample. To give those people the opportunity to self-administer tends to give us, again, second-best practice rather than best practice, and that should be looked at.

We have all spoken about the safeguards of our database. The people who run our database in Victoria are regarded as world experts. They are part of all the leading international groups that look at the use of forensic sampling procedures and the technologies that are emerging day by day. They are not fly-by-nighters; they are not people who do not know what they are doing; and they are not making it up as they go along. We should give those people every opportunity to use existing technology because it is for the here and now. We should give those people every opportunity to use existing technology to support the efforts of the Victorian police and the Victorian community to fight against the criminal element in our society. We should not tie their hands behind their backs. That is why the opposition believes we should be expanding the use of DNA evidence in the way we have proposed.

It is incumbent on the government to ensure that our police force and our forensic scientists are properly resourced so there is no backlog and so that cases are processed in a manner that provides quick and accurate results. That means making sure the swab is taken correctly so results are accurate. It also means all the procedures and the funding being put into place to ensure that no backlogs develop. It is not good enough to have the technology and the legislation that provides for the technology but not the resources to put the intentions and the legislation into practice.

In a nutshell, the issues relating to our amendments have been fully canvassed in the second-reading debate. The amendments provide our police force with the ability to take DNA evidence from any suspect in any criminal investigation upon two steps being fulfilled. Those two steps are: that it is reasonable to suspect that person's involvement in the commission of a crime; and that there are reasonable grounds to believe that by undertaking a forensic procedure such as the DNA sampling that it would tend to prove or disprove the involvement of the person in the commission of the offence. That is a significant safeguard. It is one additional step to the steps required in order to take fingerprints of suspects. Currently, all you have to have is a reasonable suspicion that a suspect is involved in a crime and you can take their fingerprints. Now, we have two steps. I think that is appropriate and strikes a balance between the need to give our police force proper tools and resources and the need to provide adequate safeguards for suspects in criminal investigations. I believe that through the passing of these amendments the Parliament will send a strong message to the community of Victoria, a strong message that our parliamentarians, certainly those in the opposition, will provide our police force with the most modern tools available to fight crime — that is, the finger printing of the 21st century, the ability to use DNA evidence.

To not accept these amendments will be to accept second best. It will be to delay unnecessarily the introduction of available technology and hamper the power of the police force to properly investigate offenders and the commission of crimes by those offenders. The only thing that will do is help criminals in our society prosper. That is not a message I want to send out to the public of Victoria. I want to send the message that this Parliament understands that the public is crying out for protection from the criminal element and that this Parliament is prepared to arm our police force with the best tools available to combat criminal elements in our society.

There is nothing sinister about our amendments. They are pretty straightforward. As I said, they are similar amendments to current practice in England, fully supported by an existing English Labour government. They are similar to amendments being undertaken in many American states. They will make members of our community feel safer because they know that the police force is not tied with red tape and is not denied modern crime fighting facilities and resources. For the

government to oppose the amendments would send a message to the people of Victoria that they put the interests of criminals ahead of the interests of law-abiding citizens. I would like to think the government does not take that approach, but these amendments will test that and whether the government is serious about fighting crime or whether it will continue down the path of being soft on crime.

The ACTING CHAIRMAN (Hon. G. B. Ashman) — Order! The question is:

That the expression proposed to be omitted stand part of the clause.

Omission agreed to.

Committee divided on Mr Madden's insertion:

Ayes, 12

Broad, Ms	Madden, Mr
Carbines, Mrs (*Teller*)	Mikakos, Ms
Gould, Ms	Nguyen, Mr
Hadden, Ms	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr
McQuilten, Mr (*Teller*)	Thomson, Ms

Noes, 24

Atkinson, Mr (*Teller*)	Furletti, Mr
Baxter, Mr	Hall, Mr
Best, Mr	Hallam, Mr
Birrell, Mr	Katsambanis, Mr
Boardman, Mr	Lucas, Mr
Bowden, Mr	Luckins, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs (*Teller*)	Powell, Mrs
Cover, Mr	Rich-Phillips, Mr
Craige, Mr	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr

Pair

Darveniza, Ms	Bishop, Mr

Mr Madden's insertion negatived.

Committee divided on Mr Katsambanis's insertion:

Ayes, 24

Atkinson, Mr	Furletti, Mr
Baxter, Mr	Hall, Mr
Best, Mr	Hallam, Mr
Birrell, Mr	Katsambanis, Mr
Boardman, Mr	Lucas, Mr
Bowden, Mr	Luckins, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Powell, Mrs
Cover, Mr	Rich-Phillips, Mr (*Teller*)
Craige, Mr	Smith, Ms
Davis, Mr P. R.	Stoney, Mr (*Teller*)
Forwood, Mr	Strong, Mr

Noes, 13

Broad, Ms	Mikakos, Ms (*Teller*)
Carbines, Mrs	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms	Smith, Mr R. F.(*Teller*)
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	

Pairs

Bishop, Mr	Darveniza, Ms

Insertion agreed to.

Amendment agreed to.

The ACTING CHAIRMAN (Hon. G. B. Ashman) — Order! I presume the minister will not be moving his amendment 2 because it has been previously tested by the committee, as have his amendments 10 through to 20.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — That is correct.

Hon. P. A. KATSAMBANIS (Monash) — I move:

2. Clause 2, line 5, omit "17(2)" and insert "21(2)".

This is another consequential amendment. All the amendments, with the exception of amendments 26 to 29, are consequential on those particular amendments inserting the new clauses.

Amendment agreed to; amended clause agreed to; clauses 3 and 4 agreed to.

Clause 5

Hon. P. A. KATSAMBANIS (Monash) — I move:

3. Clause 5, page 6, line 30, omit ", 464T or 464U".

Amendment agreed to; amended clause agreed to.

Clause 6

Hon. P. A. KATSAMBANIS (Monash) — I move:

4. Clause 6, omit this clause.

Amendment agreed to.

Clause negatived.

Clause 7

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

3. Clause 7, line 26, omit "person; and" and insert "person.".

4. Clause 7, lines 27 to 34, omit all words and expressions on these lines.

5. Clause 7, page 9, lines 1 to 10, omit all words and expressions on these lines.

6. Clause 7, page 9, line 11, omit "(3D)" and insert "(3B)".

7. Clause 7, page 9, line 16, omit "or waiver".

8. Clause 7, page 9, line 19, omit "waiver" and insert "consent".

9. Clause 7, page 9, line 23, omit "or waiver".

Hon. A. P. OLEXANDER (Silvan) — My question relates to the procedure on clause 7 for the taking of DNA tests. Will the minister respond to the concern of the Law Institute of Victoria that the self-administration of a test by a person who is party to a criminal action in a court could potentially lead to challenges of that evidence at court.

It is a serious issue so far as the institute is concerned because it says that it is highly irregular for a party in a criminal action, a defendant, to be responsible for the provision of evidence in that trial. It believes it is potentially challengeable and could frustrate the process at trial. How does the government respond to that criticism from the Law Institute of Victoria?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the bill provides a safeguard in that those persons supplying the samples must agree in writing or by videotape recording that they will willingly provide the samples.

Hon. A. P. OLEXANDER (Silvan) — As a follow-up to that, I understand the minister is saying that consent must be obtained by the person administering or self-administering the DNA sample test, but the question the Law Institute of Victoria has, and which I also have, is that if the party is suspected of a crime, has been charged with a crime and is trying to defend that charge, is it appropriate for that individual to be responsible for providing evidence of that nature to a court of law? It is specifically the law institute's concern that that could be the subject of challenge at trial. I wonder if the minister could respond to that specific query on the part of the institute.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that if a person refuses to provide the sample then that is when a court order is required, so I believe with that answer and the previous answer either one of those courses would provide certainty for that evidence to be presented at trial.

Hon. P. A. KATSAMBANIS (Monash) — I do not particularly want to dwell on this point because it is obvious that the government has chosen to go down the path of self-administration. However, Mr Olexander submits that the Law Institute of Victoria has issues with the admissibility of such evidence, and I have alluded in my contributions both in the second-reading debate and in debating amendment 1 in committee that it appears to be a second-best option to undertake self-administration.

To help the minister, the issue is not about whether consent was obtained. The issue really relates to the quality of the evidence — the sample — that is gathered upon self-administration, either because the individual who is self-administering deliberately attempted to somehow or other obfuscate or not give a good sample or, inadvertently due to a lack of knowledge of what was required, did not produce a good enough sample. That is the crux of the issue; it is to the quality of the sample collected because your data is only as good as the quality of the sample. If you do not get a good enough sample you cannot get a string of numbers, you cannot get the DNA — and that seems to be the issue, that a system where the accused person is the person who self-administers the test is second best compared to a system where that person consents to a police officer administering the swab, which is very similar to a cotton bud, scraped on the inside of the cheek of that person.

Mr Olexander has clearly said that the Law Institute of Victoria has problems with that. What is the government's response to the law institute's concern?

Hon. JENNY MIKAKOS (Jika Jika) — I would like to make a brief point because I think the Honourable Andrew Olexander has raised the crux of the issue. While it is important to have samples from which a DNA sample is able to be derived, it is also important that that sample is admissible in evidence later on. The model that the opposition is seeking to advocate is one which would probably require the police to hold a suspect down. I suggest it would probably be impossible to put a cotton bud in a person's mouth when they are not participating or consenting to the procedure, and it would probably have to involve a blood sample being taken from the suspect in order for DNA to be used in any consequent criminal hearing.

The Honourable Andrew Olexander has raised an important issue here relating to the admissibility of evidence in subsequent prosecution hearings, because defence lawyers may well make an argument that a person who was held down in some way did not consent to a procedure, that there was some duress

involved in the procedure, and it may well be the case that that evidence could be inadmissible in the hearing.

The government is proposing a sensible procedure which will adequately include some safeguards, which will involve a person either consenting voluntarily to give a sample, or when they do not consent the police can go to court and get a court order.

The model that the opposition is advocating here is one that no other Australian jurisdiction has adopted. We are participating in a national scheme to enable information to be included in a national DNA database, and if we move down the path that the opposition is proposing it may well jeopardise Victoria's chances in participating in this national database.

Hon. Bill Forwood interjected.

Hon. JENNY MIKAKOS — Mr Forwood would be pleased to know that we have adopted a procedure similar to the one passed by the Howard government in relation to the national counterpart legislation that was passed. Mr Forwood should be aware — obviously he is not — that Victoria is participating in a national scheme whereby a number of jurisdictions have already passed legislation similar to ours which enables information to be exchanged between our jurisdiction and those other jurisdictions. What he is advocating is a process whereby our participation in that national scheme could be jeopardised, and I think these are another lot of half-baked amendments by the opposition who clearly are not on top of their brief. The shadow minister is far too busy trying to get himself a seat at the moment and has come up with some half-baked amendments which would jeopardise our participation in this national DNA scheme.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that if there are concerns about the quality of evidence through self-administration then the police are entitled to take a blood sample if they believe the quality of that self-administered sample is likely to be insufficient. Again, I am advised they would have to go through a court order to get an appropriate blood sample, which I am again advised would be a sufficient sample for admissibility in a court.

Hon. P. A. KATSAMBANIS (Monash) — I accept the minister's answer, although I still think it will be second rate. Unfortunately I cannot accept the totally illogical and completely misinformed comments of Ms Mikakos who waded into this debate, which really is not a debate because we are seeking further information. She has inflamed passion; she has claimed the opposition is doing all sorts of things. I point out to Ms Mikakos that all we are doing at the moment is asking a few questions about the government's amendments to its own legislation. We are not proposing anything. We are not talking about any opposition amendment; we are not discussing that. We are discussing a regime that the government is introducing. We are actually supporting these amendments.

What we are asking is for the government to respond to queries raised by the Law Institute of Victoria and to those raised by international experts in this area as to the quality of the evidence and therefore the admissibility of the evidence if it is self-administered — legitimate questions. We are not proposing a new scheme. How many states in Australia provide for mouth swabs? We are not interested in reinventing the wheel, but I think Ms Mikakos might be.

Certainly Ms Mikakos should go back and read the legislation and what the government is proposing. I have to say that her contribution is completely unhelpful. It should be on record that this is not about incompatibility with the national database. Victoria leads the way in the national database; we have people in Victoria who have been appointed to the Interpol working group for an international database. I have met with Federal Bureau of Investigation experts who have told me that their Codis — combined DNA index system — program and our national database are going to be two similar databases that in the future, pending legislative sanction, will be able to interact very well. The fact is that the quality of the samples collected is the best possible.

We are not talking about circumventing the database but about enhancing it. The minister was responsive to that, although I am not quite sure that it will happen. The government is saying that it thinks what it is doing is good enough. I welcome that response from the minister, but whether or not what the database does is good enough will be seen in the future. The unfortunate thing is that if you discover that the mouth swab is inappropriate and you need to go back for a blood sample, you do not discover it at the time when you have got the person in the police station. The government model indicates that the person himself will do the swab. It gets put in a bag, sealed and sent off to the laboratory, and two to six weeks later — or six months later, depending on resourcing — we get the results back. If we get a result that says 'Sorry, your DNA sample just wasn't good enough' we then have to go and find this person again, bring them in and ask them for a blood sample. If they do not consent to give

a blood sample, we have to write off and get a court order.

To get a blood sample we have to call the doctors in. It is not a process that happens contemporaneously with the event; if you do not get it right it adds considerable delay so we are concerned to get this as right as possible. It is in that spirit that we make these contributions, not in some sort of adversarial, old Cold War system that Ms Mikakos seems to be fighting in. It is a different paradigm; it is now 2002 and we submit that there is a better way. Hopefully the government can look at that in the future. We just hope in the meantime we do not get any errors, mistakes or omissions, or unnecessarily hamper our police while they are fighting crime on our behalf.

That applies to the element about the sampling. A number of other aspects to Ms Mikakos's contribution simply demonstrate her ignorance of the operation of this legislation. If I addressed all of them we could be here for hours. I will not do that and I trust that members of the government will take that as an indication that we do not want to debate the minutiae of this bill until the cows come home or to introduce concepts that are not in this legislation. Let's have a fight, if you like, about things we should be fighting about. These are causes that we support. The government has provided an answer. It might not be the one we were looking for but we thank it for that answer.

Amendments agreed to; amended clause agreed to.

Clause 8

Hon. P. A. KATSAMBANIS (Monash) — I move:

5. Clause 8, lines 9 and 10, omit all words and expressions on these lines and insert —

'In section 464ZE(1) of the Principal Act —

(a) after "(4)" **insert** "and section 464ZGO";

(b) in paragraph (d), for "464ZGE; or" **substitute** "464ZGE.";

(c) paragraph (e) is **repealed**.'.

Amendment agreed to; amended clause agreed to; clause 9 agreed to.

Clause 10

Hon. P. A. KATSAMBANIS (Monash) — I move:

6. Clause 10, page 11, line 2, omit "10" and insert "12".

Amendment agreed to; amended clause agreed to; clause 11 agreed to.

Clause 12

Hon. P. A. KATSAMBANIS (Monash) — I move:

7. Clause 12, after line 21 insert —

'( ) in paragraph (a), **omit** ", 464T(3), 464U(7) or 464V(5)";'.

Amendment agreed to; amended clause agreed to; clauses 13 and 14 agreed to.

Clause 15

Hon. P. A. KATSAMBANIS (Monash) — I move:

8. Clause 15, page 28, line 28, omit "15" and insert "18".

Amendment agreed to; amended clause agreed to.

Clause 16

Hon. P. A. KATSAMBANIS (Monash) — I move:

9. Clause 16, lines 6 to 8, omit sub-clause (2).

Amendment agreed to; amended clause agreed to; clause 17 agreed to.

Clause 18

Hon. P. A. KATSAMBANIS (Monash) — I move:

10. Clause 18, after line 19 insert —

"(1) Section 464R of this Act as substituted by section 6 of the **Crimes (DNA Database) Act 2002** applies to all forensic procedures conducted on or after the commencement of section 6 of that Act and any application made under section 464T, 464V or 464W as in force immediately before that commencement that has not been determined before that commencement is deemed to have been withdrawn.".

Amendment agreed to.

Hon. P. A. KATSAMBANIS (Monash) — I move:

11. Clause 18, line 20, omit "(1)" and insert "(2)".

12. Clause 18, line 25, omit "(2)" and insert "(3)".

13. Clause 18, line 26, omit "12" and insert "14".

14. Clause 18, line 29, omit "12" and insert "14".

15. Clause 18, line 30, omit "(3)" and insert "(4)".

16. Clause 18, line 31, omit "15" and insert "18".

17. Clause 18, page 31, line 1, omit "(4)" and insert "(5)".

18. Clause 18, page 31, line 2, omit "16" and insert "20".

19. Clause 18, page 31, line 5, omit "16" and insert "20".

20. Clause 18, page 31, line 6, omit "(5)" and insert "(6)".

21. Clause 18, page 31, line 7, omit "17(1)" and insert "21(1)".

22. Clause 18, page 31, line 10, omit "(17(1)" and insert "21(1)".

23. Clause 18, page 31, line 12, omit "(6)" and insert "(7)".

24. Clause 18, page 31, line 12, omit "(4) and (5)" and insert "(5) and (6)".

25. Clause 18, page 31, line 16, omit "16 or 17(1)" and insert "20 or 21(1)".

These amendments make some changes to the transitional provisions in relation to the operation of the bill. I put on record my concern that there seems to be an inordinate delay in processing DNA samples in the Victoria Forensic Science Centre. I know Mr Boardman wants to place his concerns on the record, and I think this is the opportune time to raise these concerns.

With the indulgence of the minister, I canvassed my concerns during my second-reading contribution, but nonetheless I ask the minister to take this point on notice and provide an answer to me in due course.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am happy to indulge the honourable member, and I hope he appreciates the indulgence.

Hon. B. C. BOARDMAN (Chelsea) — The point I raise was referred to in the minister's second-reading speech. He said there were more than 3500 unexecuted orders currently awaiting analysis at the Victoria Forensic Science Centre. I ask the government to provide information on where it has allocated additional resources, additional technical experience and/or personnel, to deal with the backlog, taking into consideration that with the passing of this legislation the workload will increase considerably.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his question. Although I do not have the information directly in front of me, I will endeavour to supply the honourable member with that information by drawing the matter to the attention of the appropriate minister in the other place.

Amendments agreed to; amended clause agreed to.

New clause A

Hon. P. A. KATSAMBANIS (Monash) — I move:

26. Insert the following new clause to follow clause 5:

'A. ***Substitution of sections 464R to 464X***

For sections 464R to 464X of the Principal Act **substitute** —

"464R. Forensic procedures

(1) If there are reasonable grounds to believe that a forensic procedure on a person would tend to confirm or disprove the involvement of the person in the commission of an offence specified in Schedule 8, sections 464K to 464M apply to forensic procedures as if —

(a) a reference to the taking or giving of fingerprints were a reference to the conduct of a forensic procedure; and

(b) a reference to an authorised person were as reference to a person authorised under section 464Z(1); and

(c) a reference to an indictable offence or a summary offence referred to in Schedule 7 were a reference to an offence specified in Schedule 8; and

(d) a reference to fingerprints were a reference to a forensic procedure or evidence obtained as a result of a forensic procedure.

(2) A member of the police force must inform a person on whom a forensic procedure is to be conducted that the person may request that the procedure be conducted by or in the presence of a medical practitioner or nurse of his or her choice or, where the procedure is the taking of a dental impression, a dentist of his or her choice."'.

This is the first of the substantive clauses which will give effect to the opposition's desire to amend the legislation to ensure that Victoria Police can use DNA samples and in the same away that they currently use fingerprinting, with that one additional safeguard that there is a reasonable belief that the sample will lead to the solution to the crime. The chamber canvassed the issues during the second-reading debate, and unless the minister or honourable members on the government side have some issues to raise I ask that the new clause be supported by honourable members.

New clause agreed to.

New clauses B and C

Hon. P. A. KATSAMBANIS (Monash) — I move:

27. Insert the following new clauses to follow clause 7:

'B. ***Execution of order for mouth scraping***

(1) In section 464ZA(1) of the Principal Act, for —

"If a court makes an order under section 464T(3), 464U(7) or 464V(5) for the conduct of a compulsory procedure, or an order under section 464ZF for the conduct of a forensic procedure" —

substitute —

"If a forensic procedure is to be conducted under this Subdivision".

(2) In section 464ZA(3) of the Principal Act —

(a) for "If the Children's Court makes an order under section 464U(7) or 464V(5)" **substitute** "If a forensic procedure is to be conducted under this Subdivision on a child";

(b) for "a compulsory procedure" **substitute** "the forensic procedure".

(3) In section 464ZA(4) of the Principal Act, after "blood sample" **insert** "or a scraping from a person's mouth taken by that person".

(4) In section 464ZA(5) of the Principal Act —

(a) **omit** "compulsory or";

(b) after "procedures" **insert** "(except a scraping from a person's mouth taken by that person)".

(5) In section 464ZA(6) of the Principal Act —

(a) for "an order under section 464T(3), 464U(7), 464V(5) or 464ZF is executed" **substitute** "a forensic procedure is conducted";

(b) after "the order" (wherever occurring) **insert** ", if any,".

(6) In section 464ZA(7) of the Principal Act, **omit** "compulsory or".

C. ***Forensic reports***

In section 464ZD of the Principal Act, **omit** "in accordance with section 464R, 464T(3), 464U(7), 464V(5) or 464ZF(2) or (3) or sections 464ZGB to 464ZGD or otherwise".'.

This amendment is consequential on new clause A and also incorporates some changes that are necessary as a result of the government changing its mind while the bill was between here and another place and removing the onerous obligations it had imposed on the Victoria Police in its house amendments in the other place. Amendment 20 standing in the name of the minister deals with this matter, but given the amendments that have been made by the opposition the provisions are better contained in new clause B.

New clauses agreed to.

New clause D

Hon. P. A. KATSAMBANIS (Monash) — I move:

28. Insert the following new clause to follow clause 14:

'D. ***Safeguards***

In section 464ZGE of the Principal Act, for sub-section (11) **substitute** —

"(11) This section does not prevent a member of the police force causing a forensic procedure to be conducted, in accordance with this Subdivision, on a person who has voluntarily given a sample under sections 464ZGB to 464ZGD.".'.

New clause agreed to.

New clause E

Hon. P. A. KATSAMBANIS (Monash) — I move:

29. Insert the following new clause to follow clause 15:

'E. ***Supreme Court — limitation of jurisdiction***

In section 464ZI(a) of the Principal Act, for ", 464T(1), 464U(3) or 464V(2)" **substitute** "or under that section as applied by section 464R".'.

New clause agreed to.

Reported to house with amendments.

Report adopted.

Ordered that bill be read a third time later this day.

WATER (IRRIGATION FARM DAMS) (AMENDMENT) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The Water (Irrigation Farm Dams) Bill (the farm dams bill) proposes amendments to the Water Act 1989 to complete Victoria's water allocation framework. The farm dams bill will amend the current right to store water off waterways and use it for any purpose. In the

future, a licence will be required for all irrigation and commercial use in a catchment.

The farm dams bill was debated by the Legislative Assembly and the Legislative Council in the spring 2001 parliamentary sittings but was not passed by both houses.

The farm dams bill provides for the commencement of a number of key sections on 1 February 2002. There are also several references throughout the bill to 1 February 2002, 31 January 2003 and 1 February 2003.

The Water (Irrigation Farm Dams) (Amendment) Bill provides for the amendment of those dates to enable the farm dams bill to be implemented in an orderly manner and to avoid the retrospective application of provisions.

I commend the bill to the house.

Hon. PHILIP DAVIS (Gippsland) — What I want to say briefly is that this is a machinery bill that relates to the principal matter of the government's farm dams legislation, which we will be debating shortly. It is quite clear that because the government presumed that the Parliament would agree to its legislation last year — that bill did not proceed as the government had intended because the Parliament did not consider that the legislation was in a form appropriate for passage — the clauses relevant to implementation of that legislation specified particular dates that pre-empted, if you like, the passage of that legislation.

Given that the legislation now appears in principle to have general agreement in the Parliament, it is likely that the dates now proposed for implementation, which are set out in this amending bill, will enable the appropriate enactment of the various processes set out under the original legislation. The Liberal Party therefore has no objection to the immediate passage of this bill.

Hon. W. R. BAXTER (North Eastern) — Likewise the National Party has no objection to the house dealing with the bill forthwith. It is basically a piece of machinery legislation brought about by the assumption that the principal piece of legislation to which it refers would have been passed in the spring sittings. It was not, for reasons of which the house is aware, because agreement could not be reached. I suppose to an extent there is still a presumption that later this day or tomorrow the house is going to agree to that legislation in any event, but it is commonsense to enable the new law to be passed in a form that does not immediately require some amending legislation to which people have to have regard. While it might seem a little awkward and clumsy, I believe is a practical way around accounting for the delay that has occurred in the passage of the principal legislation.

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be now read a third time.

In doing so I thank honourable members for their support for the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

WATER (IRRIGATION FARM DAMS) BILL

Council's amendments

Message from Assembly disagreeing with following Council amendments considered:

1. Clause 4, page 3, line 11, after "51(1A)" insert "or 51(1B)".

2. Clause 6, lines 4 to 11 omit all words and expressions on these lines and insert —

   '(2) In section 8(6) of the Principal Act, after paragraph (c) **insert** —

   "(ca) a restriction or prohibition on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building) contained in an approved management plan drawn up under Division 3 of Part 3 for a water supply protection area; or".'.

3. Clause 6, after line 11 insert —

   "(3) In section 8(6)(d) of the Principal Act for "the prescriptions" **substitute** "any other prescriptions".

4. Clause 10, page 15, after line 14 insert —

   "(k) restrictions or prohibitions on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building);".

5. Clause 10, page 15, line 15, omit "(k)" and insert "(l)".

6. Clause 10, page 15, line 17, omit "(l)" and insert "(m)".

7. Clause 10, page 15, line 22, omit "(m)" and insert "(n)".

8. Clause 10, page 15, line 30, omit "(n)" and insert "(o)".

9. Clause 10, page 16, line 4, omit "(o)" and insert "(p)".

10. Clause 10, page 17, after line 33 insert —

"(14)Sub-section (13) does not apply to a contravention of a kind referred to in section 63(1A).".

11. Clause 19, lines 26 to 33 and page 29, lines 1 to 26, omit all words and expressions on these lines and insert —

"(1A) During the period commencing on 1 February 2002 and ending on 31 January 2003, a person may apply, without payment of an application fee, to the Minister for' the issue of a registration licence to take and use water from a dam on a waterway other than a river, creek, stream or watercourse for a use other than domestic and stock use.

(1B) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a private dam, a person may, during the period of 12 months after the approval of that management plan, apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from the spring or soak or water from the dam (to the extent that it is not rainwater supplied to the dam from the roof of a building or water supplied to the dam from a waterway or bore), for a use other than domestic and stock use.

(1C) Sub-section (1A) only applies, in relation to a dam, to a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use) for which a licence under sub-section (1)(a) is not in force.

(1D) Sub-section (1B) only applies, in relation to a spring, soak or dam, to a person who at any time during the period of 10 years immediately before the approval of the relevant management plan was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use.".

12. Clause 19, page 29, line 29 omit "(1C)" and insert "(1E)".

13. Clause 19, page 30, lines 12 to 35, omit all words and expressions on these lines and insert —

"(ba) in the case of an application under sub-section (1A) in relation to a dam by a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use), set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and

(bb) in the case of an application under sub-section (1)(ba) or 1(B) in relation to a spring or soak or dam by a person who, at any time during the period of 10 years immediately before the approval of a management plan for the water supply protection area for which the application is made that prohibits or restricts the use of water from the spring or soak or dam, was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use, set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and".

14. Clause 22, lines 18 to 20, omit "the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001**" and insert "the approval of a management plan under Division 3 of Part 3 that prohibits or restricts the use of water from the spring or soak or dam".

15. Clause 26, lines 23 and 24, omit "licence issued under section 51(1A)" and insert "registration licence".

20. Clause 32, line 24, after "must not" insert "in contravention of an approved management plan for a water supply protection area".

21. Clause 32, page 40, lines 16 to 24, omit all words and expressions on these lines and insert —

"(4) If, an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam not on a waterway and at any time during the period of 10 years immediately before the approval of the management plan, a person was taking and using water from the spring or soak or water from the dam, sub-section (1A) does not apply in respect of that person in respect of that spring or soak or dam until the end of the period of 12 months after the approval of the management plan.".

22. Clause 56, page 53, lines 19 to 33, omit all words and expressions on these lines and insert —

"(8) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam (other than water supplied to the dam from a waterway or a bore) for a use other than domestic and stock use, a person who —

(a) at any time during the period of 10 years immediately before the approval of the management plan was taking and using water from that spring or soak or water from that dam (other than water supplied to the dam

from a waterway or a bore, for a use other than domestic or stock use; and

(b) before the end of the period of 12 months after the approval of the management plan applies for a licence under section 51(1)(ba) in relation to the spring or soak or dam —

is not liable to pay an application fee in respect of the application.".

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That the Council do not now insist on their amendments previously insisted upon with which the Assembly have insisted upon disagreeing.

Hon. PHILIP DAVIS (Gippsland) — My comments will be brief because I am pleased, and I am sure the house will be pleased, to learn that there is general agreement for the passage of this legislation, but I do want to make a few points.

I think this is the third time this matter has been before this house. On perusing the work that has been done in the Parliament on this particular legislation, I was surprised to find that the *Hansard* reports run to about 3 inches in depth. I did not count the pages; I thought we should weigh it rather than count the pages. It is probably a great demonstration, and it certainly is to me, of the usefulness of a bicameral Parliament — that is, we have had legislation in the Parliament for some time bouncing, as it might be described, backwards and forwards between the houses, but in reality going through the exhaustive process of finding an appropriate public policy response to a very difficult issue.

In the course of debate both in this house and in the public arena it is fair to say there has been a bit of bumping and grinding going on. That demonstrates how passionately views were held, but from my perspective and the perspective of the Liberal opposition there was a sense not of intransigence but of a clear commitment to ensure that we, as the opposition, engaged the government in a process that guaranteed the very best possible outcome for land-holders who would be directly impacted by changes to entitlements — effectively the removal of what has been perceived for more than 100 years as a particular form of private property right in relation to the harvesting and utilisation of water upon private land.

It needs to be recognised that the process necessarily engaged in had, I think, the full participation of the whole of the parliamentary Liberal Party. I would like to give credit to particular participants in the debate, including the shadow Minister for Agriculture, who has responsibility for issues concerning water, the honourable member for Monbulk in the other place, and certainly the honourable member for Benambra in the other place, who made sure that north-eastern Victoria and upper catchment land-holders' views were heard, both within the Parliament and within the opposition, and I think generally throughout the stakeholder debate.

It is important to note that there have been some efforts to ensure that this matter was settled during these sittings. While there has been some difference of view over a period of time between the Liberal opposition and the Victorian Farmers Federation, I think the VFF and the opposition clearly demonstrated a desire to get to an end point which may not have been common at the start. It certainly is now.

In an effort to bring this matter to a resolution the president of the Victorian Farmers Federation, Peter Walsh, wrote to all members of the opposition on 19 February setting out what the VFF's position at that time was, and he said in part:

> We have supported the government on this issue for no other reason than we believe the bill is in the best long-term interests of farmers.

He then set out a number of points in terms of compromise, referring to changing registration of non-licensed catchment dams from five-yearly to once-off registration; to suggesting that the transition package proposed by the government in relation to the total volume of water eligible for the assistance package be increased from 10 000 megalitres to 12 500 megalitres; and to developing and announcing exchange rates that provide equity in the trading of water rights between upper and lower catchment regions in the state. Further, in proposing those compromises Mr Walsh said:

> The VFF supports the Liberal Party's efforts to improve the government's bill but ultimately we would like to see the legislation enacted because it provides significant benefits to our members.

I would simply like to reiterate at this point that in no sense has the opposition been obstructionist in relation to the farm dams bill. What it has endeavoured to do is to squeeze out of the government all the possible concessions that were available and, indeed, it has done that.

To summarise that progress, the concessions agreed to in the Assembly in the spring sittings included the requirement for the minister to table in each house an order declaring a water supply protection area; the

clarification of what constitutes what is wholly or predominantly a farming area; the prevention of a regional water authority that is enforcing a water supply management plan from demolishing a farm dam; the extension of the qualification period for the registration of existing irrigation commercial farm dams from 5 years to 10 years; and the requirement that water supply management plans be tabled in each house. They are some of the concessions that were agreed to by the government in the spring sittings.

There has been further negotiation in recent days and as a consequence of that, as the message from the Assembly and the motion we are now considering indicate, further concessions have been made by the government in the Assembly specifically in relation to the once-off free registration process for existing irrigation dams, including those used for dairy washdown and drought protection. That is an important concession, may I say, because it formalises or recognises the practical reality that a number of farm dams used in the dairy industry are technically commercial dams which need to be registered, and they will be able to be registered under this proposal. Of course, we will also be able to dispense with the bureaucratic maze of having to register dams on a rolling basis. The only time there will have to be further registration will be when a property changes hands, and the register will have to be updated in that respect.

Further, the government has agreed to the establishment of an independent objective process for exchange rates for the transfer of water between upper catchment and gravity irrigators. Further, notwithstanding that the approach the VFF took was to increase the component of the subsidised water from 10 000 megalitres to 12 500 megalitres, the Liberal opposition was able to negotiate with the government an extra 4500 megalitres above the original government proposal of 10 000 megalitres of subsidised water as part of the transition package to compensate farmers in capped catchments for the loss of statutory rights.

Finally, the government agreed with the withdrawal of a set of ministerial interim waterway determination guidelines which were approved in December 2001, which had effectively frozen all farm dam developments across the state. I am pleased to note that we have a letter from the Minister for Environment and Conservation in relation to that matter in which she says:

> If the Water (Irrigation Farm Dams) Bill is passed, there will be no need for guidelines in respect of licensing the take and use of water and I will therefore revoke the interim waterway determination guidelines.

Given all those concessions that have been achieved and the fairly vigorous, at times, debate on this matter, I am pleased to say that the Liberal opposition is happy to support the bill and agree to the Assembly's message. I thank all my parliamentary colleagues who have taken a very keen interest in this bill.

I note that at times the Liberal and National parties have perhaps been perceived to be taking different views. I would simply say that the Liberal Party probably had a more vigorous view about how these negotiations should have proceeded. Local members of Parliament representing their constituencies necessarily argue vociferously at times about what is in the best interests of their constituents, and it is clearly the case that in bringing this matter to a conclusion on behalf of the state, different stakeholders were very specifically represented by different representatives in the Parliament. Certainly the upper catchment farmers were predominantly represented by Liberal Party MPs, and there is no doubt that there was a strong desire to make sure that their interests were effectively protected. We need to acknowledge that the starting points were slightly different in each respect. Without further ado, I support the bill.

Hon. W. R. BAXTER (North Eastern) — The debate tonight is the final leg in a very long journey.

Hon. Bill Forwood — Ten years for you!

Hon. W. R. BAXTER — Yes. It could be said that it really started back in 1995 with the implementation of the cap on diversions in the Murray–Darling Basin, which made it very clear that if that cap was to be efficient, effective and properly administered, we needed a fair and equitable means of accounting for all diversions that were made in the basin, not just most of them, and a deal of angst has been generated in the intervening years as we sought, as a matter of public policy, to identify how that would be achieved.

The former government and the former minister, Mr McNamara, to his credit, gave a lot of attention to this problem and, as I indicated to the house in earlier debates, established a committee of 10 Victorian Farmers Federation (VFF) members, with me as the non-voting independent chairman, in an attempt to find a resolution. While that committee did some good work it did not exactly resolve the issue, and before it was able to move forward an election intervened, the government changed and this government chose, for its own good and proper reasons, not to take up the recommendations of that committee.

We have had other committees, of course. One committee, chaired by David Heeps, looked at the problem of grape growers and the like in the Pyrenees in Western Victoria, and it too had great difficulty in coming to grips with the waterway definition within the act and how it could be applied fairly, consistently, simply and administratively cheaply across the state. Then we had another committee chaired by Mr Bill Hill of Molyullah, who was a man of considerable talent and influence. His committee came up with a proposal and whilst in theory it had a lot of merit, most of us thought that it had a number of practical prickles attached to it and that it would be very difficult to implement it and have, in the long term, the justice and equity that most parties were seeking.

Subsequently, the current minister established a committee to look at the issue again and appointed Don Blackmore, the chief executive officer of the Murray-Darling Basin Commission to head up the committee. I do not think anyone in the house would dispute my view that Don Blackmore is one of the most competent, well-informed and astute water administrators not only in this nation but in a much wider field. The committee had other competent people on it including Mr Walsh, the president of the VFF and representatives of the environmental movement and others.

Hon. Bill Forwood interjected.

Hon. W. R. BAXTER — I believe that could be so, Mr Forwood. That committee conducted itself extremely well in the way it moved around the state and consulted widely, but at all times was prepared to say to people who were running the line that change was not needed, and that just because something had been in existence since 1886 or earlier there was no need to take account of the fact that we now have a cap in our major river basin and are likely to have other cap catchments in the future, that that was a head-in-the-sand attitude and we have to find a way forward. The committee brought in a report which was widely applauded. Some interest groups, including the National Party, were not entirely happy with some aspects of it and some of its recommendations. We thought some of the recommendations needed to go further; some needed refinement and that was largely done.

The drawing up of the original bill can fairly be said to be not entirely the government's own work. The government invited the National Party and the opposition to contribute to the construction of the original bill, and that is what happened. It was somewhat of a surprise to some of us that it came unstuck once it got into the Parliament.

I do not want to go back over history but I want to allude briefly to the concluding comments of the Honourable Philip Davis as to who represents the upper catchment. The Honourable Jeanette Powell and I happen to represent the upper catchment as well as the honourable member for Benambra in another place. While I have the greatest respect for the honourable member for Benambra, and I also believe that in this issue he could not be criticised at all for taking forward in a strong and vigorous manner the views of some of his constituents, I do not believe they reflected the views of the entirety of the upper catchment by any means. I also believe that at the end of the day, with people who are not prepared to compromise in public policy, who are difficult to negotiate with, who when you think you have an agreement with them, the next morning they have changed their minds and want to shift the margins and the goalposts out a bit further, sooner or later you have to get out in front and lead. At the end of the day that is what happened.

I refer to the large public meeting held in Tallangatta which many protagonists say had an attendance of 700, which is somewhat of an exaggeration — let's say there were 500. It is true that many came to the meeting with the utmost concern because they had been reading the newspapers. There had been various beat-ups about private rights being abolished and that people would not be able to put in dams of any sort and so on. They came to that meeting and it was a good meeting — apart from the fact that it was a very hot night. It was addressed by Don Blackmore, who explained his report, and numerous other speakers and despite the attempts by one or two to inflame the audience from the stage — and the honourable member for Benambra was not one who sought to do that; he made a responsible contribution to the meeting — the fact of the matter is 480 people went away from that meeting satisfied. Their questions had been answered. That is the reason we have not heard from them in the intervening 12 months. We have not been getting the letters, phone calls and visits to our electorate offices from 480 of them because they accepted the rationale that Don Blackmore so expertly and effectively explained that night.

However, there was a group — and there is still a group — that was dissatisfied following that meeting and its members have been the agitators. I do not dispute their right to agitate, but I do think they put the honourable member for Benambra under undue pressure and they have been quite unfair to him. He can hold his head high that he certainly took their views

forward, but at the end of the day, their views did not prevail; nor should they.

Here we have the unique circumstance of a major change in water legislation being agreed to unanimously by the four groups represented in the Parliament: the government, the opposition, the third party and the Independents. You would be a pretty brave person if you were to go off and say, 'We are going to disagree with the unanimous decision of the Parliament of Victoria — 132 members — which has been reached after all the consultation, debate, argument and angst that has gone into all this'. I would similarly say to those of my constituents, one of whom was on the telephone to me yesterday at half past seven in the morning, who are contemplating going off to the High Court, 'Do it if you will, but you are very brave if you want to take on the unanimous decision of 132 members of Parliament arrived at over the length of time that has gone into this legislation'. This is no hasty judgment. This is a bill that has come out of 10 years of hard thinking, of numerous inquiries, of many drafts, much toing-and-froing, some compromise and some horse-trading. I would be very surprised indeed if much fruit was to be had by spending thousands of dollars on a barristers banquet in the High Court, and I want to discourage them from so doing.

I have alluded to the need for the change, particularly with the cap having been brought in and the need to properly account for all diversions. The genesis of it all was the difficulty we had with waterway definitions. It was becoming absolutely impossible to have a consistent application for the waterway definition, so we had to get away from the need for having to determine whether or not a proposed dam site is on a waterway, and this bill does that.

Let us talk about the 10 000 megalitres that has been allocated, initially by Mr Blackmore's recommendations, accepted by the government and now increased to 14 500 megalitres. The National Party and I have absolutely no objection to that increase; in fact we welcome it. But let us not get too carried away as to what it means.

Hon. Bill Forwood — It's about 14 500 megalitres!

Hon. W. R. BAXTER — Yes, Mr Forwood, in about 30 or 40 years time when people might begin to take it up. How was the 10 000 megalitres arrived at? I think it derived from work done by my committee. How did my committee arrive at it? It looked at the historic uptake over the previous 10 years, which was about 5000 megalitres, and it doubled it. In fact it was 4000 megalitres. We doubled it to make 8000 megalitres and we added another 50 per cent and got 10 000 megalitres. On that rate of — —

Hon. Bill Forwood — Why did you add the extra 50 per cent?

Hon. W. R. BAXTER — We were generous people on my committee, Mr Forwood. On the historic rate of take-up, it is going to be well over 20 years before that 10 000 megalitres is taken up. I would venture to say that the rate of take-up in future years is going to be less than in the past because the only dam building we are going to see in the upper catchment in the future is not going to be of irrigation dams to flood irrigate to grow grass; that is not economic any longer and no-one will be doing that. The sort of investment we will get — I hope we get it, and I think this bill will assist us get it — will be for irrigation for high-value horticulture crops using high-tech irrigation techniques. So the volumes of water that people will require are going to be modest indeed.

That is why the 50 megalitres that the subsidy is payable on is going to be adequate in almost every case. In the cases where it is not adequate, they will be big enterprises with huge capital investments. If they have to go out and buy water above the 50 megalitres at the market price without assistance it will be a small part of the capital already being put into that enterprise and investment and therefore it will not be significant. I see this 14 500 megalitres lasting something more than 25 years before someone would have to say that we are running out of the allocation.

Hon. Bill Forwood — Put a bottle of water on that!

Hon. W. R. BAXTER — Yes, I will Mr Forwood. We will put a bottle of port away and see how it is.

I had better get this on the record in case I am wrong, but this is an open-ended subsidy arrangement. This offer by the government to subsidise the purchase of water up to $400 a megalitre, up to 50 megalitres, plus the assistance with the whole farm plan and the like, is going to be provided for in every budget between now and when the 14 500 megalitres is allocated. As I understand it, that is the circumstance. It is a pretty good deal in anyone's language. Here and into the future, for probably 25 or 30 years, we are going to have a budgetary provision made each year to cover the arrangement that Parliament is agreeing to tonight. There are not too many things put in place that have that sort of lifespan. Again I say that it is a good arrangement.

Sitting suspended 6.30 p.m. until 8.07 p.m.

Hon. W. R. BAXTER — Prior to the break I was discussing the significance of the 14 500 megalitres as against the 10 000 megalitres originally agreed to. I reconfirmed over the break my arrangement with the Leader of the Opposition, and we will see in 30 years time exactly how much has been allocated.

The other amendment to which the Honourable Philip Davis referred is the change from registering dams every five years to once only. The National Party has no objection to that change because it is relatively insignificant. In one sense, in terms of the integrity of the register, it might have been useful for a renewal each five years to ensure that the register was up to date, but it is something we do not see as particularly significant, and I am pleased and happy to go along with that change. If it gives the opposition some warm inner feeling in having achieved that, so be it.

I shall recapitulate a couple of the amendments that were inserted in the legislation in the spring sittings. As the Honourable Philip Davis acknowledged, some of those amendments were at the behest of the National Party and one or two came from the opposition.

I in particular want to refer to the amendment by the National Party which extended the definition of domestic and stock use to apply for summer watering of a curtilage around a homestead and outbuildings for the purposes of fire protection. As I explained to the chamber at the time, some farmers who undertake such activity certainly do not see it as engaging in irrigation in a commercial sense, yet under the original definition in the 1989 Water Act they would have been caught up under this bill as engaging in irrigation and would need to licence their dams.

I am pleased that the Parliament adopted the amendment of the National Party to extend that definition. What has alarmed me over the last day or two is advice I have received from my own area where it seems that at least one officer of the local water authority has been advising land-holders that if they water around their homesteads and the stock eat that grass that will be deemed to be irrigation and they will have to licence their dams. That would be an absurd circumstance and completely defeats the purpose of the amendment. I believe it is absolutely contrary to the intent of Parliament.

I place on the record that that was not my intention in moving the amendment, nor that of the National Party, in putting it forward, and I do not think by any stretch of the imagination the intent of the Parliament in passing that amendment was that if the animals happened to eat the green grass it was therefore deemed irrigation land. That would be an absurd circumstance. If you take it to its logical conclusion, it would mean that in years when water was exceptionally short and your dam went dry and you could not keep the grass green and could not graze it off you would have an even worse fire hazard and risk than if you had not done anything at all.

I simply want it on the record in case at some stage someone is looking at extrinsic evidence when they have to make an interpretation about what the Parliament meant, that I am sure the Parliament did not mean such a narrow interpretation as this particular official put on it in the Ovens Valley in the last day or two.

The other point I want to reiterate is that in terms of registering dams which are illegal, or any dam that is to be registered or licensed, the bill at this stage at least talks about the dam as such, not the capacity of the dam. Maybe in the future metering will become mandatory and the actual use from the dam will be measured, but I do not want it thought that small dams, which are small because they are topped up not only by local run-off but also by water from a spring or a soak, will be the subject of some reading down by the authority as to how much that dam can irrigate and how much water can be drawn from it simply on the basis that it is not a large dam. The reason it is not a large dam might be because it has a source of water which tops it up on an ongoing basis. I want it put on the record that I do not think Parliament was intending that these regulations be administered in such a narrow way as to cause people extreme difficulty.

Finally, those of us who happened to watch a program on SBS television last Sunday evening entitled *Water* would have had some salutary viewing. I do not think any of us could have got from that program any other message than that in future water, its use and supply will come under increasing pressure from urban demands in particular, and also perhaps environmental demands from certain sections of the community that think the environment is being hard done by regarding water supply.

The program sent a message to me that we need in this state a licensing system which gives water users security that does not rely on some ill-defined private or statutory right which is capable of being read down by bureaucratic fiat or political whim. Farmers need the security of having a title to their water rather than relying on some form of common-law expectation or belief about their rights and entitlements.

The bill gives certainty to farmers, both those who have existing dams and those who may establish dams in the future. The message I want to give to those farmers in the north-east, that small group who remain upset and concerned by the legislation and who are clinging to the so-called private right provisions, is that they should get a copy of that program and watch it because it will send them a clear message that they are on dangerous ground if they are to continue to rely on that into the future. They would be far better off if they had legislated title to their water — a licence or a piece of paper in their hand — which says, 'This is what I am entitled to; this is what I own'.

The message I want to send people is that the bill gives them certainty, and it does not undermine their rights or devalue their properties. It increases the value of their properties because a potential buyer will now know what water he can get rather than relying on the ill-defined private right. That is the message they need to take on board and understand.

I am convinced the legislation will bring investment to the upper catchment. We have been missing out because the investment has been going to Swan Hill, Robinvale and Mildura. Those people have been able to get security and certainty of their water entitlements whereas in the upper catchment we have not had that certainty, and investment has been discouraged.

This bill will change all that and we will see investment in high-value horticulture coming to the north-east. Some very good work is being done by people like Ian Ada in identifying the area of land which is suitable for this investment; the Alps Valley Forum and other agencies are really promoting this. This bill gives them the wherewithal to take their ideas forward.

Finally I would like to pay a few thanks to the people who have assisted in this long drawn-out debate. The Victorian Farmers Federation has done an extremely good job under very difficult circumstances. I admire people like Peter Walsh and Doug Chant who have carried this forward when some of their most prominent members have given them a really hard time on this. They have stuck to their guns, they have seen it through and they are to be admired. I certainly thank my colleagues in the National Party because they have got quite sick of hearing about this debate over the last few months, as I am sure have many people in the Liberal Party. I appreciate the input that has come from there and I especially thank one of my constituents with whom the honourable member for Benambra in another place and I spent a lot of time on Saturday — Lindsay Jarvis of Karqunyah, who was on the Baxter committee and was of great assistance there. Lindsay Jarvis has been one of those moderating influences that has tried to bring diverse groups together, and he deserves that commendation for the part he has played in this legislation as well.

This is yet another milestone in water law in Victoria. I am fortunate to have been in Parliament for a long time, to have been involved in the 1989 Water Act and in various other water debates. I do not think this will be the last, but it is a big step forward.

Hon. GAVIN JENNINGS (Melbourne) — This day, 26 March 2002, will go down as a great day in the history of water management in this state, a great day for sustainable agriculture and a great day for Victoria's environment. This is one of the most important pieces of legislation that has gone through this place in the last two years because it will have a long-term sustainable effect upon Victoria's environment.

Despite the ridicule that members of the opposition are trying to throw my way at this juncture, today they have finally been brought to heel in relation to their responsibilities and obligations to Victoria's environment and sustainable agriculture in this state. This issue was last debated in this chamber on 6 December, the final sitting day prior to Christmas 2001. It was a very sorry day because it saw the history of this piece of legislation being volleyed from one chamber to the other. In fact Christmas came late. Today Christmas has arrived for Victoria's water management and the environment in this state. We have finally seen the Liberal Party come to the table with a number of significant players in the Victorian community.

In my contribution to this debate on 6 December I gave credit to the National Party for its involvement in the preparation and consideration of this piece of legislation. I gave credit to the important roles that had been played by the Victorian Farmers Federation, the Australian Conservation Foundation and Environment Victoria, and I gave particular credit to my colleague the Minister for Environment and Conservation, who has been brave enough to bring this package through. These packages of reforms have been mooted for a long time; for more than 10 years there have been discussions about the way in which water licensing should take place in this state, and it was this brave and courageous minister who stared down opposition to this matter and delivered the package to Parliament. It would be remiss of any contributor to this debate not to pay credit to the work that my ministerial colleague and the team that worked with her on this matter have achieved on this important legislation.

The bill has been in Parliament since September of last year. Since it was introduced in Parliament a lot of work has been done to achieve the outcome we have sought on behalf of Victoria's waterways and sustainable agriculture into the future. The bill was developed after a lengthy consultation period that was kicked off in April 2000 with the key leadership role being played by Don Blackmore of the Murray-Darling Basin Commission. He travelled extensively throughout Victoria and consulted broadly on the objectives that we see underpin in this legislation.

Those objectives are to ensure that total water resources of catchments are included within the water allocation regime; that water resource management issues involve the total catchment and require a partnership between community and government; that allocation mechanism should be simple, efficient and equitable; and that there be a system to ensure that as the value of the water to community increases so should the management effort to allocate and protect the water resources. We also wanted to ensure that all water users should share in the cost of managing the water resources of a catchment.

Those underlying principles go to the heart of what this piece of legislation is about. The legislation that arrived in September of last year, by its design and through its mechanisms, ensured that there was an equitable allocation and management of our water resources. We were concerned to ensure that the quality of water services delivered to Victorians was a significant factor affecting jobs and economic growth in this state. There was a recognition that for sustainable agriculture to survive and flourish in this community we needed to ensure that there were equitable and secure allocations of water resources so that proper planning and investment could be undertaken in those key sections of the Victorian economy.

All of that had to be obtained within a management regime that protected our precious environment. Of all the issues about our environment that are of concern to Victorians surely there can be none more pressing and urgent than to protect our water courses and to protect the ongoing viability of those precious water resources. That is what we have seen through the mechanisms adopted in this bill, and that is why I believe perhaps it is the most significant piece of environmental legislation that has been introduced during the life of this Parliament.

This bill is an extension of the management regime that applied up until the existence of this bill, by combining for the first time the management of surface water resources outside waterways. Up until this time that had not been dealt with within the water legislation that applied to this state. Although since 1989 we have seen Victorian property owners required to license dams constructed on waterways, until this piece of legislation we have not seen that licensing regime apply to dams beyond those catchments. So this bill delivers an irrigation and commercial licensing arrangement that not only provides for certainty of a legal right to capture and hold water thereby providing certainty for users into the future — it in fact confirms their right to hold water and to use it — but is also an important asset in the monitoring and regulation of our streams and rivers.

Who in the Victorian community would dispute that our healthy rivers and catchments are critical, not only for ensuring an ongoing sustainable resources base for agriculture but also for ensuring the health and wellbeing of the entire community? The cumulative effect of dams that prevent flows to our streams and rivers will see the curtailment of the flushing mechanisms that support catchment regimes. Accumulation of waste and nutrients results in a lack of opportunity to replenish pools and to improve water quality within our catchments. In fact it exacerbates the problems we see in the Victorian countryside where many of those problems are evident in times of drought and low water flow within catchment systems, leading to long-term degradation of catchment agricultural land.

The important thing for us to understand is that in isolation one dam may not have a big impact on a catchment, but the cumulative effects of the vast proliferation of dams within catchments are profound. We should not underestimate for an instant the cumulative effect of the damage done to Victoria's precious streams and rivers by inappropriate dams and the capture of water. So we see within the scope of the bill important mechanisms to manage those catchments through stream-flow management plans, operating on a community basis where local communities are brought together to construct a consultative committee responsible for the development, maintenance and monitoring of those plans. They do this in cooperation with the local catchment authorities and any relevant rural water authority. An important aspect of the bill is that it provides for a 50 per cent representation of farmers on those constituted committees — a provision which notes the focus and valuable contribution of members of Victorian rural communities who live on the land, particularly as their ongoing viability depends upon the condition of the land and their use of this valuable resource.

This bill has had a chequered history in the last six months. Mr Baxter would be aware that his review of these issues going back as far as a decade meant that it was a long time before the bill arrived in the first

instance. As I said, it is a testimony to the courage of my ministerial colleague who, when this bill was first envisaged, may have been asked the question, 'What is in it for the government when although the issue clearly falls within the realm of good public policy it predominantly affects areas which traditionally do not return Labor members?'. It is the antithesis of cynical marginal seat mentality where lots of pieces of legislation or government programs may be said to be cynical exercises in vote buying. This is good public policy. My ministerial colleague brought this forward because it is the right thing to do both in terms of agricultural viability today and well into the future. In his contribution today Mr Baxter indicated that the transitional arrangements that underpin this bill will go well into the next 20 or 30 years. There is a 20 or 30-year horizon in terms of the financial transitional arrangements embedded within this bill.

Certainly no-one can dispute that this is long-term, over-the-horizon protection of Victoria's environment by the government, and the Parliament has recognised that there is an important role to play by providing for transition from what has been private use of water resources in this state to mechanisms that allow for private use but recognise community obligation. That is why this is sound and profound public policy in the name of protecting our environment. If nothing else, this debate has created the opportunity for Mr Baxter and me to harmonise and sing the same song — which is something of a novelty. It has provided me with an opportunity not only to read *Stock and Land* but in fact to quote it on the public record. In fact in December I was quite happy to quote from *Stock and Land* an article that had been written by Peter Walsh, the president of the Victorian Farmers Federation (VFF), and I shall quote it briefly to remind the house of the nature of the debate at the time. In his article he states:

> The Liberals' amendments do not address the fundamental issues, which are the difficulties associated with waterway determinations. By pursuing these amendments they are, in effect, rejecting the government's legislation.

Mr Walsh further states:

> The government's bill protects and enhances the security of existing dams. The rights of farmers to build new stock and domestic dams are fully protected. The rights of owners of existing irrigation and commercial-use dams are also fully protected.

I say, 'Hear, hear!' to the contribution of Peter Walsh and the VFF in that article and in the positive role they have played in delivering this outcome.

I reiterate my positive affirmation of the good work undertaken by the National Party on this matter. Since that date we have seen the bill volleying back and forth between the chambers and we have finally arrived at an agreed package which will go through on this day, 26 March. I refer to the net changes from the original package introduced in September last year. I will allow members of the Victorian community to assess the significance of those changes and decide whether they represent the major victory the Liberal Party is desperate to claim or whether the amendments fundamentally change the nature of this legislation.

I would suggest that if members of the Victorian community were to read Mr Baxter's contribution tonight they would think he did not believe the net effect was too significant either.

I refer to the press release of 21 March 2002 of the Minister for Environment and Conservation in the other place. The minister paid tribute to:

> … the farsightedness and commitment to good water resource management displayed by supporters of the bill, which included ALP country members, the National Party, the Victorian Farmers Federation, the Independents, Environment Victoria and the Australian Conservation Foundation.

The press release further states:

> … the Bracks government had agreed to support a minor amendment to the bill in order to see it finally pass through Parliament. This would see a change from a five-yearly registration fee for dams to a one-off fee.
>
> Ms Garbutt said the Bracks government would also increase its transitional arrangements to provide for a 14 500-megalitre pool of water for capped catchments that farmers will be able to trade water from when building new dams. The government will also offer to pay half the cost of water up to 50 megalitres.

As Mr Baxter said in his contribution, what sort of time frame are we talking about for the allocation of that 14 500 megalitres? We are talking about a 20-year to 30-year time frame for the allocation of those up-to 50 megalitre lots. The time frame in which that allocation will take place will be very long, if ever it is completed. During that time members of the Victorian community will recognise the value of the amendments sought and obtained by the Liberal Party during this exercise. I suggest it will be a very long time indeed.

I conclude by indicating to the house that this is a great day in terms of achieving good public policy in Victoria, because we have seen exemplary consultation and an exemplary process of bringing stakeholders on board. One by one, people of different political persuasions across the Victorian community have come on board so that now we see the successful passage of this legislation. Unfortunately all too rarely do we see constituencies being brought on board one by one to

support an important piece of legislation in the long-term interests of the community and our environment.

I conclude by quoting from the last line of the minister's press release of 21 March:

> It is a great step for sustainable water management in the state.

Hon. BILL FORWOOD (Templestowe) — It had not been my intention to speak on the bill, but I take the opportunity to do so because of the churlish contribution by the Deputy Leader of the Government. I am happy to accept his last quoted sentence as one that I absolutely agree with, as would most people in Victoria. We have achieved an outcome of good public policy.

At the outset of his contribution he said the Liberals had been brought to heel. I take great exception to that comment. What we have achieved today is something that is in the best interests of Victoria, and it has been achieved by goodwill on three sides — by all parties, including the government and including the National Party, and in particular including the Victorian Farmers Federation, with which we also worked closely.

In the end we have achieved a very good result for Victoria on a matter of really significant public policy. We will all do better in this place if we put the interests of Victoria first.

Motion agreed to.

[See page 399 of Hansard of 27 March 2002 for correct version of second-reading speech below.]

FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

Second reading

Hon. M. R. THOMSON (Minister for Small Business) — I move:

> That this bill be now read a second time.

The Forensic Health (Amendment) Bill makes important amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act and the Mental Health Act. The bill is based on two reviews. The first was a review of the operation of the Crimes (Mental Impairment and Unfitness to be Tried) Act by the Department of Justice. The act controls what happens when a defendant is found unfit to plead or not guilty because of mental impairment. It provides a fair and practical regime for dealing with mentally impaired people who commit crimes. However, after more than three years of hearings under the act, the government has identified ways to improve its operation.

The second review was a review of leave arrangements for patients at Thomas Embling Hospital chaired by Justice Vincent. Thomas Embling Hospital is a secure hospital for people with a mental illness. The review followed the absconding of a security patient while on escorted day leave. The government accepted the review panel's recommendations. Recommendations that require legislative amendment are being implemented in this bill.

Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

The Crimes (Mental Impairment and Unfitness to be Tried) Act establishes a system of custodial and non-custodial supervision orders. Supervision orders are designed to allow people who commit crimes while mentally impaired to receive treatment and be rehabilitated, while protecting the community. The courts retain a high degree of control over persons subject to supervision orders. The courts may increase or decrease a person's level of supervision.

Victims and families

The act requires that notice be provided to victims in certain circumstances and allows victims to provide information to the courts. The families of people under supervision are also entitled to be informed of the person's progress under a supervision order.

Whenever an application is made to reduce a person's level of supervision, victims and family members may make a report to the court. At the moment the content of a victim's report is limited to an account of the injury, loss or damage they have suffered. The bill broadens the focus of this report so that it will be a statement of the victim's view of the conduct of the person under supervision and the impact of that conduct on them.

The act will also be amended so that basic information about the level of supervision being provided can be supplied to the victim or family member. At the moment agencies that supervise people on supervision order are not free to provide confidential information about them. The provision of this information will be limited to the type of order and the level of supervision, so that there is a balance between the needs of victims and families and the privacy and therapeutic needs of the client.

The act will also be amended so that notices to victims and family members under 18 years of age will go to their parent or guardian. Where this would be inappropriate, the court may direct that notice be given to another person on the young person's behalf.

Understandably some victims and family members simply do not want to hear anything about the offender after the trial because they find it too traumatic. We are amending the act to make it clear that a victim or family member can choose not to be notified about any further applications made by the offender.

Similarly there are circumstances in which notice of a hearing would be so distressing to a person that it would be detrimental to their mental or physical health. In these cases the court will have the power to direct that the notice be provided to another person or that it not be given.

These amendments ensure that the notice procedures in the act are flexible, provide relevant information and allow family members and victims to present their views to the court if they wish.

Representing the community

The community at large also has an interest in the progress of a person under supervision.

The courts may only reduce the level of supervision to which a person is subject if convinced that the safety of the person or the public will not be seriously endangered. The community is therefore entitled to be represented when a court is considering whether to reduce a person's level of supervision.

Experience has shown that the involvement of the Attorney-General's legal representatives speaking on behalf of the community is invaluable. The Attorney is the first law officer of the state and has played no part in the initial prosecution. The Attorney can therefore come to the court to protect the community's interests.

So that the Attorney can fulfil this role more effectively, the bill amends the act to guarantee the Attorney-General's right to appear. The bill also extends power to appeal a court decision to the Attorney-General. This will ensure that the Attorney-General has all necessary powers to act in, and protect, the community's interests.

Notice and rights of appeal

The Director of Public Prosecutions, the Attorney-General, the supervisor appointed under the act and the Department of Human Services all have a role to play at court hearings. This bill clarifies that these parties are entitled to be notified of hearings and ensures that they are provided with relevant information. It also clarifies the rights of appeal available under the act. The bill also sets out the obligations of the Court of Appeal in hearing matters under the act.

Major reviews

In order to ensure that people do not get lost in the system, the court that makes a supervision order under the act must set a nominal term. At the end of the nominal term, the supervision order will automatically be reviewed by the court.

The bill will require the courts to specify a commencement date for the nominal term when making a supervision order. This will allow the courts to take into account any detention preceding the making of that order.

In many cases a major review will not occur for 25 years. A new provision will allow a court to direct that a person subject to a custodial supervision order return to court prior to their major review. This provision allows the courts to take a more proactive approach to reviewing detention under the act.

The bill ensures that if a person is detained after their major review, then they will be reviewed again at least once every five years. This means that even if a person is detained after their nominal term expires, the courts will still regularly reassess their detention.

Leave

People subject to custodial supervision orders may apply for four types of leave: special leave, on-ground leave, limited off-ground leave and extended leave.

Special leave from the place of custody is currently only available for 24 hours. It is administratively burdensome for leave to be approved every 24 hours when the patient is on leave for medical treatment such as surgery that may take longer than one day. The bill extends the period available for special leave to seven days where the leave is for medical purposes.

On-ground leave and limited off-ground leave are granted by the forensic leave panel.

The Vincent review panel recommended that the provisions of the act governing the forensic leave panel be examined. The Vincent review panel cited concerns that the legislation presumes that leave will be granted unless a reason can be shown why it should not. The

review panel suggested that leave should only be granted when it would contribute to the applicant's rehabilitation and when it was reasonable to do so. The amendments address the review panel's concerns.

The amendments provide that the forensic leave panel may only grant leave:

where it will contribute to the rehabilitation of the applicant; and

where the panel is satisfied that neither the public nor the applicant will be seriously endangered.

To ensure that the forensic leave panel is properly informed before granting leave, the bill requires that a patient profile and leave plan be submitted with each application. The profile and plan will be prepared by the service in which the person is detained. Where the service does not think that leave should be granted, then it must provide reasons to the panel. These amendments ensure that the forensic leave panel is provided with the information that it needs when deciding whether or not to grant leave.

A grant of leave can specify the days and nights on which a person may take leave in a period of up to six months. The bill provides that, once an order is made, the panel will only vary it where there has been a significant change in the applicant's circumstances. This will encourage a long-term view of the way that leave contributes to rehabilitation.

The forensic leave panel previously expressed uncertainty about the proper interpretation of the number of nights that the panel may grant as limited off-ground leave. The bill clarifies that the forensic leave panel may only grant up to three nights leave per week.

The bill also provides for an extension of the hours within which leave can be considered day leave. The hours will be extended from 7.30 a.m. to 6.00 a.m., and from 7.30 p.m. to 9.00 p.m. The new hours will allow more flexibility in allowing clinically appropriate rehabilitative activities during hours when they are possible.

Extended leave

Leave granted by the forensic leave panel is part of the gradual reintegration into the community of people on custodial supervision orders. Extended leave, which is granted by the courts and allows a person to be absent from custody for up to 12 months, is also part of this gradual process.

When a person seeks extended leave it will usually be the first time that they have lived independently in the community for some years.

When making the supervision order for the first time the court applies the principle that restrictions on a person's freedom and personal autonomy should be kept to the minimum consistent with the safety of the community. This principle will now also be applied to consideration of extended leave.

The act contains a list of criteria for the court to consider when making a supervision order. These amendments will ensure that the court also considers these criteria when deciding whether to grant extended leave.

The act will be amended so that a person's supervisor can make an application for extended leave on their behalf. The act will also be amended so that a court can grant extended leave when conducting a major review.

Interstate apprehension and transfer

The act contains powers of apprehension for people on supervision orders whilst they remain in Victoria. However, these powers do not apply to people who abscond interstate. The bill contains provisions that will allow warrants to be issued once it is clear that a person who is subject to the act has absconded interstate. The bill ensures that a person subject to a non-custodial supervision order who is apprehended under emergency provisions can be given appropriate treatment.

The bill also provides for the interstate transfer of people subject to orders under the act and similar legislation elsewhere.

Transfers to Victoria will be allowed to maintain or re-establish family ties. A transfer may only take place where it is for the benefit of the patient and services are available. The transfer can only occur with the consent of the relevant Victorian ministers and the person being transferred or their legal guardian.

The new provisions ensure that, when a transfer takes place, an order will be made to allow the person to be treated, supervised and detained, where necessary.

Transfer from Victoria to other states will be possible where those other states have legislation allowing for the reception of persons subject to supervision orders.

These provisions fill an important gap in the regime for transferring people subject to supervision or detention between the states. They will promote rehabilitation

and the reunion of families separated under difficult circumstances.

Mental Health Act 1986

The bill amends the provisions of the Mental Health Act that relate to the discharge and leave entitlements of security patients. Security patients are people who are in custody, including prisoners and young people detained under the Children and Young Persons Act. The severity of their mental illness means that they need to be detained in a hospital for treatment.

The Vincent review panel argued that treatment for these patients in hospital should focus on the acute phase of their illness and continue only so long as it is necessary and can be justified. After that, security patients should be returned to their place of detention where treatment can be continued. These amendments implement recommendations of the Vincent review panel.

The amendments provide that security patients can be discharged back to their place of detention where immediate treatment is no longer necessary. This is consistent with the discharge criteria for people receiving involuntary treatment in the community.

Discharge back to the place of detention for security patients will be governed by clinical guidelines. The guidelines will be issued by the Chief Psychiatrist following consultation with the Correctional Services Commissioner and the Mental Health Review Board. In this way, a balance will be struck between the need for treatment and concern about security.

The Vincent review panel also recommended that a new approach be taken to granting leave of absence to security patients. The panel recommended that the authority for granting leave of absence be transferred from the Chief Psychiatrist to the Secretary to the Department of Justice, who has responsibility for granting leave to prisoners.

The amendments provide that a security patient, or the authorised psychiatrist of the relevant service, may make an application for leave of absence.

The Secretary to the Department of Justice will be responsible for granting this leave. The Chief Psychiatrist, who will be consulted on each application, will provide clinical input.

If the security patient is a young person transferred from a juvenile justice facility, then consultation with the Secretary to the Department of Human Services will be necessary. Similarly, if the security patient was transferred directly from police custody, then consultation with the Chief Commissioner of Police will be necessary. This consultation ensures that the Secretary to the Department of Justice has all the information relevant to the granting of leave.

The secretary will grant leave to security patients only where neither the patient nor the public will be seriously endangered. Leave will be granted for a maximum of six months.

At present, a security patient can appeal to the Mental Health Review Board against a refusal by the Chief Psychiatrist to grant leave of absence. However, there is currently no right of appeal from a refusal by the Secretary to the Department of Justice to grant leave to a prisoner. Accordingly, now that the Secretary to the Department of Justice will grant leave to security patients, there will be no appeal to refusal of an application for leave.

Two recommendations by the Vincent review panel concerning options for sentencing the mentally ill have been held over pending the outcome of the review of the Sentencing Act.

Control of Weapons Act 1990

The amendment to the Control of Weapons Act ensures that a finding of not guilty by reason of mental impairment will not prevent the forfeiture of weapons, dangerous articles and body armour.

Intellectually Disabled Persons' Services Act 1986

The amendment to the Intellectually Disabled Persons' Services Act ensures that a person with an intellectual disability who is subject to a non-custodial supervision order and is detained under emergency detention provisions can receive services.

Other amendments

The bill contains a number of other amendments that clarify existing legislative provisions and correct a number of technical errors.

The overlap between crime and mental impairment can result in the most profound personal, family and social tragedies. This bill aims to achieve the appropriate balance between the needs of mentally impaired offenders, the safety of the community and the wellbeing of victims.

I commend the bill to the house.

Hon. R. A. Best — On a point of order, Acting President, in the Assembly there were some

93 amendments moved by the government to this piece of legislation. The disappointing thing — and this is not the first time it has happened to this house — is that we have received the same second-reading speech that was given in the lower house, and it does not reflect the changes that have been made by way of amendment in that house. Proposed new sections in the amendments have been included in the bill. The disrespect for this house shown by the government of the day in the second-reading speech that has just been delivered is extremely disappointing.

I am not prepared to accept this second-reading speech as it is. It does not reflect the changes that have been made. I seek your ruling, Sir, as to whether the government should withdraw this second-reading speech and come back with a second-reading speech that reflects the amendments which were agreed to in the lower house, which made substantial changes to the bill.

Hon. M. R. THOMSON (Minister for Small Business) — We are happy to check the speech. We believe it was checked, but we will check it again to ensure it accurately reflects what it should reflect.

Hon. P. R. Hall — On a point of order, Mr Acting President, I would like to support the point of order moved by the Honourable Ron Best. As he said, at least three or four significant new clauses have been added to the bill since the second-reading speech that was delivered in the Assembly. It is the view of the National Party that some of the amendments — particularly those relating to proposed new part 7B, headed 'Persons absconding to Victoria from interstate', and some of the new clauses such as the new clause that inserts proposed new section 53AA in the Mental Health Act and new clause CC, which follows clause 42 — substantially change the nature of this bill and ought to be explained to the house in the second-reading speech.

I reinforce the point of order raised by the Honourable Ron Best, which is that a second-reading speech which accurately reflects the contents of the bill is required to be made to this house, and we insist that that be done.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! Following the point of order it is probably a good idea that the accuracy of the bill be checked as a precaution for the house. I suggest to the minister that it be checked and that the minister report the contents of the bill and the second-reading speech to the house before the adjourned debate is resumed.

Hon. Bill Forwood — I raise a point of clarification, if I may. The minister is seeking the adjournment of this debate until the next day of meeting, subject to this being checked. I take it that if it is wrong the second-reading speech will be given again.

Hon. M. R. Thomson — We would have to.

Hon. Bill Forwood — And we can then adjourn the debate for the appropriate time? On that basis I am happy to move, on behalf of Ms Luckins:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Debate adjourned until next day.

CRIMES (DNA DATABASE) BILL

Third reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That this bill be now read a third time.

In doing so I respond to issues raised by the Honourable Cameron Boardman during the committee stage of the debate in relation to resourcing matters.

I am advised that the response of the Minister for Police and Emergency Services in the other place is that this bill will mean that police are using their resources more effectively by allowing their operational people to supervise the self-administration of DNA samples. However, any financial implications are for consideration as part of the budgetary process. The police have sought that self-administration of buccal mouth swabs be introduced as they want to be more efficient in the use of their resources, and we have worked with them to ensure they can achieve this end. Police want self-administration and believe that the use of buccal swabs will achieve this.

This will free up police to continue to carry on the important work of providing a quick response time. It will also allow them to use DNA more effectively as a weapon in solving crime.

Hon. B. C. BOARDMAN (Chelsea) — Firstly, I acknowledge that I appreciate the effort the minister has made. However, it was not the answer I was seeking, because I asked whether or not there was going to be an allocation of resources to deal with the current backlog at the state forensic centre. There are going to be some quite profound implications as a result of this legislation if it is read a third time today, because the

eligibility for taking a sample will expand quite considerably, which will increase the workload. I place firmly on the record that the opposition has some concern about there being adequate resources to deal with the current problem, which is going to be compounded by a future problem as a result of this legislation.

Notwithstanding that I appreciate the effort that the minister has gone to, I would like him to reconsider my initial point and also my subsequent point and ask the Minister for Police and Emergency Services to write to me about that specific issue. It is a very important challenge that not only Victoria Police but also the community of Victoria is faced with, and I think it is appropriate that the police minister appreciate it and respond to me in the context in which I am raising it

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! As a consequence of the bill being amended during the committee stage, I am of the opinion that the third reading of this bill requires to be passed by an absolute majority of the whole number of the members of the Legislative Council. Ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! I ask honourable members to signify their assent by standing in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Education Services) — I move:

That the house do now adjourn.

Stamp duty: reform

Hon. D. McL. DAVIS (East Yarra) — I raise with the Minister for Energy and Resources, as the representative in this chamber of the Treasurer, a matter concerning stamp duty in my electorate. I draw the attention of the Treasurer through the minister to auctions held last weekend, including a house in the City of Monash at 2 Railway Parade, Chadstone, which sold for $246 000. The Victorian stamp duty on that auction price was $10 450, as opposed to an equivalent New South Wales stamp duty of $7117. That is a $3300 — —

Hon. D. G. Hadden interjected.

Hon. D. McL. DAVIS — You are exactly right, Ms Hadden, and people in Ballarat would also be very concerned about this.

In the City of Whitehorse at the weekend a property at 54 Seven Oaks Road, Burwood East, was sold for $252 000. The purchasers of that home will have to pay a premium of $3470 above the equivalent New South Wales stamp duty on a property at that price — that is, a total Victorian stamp duty of $10 780.

In the City of Boroondara, also in my electorate — in the Burwood electorate, I might add, represented by Mr Bob Stensholt in the other place — a property at 15 Redvers Street, Surrey Hills, sold for $560 500 with a Victorian stamp duty of $29 290 — that is, almost $30 000 stamp duty on one Boroondara property, and an additional $8577 above the equivalent New South Wales stamp duty.

The point of this is that the stamp duty rates in Victoria are a disgrace and the stamp duty rates in my electorate of East Yarra Province and in the Burwood portion of my electorate are a disgrace. The Treasurer has not intervened. The Treasurer continues to push and to maintain very high stamp duty rates — windfall gains that he has made over and above what he estimated in the budget — and the honourable member for Burwood has been silent on the matter. In fact, he was very happy to support the amazing stamp duty amounts that are levied on the people in the Burwood electorate, and it is a disgrace.

I seek from the Treasurer some indication as to what he will do, and I ask the honourable member for Burwood to join me and my colleagues in a campaign to ensure that in the Burwood electorate, in the East Yarra Province, in the City of Whitehorse, in the City of Monash and in the City of Boroondara we have fair stamp duty rates that do not slug families and businesses when they fairly and reasonably purchase properties. These rates are the highest in Australia, and they are most unfair to families and to businesses.

Black Rock–Bluestone School roads, Connewarre: safety

Hon. E. C. CARBINES (Geelong) — I raise a matter with the Minister for Energy and Resources, as the representative in this house of the Minister for Transport. In particular I draw to the minister's attention an intersection in my electorate of Geelong Province at Connewarre, which the local State Emergency Service describes as notorious and the local police describe as the most dangerous in the area.

The intersection to which I refer is at Black Rock Road and Bluestone School Road. Tragically there was recently a fatality at this intersection, which has heightened the concerns of residents who have tried for a very long time to have it upgraded, without success. I understand from Vicroads in Geelong that the Black Rock Road–Bluestone School Road intersection has been nominated for treatment under the black spot funding program. Accordingly I ask the minister to urgently consider the allocation of the necessary funding to upgrade this most dangerous intersection and to improve its safety for all who use it.

Rural and regional Victoria: waste management

Hon. P. R. HALL (Gippsland) — I raise with the Minister for Energy and Resources for the attention of the Minister for Environment and Conservation in the other place a matter concerning the very important issue of waste management in rural and regional Victoria. In company with the honourable member for Wimmera in the other place, Mr Hugh Delahunty, I recently met with the West Wimmera Shire Council mayor, Mr Bruce Meyer, and the chief executive officer, Mr Rex Mooney, to discuss waste management issues being faced by rural councils.

In particular they were concerned about the cost of complying with the guidelines being imposed upon them by the Environment Protection Authority on the closure and rehabilitation of landfill sites. They made the very good point that uniform technical standards were often unnecessary and inappropriate for rural landfills, resulting in excessive and unnecessary costs to the councils and ultimately the ratepayers. In fact, it was suggested by the West Wimmera shire that it would require an increase in its rates of 10 per cent to cover the cost of the compliance on — —

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! For the edification of the house, could Mr Hall confirm the minister to whom he is referring his matter?

Hon. P. R. HALL — Yes. I said to the Minister for Energy and Resources for the attention of the Minister for Environment and Conservation.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Thank you.

Hon. P. R. HALL — Recently some 30 rural councils met to consider waste management issues and they recommended, among other things, that the government launch a funding program to assist rural shires with the development, closure and rehabilitation of landfills as a matter of urgency. Further recommendations were listed in correspondence addressed to the Minister for Environment and Conservation and copies were sent to the Minister for Local Government and the Minister for State and Regional Development on 10 December of last year, signed by the convenor of the meeting, Cr Tom Courtney, who was then the mayor of the East Gippsland shire. To date I am not aware of the response that might have been forthcoming from any of those three ministers.

My request tonight is to urge the Minister for Environment and Conservation to look at these issues carefully and to view favourably the recommendations that have been put forward by the 30 rural councils. These are important issues. It is in the state's best interests that waste management be appropriately handled. Rural councils need some help, and I urge the minister to give them that help.

Inner South Community Health Centre

Hon. P. A. KATSAMBANIS (Monash) — I raise with the Minister for Small Business, as the representative in this house of the Minister for Health, a critical issue relating to staff and clients of community health centres around Victoria, but specifically staff and clients of the Inner South Community Health Centre within the electorate of Monash Province. For a considerable period of time staff at the Inner South Community Health Centre have been underpaid in relation to people doing similar jobs within the public hospital system in Victoria. Through their trade union, the Australian Services Union, these staff have been making representations for two years to the health minister about providing commensurate pay.

The Inner South Community Health Centre operates from three sites — one in St Kilda, one in South Melbourne and one in Prahran — all within the electorate of Monash Province, which I share with the Honourable Andrea Coote. I must say from my own experience that the staff and management at the Inner

South Community Health Centre are absolutely first class and they do a wonderful job under very trying circumstances. They point out that in many ways their circumstances are often more trying than those of staff with commensurate positions in public hospitals. However, the Minister for Health has for the past two years ignored their demands for commensurate pay with staff doing the same jobs in public hospitals.

It is a tragedy and a shame that the Minister for Health is also the honourable member for Albert Park and represents the area in which the Inner South Community Health Centre is located. It is quite clear that over the last two years he has ignored the demands from staff, and recently they have had to impose rolling picket lines at community health centres, not just within my electorate but across Victoria, to waken the minister up to the fact that he is doing nothing and he is ignoring the plight of these workers who work under very trying conditions.

The issue I want to raise with the minister — and I trust that this time he will take it up and not ignore it — is what action he has taken to ensure that the staff at these community health centres, especially at the Inner South Community Health Centre, are given adequate resources and pay to recognise the fact that they are fully qualified health professionals performing the same jobs as those who work in public hospitals, and to make sure that these people get the pay rise they deserve.

Walwa and District Bush Nursing Hospital

Hon. W. R. BAXTER (North Eastern) — I raise a matter for the Minister for Small Business for reference to her colleague the Minister for Health in another place. The matter relates to the issue I raised with the Minister for Small Business last week concerning the Walwa and District Bush Nursing Hospital, and I thank the minister for having her colleague convey a message to the large gathering in Walwa on Sunday when some 700 people rallied to mark the 25 years service to the community of Dr David Hunt, but more particularly to seek further funding to enable the hospital to continue its operations.

The day was an outstanding success. About 118 people picked grapes at the Walwa estate that morning and the proprietors handed over a cheque for $5800, which equated to the labour costs of picking the grape harvest; that has gone directly to the hospital. There were various other fundraising endeavours on Sunday.

My purpose in raising it tonight is to invite the Minister for Health to negotiate with his New South Wales colleague some contribution towards sustaining the Walwa hospital, bearing in mind that about 50 per cent of the patients who make use of the hospital are residents of New South Wales from the districts of Ournie and Jingellic, Lankeys Creek and the like. I suggest it is appropriate that New South Wales make a contribution to assist in overcoming the financial difficulty the hospital is facing. We have cross-border health agreements in Albury-Wodonga, Echuca-Moama and I am sure in other areas along the border. There is no reason why there cannot be some similar contribution from New South Wales for the ongoing financial viability of the Walwa hospital. I invite the Minister for Health to negotiate with his New South Wales colleague for a very modest intervention, but one which would be of great assistance to the small community hospital.

Monash: mayoral election

Hon. M. T. LUCKINS (Waverley) — I raise a matter with the Minister for Sport and Recreation for the Minister for Police and Emergency Services in the other place. Honourable members will recall that on the last day of sitting I raised serious concerns about the mayoral election in the City of Monash. I now have additional information in the form of two statutory declarations, which I have sought leave to incorporate into *Hansard*.

Leave granted; for statutory declarations *see pages 346 and 347.*

Hon. M. T. LUCKINS — The statutory declarations I will provide to the house confirm the concerns I raised previously about the coercion, harassment and blackmail of a Labor Party member and councillor in the City of Monash, Cr Felicity Smith, to secure her vote for fellow Labor councillor Geoff Lake. The statutory declarations state that Cr Lake and Labor MHR, Anna Burke, the federal member for Chisholm, exerted threats to the effect that the husband of Cr Felicity Smith, an employee of the Transport Workers Union, would be sacked unless Cr Smith supported Cr Lake in the mayoralty against her preferred candidate, Cr Tom Morrissey.

I have spoken to Cr Smith at length and she has confirmed that concern for her husband's job resulted in her withdrawing support from Cr Morrissey, her preferred candidate. Cr Smith has been distressed and emotionally upset by the threats of retribution against a member of her family by Cr Lake and Anna Burke.

Hon. T. C. Theophanous — On a point of order, Mr President, the honourable member is embarking on a tirade of unsubstantiated allegations involving a

federal member of Parliament, and I ask that if she is reading from a document which she claims to be a statutory declaration — —

Honourable members interjecting.

Hon. T. C. Theophanous — That is not what the honourable member is reading from. She is reading from her own notes. Mr President, given that in the past you have ruled that unsubstantiated allegations during the adjournment debate are not to be allowed, particularly if they are unsourced, I ask you to rule that the honourable member make available the statutory declarations so that we can all see what is in them and whether she is quoting or simply making it up.

Hon. Bill Forwood — On the point of order, Mr President, one would expect that sort of point of order from Mr Theophanous. The issue simply is that the government has granted leave for Ms Luckins to incorporate into *Hansard* two statutory declarations. She has two statutory declarations on the issue and she is quite properly placing on the record her interpretations of them, which she is entitled to do, and she is seeking from the Minister for Police and Emergency Services some action on the matter. It is entirely appropriate for Ms Luckins to proceed the way she is.

The PRESIDENT — Order! Did the honourable member provide copies to the Leader of the Government and the others?

Hon. M. T. LUCKINS — I did not provide a copy. The Leader of the Government read the documents and gave me leave previously.

Honourable members interjecting.

The PRESIDENT — Order! The honourable member, in seeking leave like this, should make copies available to all parties so that they can check the comments. Can you make them available now?

Hon. M. T. LUCKINS — I have certainly got copies.

Hon. M. M. Gould — On a point of order, Mr President, I take offence at the honourable member saying that I read the document. She approached me earlier in the day and asked would I grant leave. I scanned the documents to make sure — —

Honourable members interjecting.

Hon. M. M. Gould — I looked to ensure that they had been signed. I read one paragraph. The honourable member knew that leave would be granted because I informed her of such and, as you rightly ruled, Mr President, she should have made copies available to the house.

Honourable members interjecting.

The PRESIDENT — Order! There are two ways in which an honourable member can handle it. One is to make the document available by providing copies around the chamber. In this case, she sought leave and was given leave to incorporate the documents into *Hansard* which reinforces the need to make them available to members of the house who want them. So can Ms Luckins please deliver them around now?

In relation to the point of order raised by the government leader, she was certainly consulted earlier in the day, and as the honourable member introduced the reference to the material, she should have arranged for a copy at this stage to be delivered to those in the house who wanted it. I ask the government leader whether that covers the issues she raised in her point of order?

Hon. M. M. Gould — It would have been helpful.

Hon. T. C. Theophanous — On a further point of order, Mr President, during the discussion of the point of order the Leader of the Opposition indicated that the Honourable Marie Tehan was providing — —

Honourable members interjecting.

Hon. T. C. Theophanous — Sorry, Maree Luckins.

Honourable members interjecting.

Hon. T. C. Theophanous — Well, she'll soon be in the same boat anyway, so what's the difference!

The Leader of the Opposition indicated that the Honourable Maree Luckins was entitled to give her interpretation of the document she is seeking to use to make her contribution today. If that is the case it is appropriate for the honourable member, when introducing the document, to say, 'This is my interpretation of the document', rather than trying to suggest that somehow what she is putting to the house is a matter of fact as opposed to an interpretation.

The PRESIDENT — Order! The honourable member started the process by seeking leave to incorporate two documents in *Hansard* and she was given leave by the house. The subsequent comments would not have been a problem if copies had been available to the house. Having introduced it, the

honourable member is entitled to speak to the document — —

Hon. T. C. Theophanous — She should get proper leave!

The PRESIDENT — Order! She did get proper leave. She sought leave to incorporate them in *Hansard*. I asked if leave was granted, and leave was granted. The Leader of the Government had already agreed to that earlier in the day. The problem arises from the way it has been handled, so I do not uphold the point of order.

Hon. M. T. LUCKINS — Thank you Mr President. The statutory declarations in question are from John Jeffrey Davis, known as Jack, former councillor and member of the Australian Labor Party and president of the ratepayers association of the City of Monash. The other is from Thomas Graeme Morrissey, known as Tom Morrissey, former mayor of the City of Monash.

As I proceed it will come as no surprise to honourable members that until extremely recently Cr Lake was an employee of the disgraced honourable member for Frankston East, Matt Viney, who has just stood down from his position as Parliamentary Secretary, Human Services until allegations about corruption, impropriety and thuggery in regard to the development in the City of Frankston are resolved.

The PRESIDENT — Order! The honourable member is raising a matter dealing with an entirely different issue. She is allowed to raise one subject. The matters about another member of Parliament are irrelevant to the matters raised. The honourable member should not go any further on that line but get back to the main issue.

Hon. M. T. LUCKINS — Tonight I seek the assistance of the minister in instituting a criminal investigation into this matter — into the blackmail against Cr Smith by Cr Lake and a member of the House of Representatives, Anna Burke, who now employs Cr Lake. This blackmail and impropriety is unacceptable, inappropriate and abhorrent. Cr Felicity Smith — —

The PRESIDENT — Order! the honourable member has asked the question. She has asked for an investigation by the police in relation to certain matters. Having asked that question, she should not editorialise in relation to the point she has already put. I think her request is on the record. The minister will deal with it, and I will move on to the next matter.

Dock Lake Reserve, Horsham

Hon. R. M. HALLAM (Western) — I raise an issue for the Minister for Sport and Recreation which has to do with the rebuilding of the Dock Lake Reserve clubrooms, which are at Dock Lake, situated 10 kilometres east of Horsham on the Western Highway.

The Horsham Rural City Council has written to the minister formally requesting a capital grant of $40 000 towards the cost of rebuilding the clubrooms, which were destroyed by fire last month. I know the minister is likely to get a whole range of requests for funding support, but this case is pretty special and I would plead that the minister give it special attention.

The cost of replacing the clubrooms is estimated at $160 000, and the committee expects an insurance payout of $80 000. If it got a $40 000 payout from the minister it believes it could raise the balance in the local community through donations of cash, labour and materials. I think that is a fairly good indication of the community spirit involved.

The fire which resulted in the loss of the clubrooms can be traced at least in part to the government's inaction. The facts are that there has been an alarming build-up of fairy grass on Green Lake, amongst other dry lake beds across the Wimmera. I do not blame the government for Green Lake going dry, but there has been a farcical outbreak of buck-passing amongst the government agencies regarding the fairy grass build-up, and the committees of management and councils have become totally frustrated in their attempts to get permission to undertake remedial works and to get some acknowledgment regarding both the obvious fire risk and the responsibility for the cost of the works. In this case the fairy grass was ignited by the exhaust of a tourist bus, which paradoxically pulled up to show the passengers the phenomenon. The fire then raced across Dock Lake and burnt the clubrooms!

I know this is outside the annual minor facilities grant program, a program to which I would have expected the minister to have initially referred, but the clubrooms are in regular use for both summer and winter sports and any delay in the rebuilding may have major ramifications for long-term use. I commend both the merits of the council's appeal and the need for urgent consideration.

Knox: health services

Hon. G. B. ASHMAN (Koonung) — The matter I direct to the Minister for Small Business for the

attention of the Minister for Health in another place relates to health services in Knox. Knox City Council was briefed some weeks ago by Eastern Health on the prospects of the Knox public hospital and was advised that the government was not proceeding. The council has now agreed with the recommendation from Eastern Health.

In coming to its decision, it was told there would be a number of hospital upgrades, and I refer in particular to the Peter James Centre. The council was told there would be the development of a 90-bed integrated residential care service at Knox; the establishment of a 24-bed palliative care unit; the expansion from 98 to 120 rehabilitation or geriatric evaluation and management, or GEM program, beds; the expansion from 12 to 16 haemodialysis chairs; and the development of peritoneal dialysis; and an expansion of the Mooroolbark aged psychiatry nursing home.

This was presented to the council, but with the comment that the projects are not yet approved and funded by government. Given that the government has decided not to proceed with the Knox public hospital, when will these projects be funded; or is it the government's intention to leave people to languish in their homes waiting for hospital care?

Ballarat: fluoridation

Hon. ANDREW BRIDESON (Waverley) — The matter I raise with the Minister for Small Business for the attention of the Minister for Health in the other place deals with the fluoridation of drinking water in rural Victoria. Last Friday was a historic day in Victoria because it was the 25th anniversary of the fluoridation of water supplies. The Minister for Health and a former Liberal Premier, Dick Hamer, hosted an important function for those who were instrumental in the implementation of fluoridation. The Minister for Health is reported in the Ballarat *Courier* of last Saturday as saying:

> Ballarat children are almost twice as likely to develop tooth decay than those in Melbourne.

Further research was carried out by the National Health and Medical Research Council in 1990 that showed that Geelong children aged seven and eight had 46 per cent more decayed, missing and filled teeth than their Melbourne counterparts.

Bendigo and Kyneton will introduce fluoride in May this year, but some difficulties are being encountered in Ballarat. I am not sure where the honourable member for Ballarat West, Karen Overington from the other place, stands on this issue, but I am advised that she is opposed to the fluoridation of water in Ballarat. The Ballarat *Courier* also reports the current Central Highlands water board chairman, John Barnes, as saying

> … the issue would not be readdressed by the board unless required by a Victorian government directive.

When does the Minister for Health propose to fluoridate water supplies in rural Victoria and specifically in Ballarat?

Lysterfield Road, Lysterfield: safety

Hon. W. I. SMITH (Silvan) — The matter I raise with the Minister for Energy and Resources is for the attention of the Minister for Transport in the other place. Knox City Council has written to me in regard to an application for funding for a main road in Knox. Fundamentally the council says there is no strategic approach to the provision of arterial roads in the outer metropolitan fringe area.

The council says the backlog of road works in this area needs a targeted program to catch up. The existing system of annual applications and allocations of funds for roads needs to change to project bids on three to five-year programs of targeted works. In particular, Knox City Council has applied for funding to widen Lysterfield Road, Lysterfield. Housing development has grown at a rapid rate in this region, and there is a real need for arterial works. Lysterfield Road is an old country road that today is taking heavy city traffic. In fact, over the past five years 50 serious accidents have occurred on that road.

Knox City Council requests two things: $2.2 million of black spot funds to fund the project; and also a deputation with the Minister for Transport. The council has written to him and has had no response. Will the minister respond and grant funding for the black spot application and receive a deputation?

Tourism: Phillip Island

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter with the Minister for Sport and Recreation for the attention of the Minister for Tourism in another place. I note that last Friday the Premier opened the Churchill Island visitor information centre. As we all know, Churchill Island is in the new seat of Western Port and it is also in the federal seat of Bass. I think the Liberal Party has selected an exceptional candidate and will win that seat comfortably.

The Churchill Island visitor information centre was a project of the Kennett government, and it is interesting

that again the Premier was opening a centre that was yet another Kennett government initiative. In doing so he announced that the state government would provide a $480 000 boost to a tourism campaign that would centre around the Phillip Island penguins. He stated that this would be primarily targeted at the Japanese market. In the press release associated with the opening the Premier says:

> … using a penguin as an icon for Melbourne had attracted more Japanese tourists to the state than ever before.

The Premier also states:

> This year the campaign is using interest in the penguins to attract Japanese visitors to visit Phillip Island and surrounding regions, and other areas of the state.

I hope the Premier acknowledges that Churchill Island is part of Phillip Island and that Japanese tourists, and any other tourists for that matter, visiting the Bass Coast and Phillip Island would avail themselves of this and many other attractions, such as the Seal Rocks development. However, this government would never dare promote Seal Rocks. Nonetheless, there is confusion with this announcement because the official forecasts from Tourism Victoria suggest that the Japanese market is shrinking.

The most up-to-date facts indicate that the trend is continuing. The curiosity with this specific announcement is that the North American, United Kingdom, European, New Zealand and Asian markets are the ones that will grow, and grow considerably. Although we welcome any initiative to make Victoria an international base to try to achieve more visitations, why is the Japanese market being targeted exclusively when it seems to contravene the official statistics that are on a web site and available to the public?

Will the Minister for Tourism provide information that suggests that the Japanese market will be a growing market in future and thoroughly deserves this important allocation of strategic resources?

Buses: Narre Warren South and Berwick

Hon. N. B. LUCAS (Eumemmerring) — I direct a matter to the Minister for Energy and Resources, who represents the Minister for Transport in the other place. It concerns the provision of public bus services in Narre Warren South and Berwick. In recent weeks I have undertaken a survey by posting out and letterboxing numerous surveys to local residents inquiring from them what they would desire regarding public transport in their areas. Narre Warren South and Berwick, south of the freeway, are the fastest growing areas in the state. I have received a huge number of responses. In recent days I forwarded a request to the Minister for Transport for the Bracks Labor government to finally do something with public transport in my electorate in Narre Warren South and Berwick, south of the freeway.

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to settle down and individual members not to interrupt.

Hon. N. B. LUCAS — Since the current government came to power there has been very little increase in public transport in my electorate, particularly in the areas to which I refer. My request to the Minister for Transport is for the provision of further bus services along Greaves Road, Centre Road, Homestead Road, O'Shea Road and Clyde Road in Berwick. I particularly ask that buses go into the collector roads within new subdivisions and for the provision of additional services on Narre Warren–Cranbourne Road.

The people have said, 'We need to connect to shopping centres, to railway stations and to schools. We need to have a service provided for us so that we can get around, so our children can get around and so older residents who do not have a car can get around'. At this stage the Minister for Transport has provided nothing — a do-nothing government — and that really annoys me, and it annoys the people of my electorate. I am really hoping that the Minister for Transport will finally — —

Honourable members interjecting.

The PRESIDENT — Order! If the attempt is to drown out Mr Lucas, honourable members are succeeding, because I cannot hear him. I ask all honourable members to desist and to allow the honourable member to finish his question.

Hon. N. B. LUCAS — I am looking at nearly 200 survey forms which have come back to my office expressing those concerns. I have had a good look at those forms, analysed them and provided details to the minister of the sorts of things people require.

I am concerned that we have a do-nothing government in this state. Victoria is losing under Labor, and I ask the Minister for Transport to look carefully at the information, both detailed and general, that I have sent to him and to give serious consideration to providing adequate public transport in Narre Warren South and in Berwick, south of the freeway, because these people deserve an adequate public transport service.

Tourism: Phillip Island

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Sport and Recreation in his capacity as the representative of the Minister for Tourism in the other place, although this item could be of interest to the Minister for Ports.

One of the main activities, if not the main activity, on Phillip Island is the provision of recreation and tourism services. For a long time Phillip Island has been an integral part of Victoria's tourism resources through the penguin parade, the nature park and other well-known facilities. In recent years a considerable degree of planning has gone towards the consideration of extending the Cowes wharf. Upgrading and extending the Cowes wharf would provide opportunities for cruise ships to visit regularly.

During the last few years the state has been successful in attracting an increasing number of cruise ships to Melbourne. In March 1997 I had a lot to do with the organising of an experimental visit by the United States warship, the USS *Reid*, which was considered successful. In November this year a cruise ship will visit Phillip Island as part of a scheduled cruise program for the first time. The water in the vicinity of the Cowes wharf is deep, and it should not be a major exercise for civil engineers to look at redesigning and expanding Cowes wharf so that cruise ships can come alongside. I point out that it is really because ships can come alongside that the opportunity becomes a permanent one for Phillip Island. I understand the cruise operators are attracted to the opportunity that Cowes and Phillip Island could represent, because it would enable another port to be scheduled on the cruise. Melbourne is a popular destination, and an overnight journey is attractive to the vessel operators so they could go to Phillip Island and make that a successful visit.

It is my understanding that this would be a popular move with the residents of Phillip Island and that the Bass Coast Shire Council is supportive of this measure. From all the indications I have, this could be a significant and well-received initiative within the community.

I ask the Minister for Sport and Recreation to take an early opportunity to discuss this with the Minister for Tourism and the Minister for Ports so that we can further enhance the tourism infrastructure on Phillip Island.

South Gippsland Highway–Pound Road, Dandenong South: traffic control

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter for the Minister for Energy and Resources, representing the Minister for Transport in another place. It relates to the South Gippsland Highway–Pound Road intersection at Dandenong South. Currently that intersection has a two-lane roundabout. For most of the time the roundabout works well; however, during peak time a proliferation of vehicles northbound on the South Gippsland Highway and turning right into Pound Road effectively stop all other traffic in the intersection.

The solution to this situation is simple. It would involve the installation of a single red stoplight to periodically stop northbound traffic on the South Gippsland Highway. A similar stoplight has been installed at the Governor Road–Boundary Road roundabout, and it works very effectively, stopping peak-hour traffic and allowing other traffic to use the roundabout effectively.

The installation of a similar stoplight on the roundabout on the South Gippsland Highway would allow other users of the roundabout, particularly traffic from Dandenong heading south, possibly to Phillip Island, which currently banks back to Greens Road, to effectively make good use of the roundabout. I seek the minister's assistance in having Vicroads carry out the necessary work to ensure that that roundabout works effectively.

Bena–Kongwak Road: safety

Hon. K. M. SMITH (South Eastern) — I ask the Minister for Energy and Resources to pass on a message to the Minister for Transport in another place. Every time my wife sees Peter Batchelor on television or hears him doing a radio interview she says, 'That man should be in jail for what he did in the Nunawading by-election'.

The PRESIDENT — Order! I ask the honourable member to withdraw that statement.

Hon. K. M. SMITH — On behalf of my wife, I withdraw that comment.

The PRESIDENT — Order! I think the honourable member should just say, 'I withdraw'.

Hon. K. M. SMITH — I withdraw.

This is a very serious issue that I raise with the Minister for Transport, and it concerns what I would describe as the worst road I have ever been unfortunate enough to

drive on. It is a road up in a place called Kongwak, which is between Wonthaggi and Korumburra, and it is on the Bena–Kongwak Road. There is a kilometre of road that is so poor that it is just outright dangerous. School buses travel along that road, as do milk tankers, and for a kilometre the road is falling apart. The bitumen has now broken up completely and the camber rolls the wrong way, so if people's attention is not quite right or they go slightly off the road to miss a milk tanker or something they are just as likely to go over the edge of the hill.

The minister had an opportunity to put some black spot funding into this. We know, and I am sure honourable members on the other side of the chamber know, that the government and the Minister for Transport underspent the black spot funding by in excess of $20 million. The government had the opportunity to fix up one piece of road that runs for a kilometre in Kongwak. The people up there — Bill Brown, the president of the Kongwak Community Group, and Bill and Betty Anderson, the secretary and her husband — are part of a great community of people. This government has ignored them and has put their lives and the lives of all the others in the community up there at severe risk on this piece of road.

Honourable members interjecting.

Hon. K. M. SMITH — I do not joke. This would be my nomination for the worst piece of road in Victoria because it is so dangerous. I ask the Minister for Sport and Recreation to ask the Minister for Transport to reconsider his position in regard to black spot funding for this piece of road before somebody is killed, because if they are I am going to come back and haunt him!

Police: South Geelong patrols

Hon. I. J. COVER (Geelong) — I ask the Minister for Sport and Recreation to raise my concerns with the Minister for Police and Emergency Services in the other place. The matter involves the increasing incidence of theft from and damage to used car yards in Fyans Street, South Geelong. Colin Bartlett is one of nine motor traders who have contacted me about this issue. There has been an increase in break-ins, thefts and damage to vehicles in recent times amongst these motor traders, and they attribute this to two factors: inadequate police presence and inadequate street lighting. Mr Bartlett has written to me saying:

> Police attending the scene when the break-ins are reported, invariably the following business day, have told us that with only two vans patrolling at night they are often unable to leave the city centre other than to attend to emergency calls. Situated on the city fringe, Fyans Street is not regularly patrolled.
>
> Police officers have told us that they are aware that the crimes are taking place and express a sense of helplessness to stop them, saying that there is little they can do. Over the Labour Day weekend a number of yard owners hired a private security guard to patrol the street. The guard spotted two teenagers breaking into one of our yards but was unable to catch them. The guard notified police, but was told that the police were too busy to attend.

It is the view of Colin Bartlett and these other motor traders that:

> … the only way to curb the rise in thefts from our yards is to have an increased police presence along the street at night and improved lighting.

I share the concern of these motor traders, and I have raised the matter with Geelong police. As a result of the discussions I have had with them I received an undertaking that a crime prevention officer would meet with the traders to discuss ways of improving the situation. I am pleased to have achieved that outcome at least.

But the bigger issue remains — the issue of patrols. I find it difficult to understand — and I am sure the motor traders do as well — that only two vans are patrolling at night when the Minister for Police and Emergency Services in the other place claimed last month that police numbers in Geelong have been increased from 127 to 189. If we really do have all these extra police, can the minister explain to the Fyans Street motor traders why only two vans are patrolling their area in South Geelong at night?

Bayside: rates

Hon. C. A. STRONG (Higinbotham) — My question is to the Minister for Sport and Recreation for his colleague the Minister for Local Government in the other place. I quote from the Leader group's *Bayside Advertiser* of 25 March, which, under the headline 'Rage at mooted rates hike', says:

> Bayside ratepayers are facing a rates hike of 22.4 per cent based on preliminary budget estimates.

The article traces Bayside's history on rates for the past five years. It points out that five years ago it had a 3 per cent rate rise; four years ago there was an increase of 3.5 per cent; three years ago rates went up 6.3 per cent; two years ago the rate hike was 7.4 per cent; and last year it was 10.1 per cent. This year it is mooted to be 23 per cent, so I ask the minister to apply some cap to Bayside rates or perhaps to councils that massively exceed the average rate rises or in some way use his

power to protect citizens from rapacious councils like Bayside.

Polly Woodside Melbourne Maritime Museum

Hon. ANDREA COOTE (Monash) — My question to the Minister for Sport and Recreation on behalf of the Minister for Tourism in the other place is to do with one of the great icons in my electorate, the *Polly Woodside* Melbourne Maritime Museum. It is one of the great Victorian icons that is visited by many Victorians, visitors from other states and indeed many Japanese tourists. Many of us can probably remember the initial fundraising campaign for the *Polly Woodside*, and people in fact gave money to the *Polly Woodside* and those who did were given a model, a replica of the *Polly Woodside*.

The *Polly Woodside* museum is now under threat. Shamefully Victoria has no maritime museum like the highly successful Darling Harbour in Sydney and Fremantle in Western Australia. This is a second-rate government. In fact, the Bracks government is about to evict the maritime museum from two of the sheds it currently occupies, which would be a great loss to Victoria. Some $2 million is required to upgrade the area and protect the exhibits. I ask the minister when will he produce the up to $2 million needed to upgrade this very important icon.

Brothels: licence

Hon. B. N. ATKINSON (Koonung) — I ask the Minister for Sport and Recreation, representing the Attorney-General in another place, to raise with him an article in the *Herald Sun* newspaper which reported the conviction of a Mr Andros Kasapis, a 64-year-old man of Baralyn Road, Mount Waverley, who was jailed for 12 months by Judge Elizabeth Curtain in the County Court on a charge of assaulting an 18-year-old woman.

The circumstances of this charge resulted from a purported interview the woman undertook at a massage parlour which was owned by Mr Kasapis, according to the newspaper article, in Dandenong. This was Mr Kasapis's 10th conviction for indecent assault according to the newspaper article. What I fail to understand is how under the Prostitution Control Act this man could own a brothel.

He was reported to be the owner of a massage parlour or brothel in Dandenong. I understand the Prostitution Control Act has provisions that prohibit people with criminal convictions from being licensed by the board. I draw to the attention of the Attorney-General this matter and ask whether this man was in fact the owner of a brothel and under what circumstances was he able to obtain a licence to manage a brothel or a massage parlour, given the provisions of the act. It appears he is not entitled to own or participate in these enterprises, and he does not seem to be the sort of person we would want to be involved in that industry, as he is obviously a danger to women.

If those reports are correct I urge the Attorney-General, in keeping with the act, to take action to make sure this man and other people of his ilk do not become involved in this industry by obtaining licences from the Prostitution Control Board.

Gas: SEA Gas pipeline

Hon. C. A. FURLETTI (Templestowe) — I raise with the Minister for Energy and Resources the question I asked the minister earlier today during question time with respect to the $5000 inducement being offered to solicitors representing so-called recalcitrant farmers for each signature they procure for easement agreements.

The minister replied she had no knowledge of that conduct. Given the magnitude and significance to Victoria of the project and dubious legality of the inducements to which I referred, has the minister made any inquiry during the afternoon as to the status of those inducements and what has the minister done to stop these inducements being offered since I brought the matter to her attention?

Responses

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable David Davis requested that the Treasurer respond to him regarding certain matters relating to stamp duty. I will refer the question to the Treasurer.

The Honourable Elaine Carbines requested that the Minister for Transport investigate upgrading the Black Rock Road–Bluestone School Road intersection in her electorate to improve road safety. I will pass on that question to the minister.

The Honourable Peter Hall requested that the Minister for Environment and Conservation examine assistance to rural councils regarding landfill sites and waste management issues. I will refer that matter to the minister.

The Honourable Wendy Smith requested that the Minister for Transport respond to a certain black spot funding application. I will refer that matter to the minister.

The Honourable Neil Lucas requested that the Minister for Transport respond to him about certain public transport matters in his electorate. I will refer that matter to the minister.

The Honourable Gordon Rich-Phillips also requested that the Minister for Transport respond to him regarding a roundabout in his electorate. I will refer that matter to the minister.

The Honourable Ken Smith raised certain matters for the attention of the Minister for Transport and I will refer those matters to the minister.

In response to the Honourable Carlo Furletti, earlier today I invited him to provide me with any information he might have about the matters he raised. He has not done so. I look forward to his providing me with that information.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Peter Katsambanis raised for the attention of the Minister for Health staff and client issues in community health centres. He referred to pay rates in those centres and I will pass on his request to the minister.

Honourable members interjecting.

The PRESIDENT — Order! The Minister for Small Business is on her feet and she is entitled to be heard.

Hon. M. R. THOMSON — The Honourable Bill Baxter raised for the attention of the Minister for Health in the other place the Walwa and District Bush Nursing Hospital. He invites the minister to negotiate with his counterpart in New South Wales contributions to sustain the hospital. I will pass that request on to the minister.

Honourable members interjecting.

The PRESIDENT — Order! I ask that the discussion across the table cease so that honourable members can hear the answer of the minister.

Hon. M. R. THOMSON — The Honourable Gerald Ashman raised for the attention of the Minister for Health health services in Knox and in particular issues concerning the Peter James Centre. I will pass that on to the minister.

The Honourable Andrew Brideson raised for the attention of the Minister for Health the fluoridation of water — —

Honourable members interjecting.

The PRESIDENT — Order! I ask the Leader of the Opposition and the Minister for Energy and Resources to desist. I call the Minister for Small Business.

Honourable members interjecting.

The PRESIDENT — Order! I called for both the Leader of the Opposition and the Minister for Energy and Resources to desist. I am not interested in hearing from either of them, but I do want to hear the Minister for Small Business.

Hon. M. R. THOMSON — The Honourable Andrew Brideson asked when it was proposed to fluoridate water in rural Victoria. I will pass on his request to the Minister for Health.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I will refer the scurrilous accusation made by the Honourable Maree Luckins relating to the City of Monash to the Minister for Local Government in the other place — —

Hon. M. T. Luckins — On a point of order, Mr President, the issue I raised related to a police investigation. I did not make scurrilous accusations. I was granted leave to incorporate in *Hansard* two statutory declarations — —

Hon. T. C. Theophanous — What is your point of order?

Honourable members interjecting.

The PRESIDENT — Order! The honourable member is asked what is her point of order. The house cannot possibly find out because government members are talking over her. I understand the Honourable Maree Luckins said the matter was for investigation by the police and not for the Minister for Local Government.

Hon. J. M. MADDEN — The scurrilous accusations raised by the Honourable Maree Luckins regarding the City of Monash will be referred to the Minister for Police and Emergency Services.

In relation to the request by the Honourable Roger Hallam relating to the Horsham Rural City Council regarding the Dock Lake reserve clubrooms I appreciate the significance of the facility for the local community. On a number of occasions I have endorsed the significance of these facilities, particularly in isolated rural communities and the value those facilities provide to those communities. I will have my officers make contact with the city council to further clarify the level of support we may be able to provide to them.

Although I have not yet sighted the letter through my department, I thank the Honourable Roger Hallam for bringing it to my attention and I look forward to having representatives from the department make contact with that rural city.

I will refer the question asked by the Honourable Cameron Boardman regarding the penguin campaign on Phillip Island to the Minister for Tourism.

I will refer the question asked by the Honourable Ron Bowden regarding the possible extension of the wharf at Phillip Island for cruisers of one form or another to the Minister for Tourism.

I will refer the question asked by the Honourable Ian Cover regarding motor traders in South Geelong and associated security issues to the Minister for Police and Emergency Services.

I will refer the matter raised by the Honourable Chris Strong regarding Bayside City Council rates issues to the Minister for Local Government.

I will refer the matter raised by the Honourable Andrea Coote regarding *Polly Woodside* and associated issues to the Minister for Tourism.

I will refer the issue raised by the Honourable Bruce Atkinson regarding assault issues involving an individual and brothel licensing issues to the Attorney-General.

Motion agreed to.

House adjourned 10.06 p.m.

STATUTORY DECLARATION

I, John Jeffery Davis

Of …

In the State of Victoria.

Do solemnly and sincerely declare that

On Wednesday March 20th 2002 I was advised that Cr F. Smith was pressured to use her vote in support of Cr Geoff Lake for the Mayoralty of the City of Monash that pressure was that if she did not vote for Cr Lake her husband who is a paid employee of the Transport Workers union would be sacked.

The following day I went to the residence of Cr Smith and asked a direct question
Was you pressured to caste your vote for Cr Geoff Lake as Mayor she answered yes I was
I asked was that pressure related to your husband she said yes it was
I asked was it that your husband would get the sack if you did not vote for Cr Lake
Cr Smith said to me yes.
I then said to Cr Smith when I learnt of the threat I was sick in the guts.
I asked, had she told her Husband and she said No. I said you should tell him, your marriage is more important than protecting these scum of the earth people.
I then left.
The following day I rang Cr Smith and ask did she tell her husband she said yes.
Cr Smith in all my discussion with her in regards to this matter was very distressed.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Act of Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury/

John (Jack) Davis

Declared at Clayton

this 25th

day of March 2002

Before me P. J. Mahoney JP. 8544

(Signature)

(print) Full Name
Title under which you are authorised
Reg. Number 8544
Address
Justice of the Peace for Victoria
Reg. No. 8544
Patrick James Mahoney
18 Alice St, Clayton, 3168

STATUTORY DECLARATION

I, Thomas Graeme Morrissey

of …

in the State of Victoria

do solemnly and

sincerely declare

THAT

regarding the 2002-2003 Mayoral Election, Cr Smith made an appointment with me (Cr Morrissey) for 10.30 a.m. on 18 March to talk to me alone at my Burwood Plumbing Office. We would both then talk to Cr Peter Vlahos at 11.00 a.m.

Cr Smith said she was having great trouble supporting me. There was so much pressure on her but she would hang in there. She told me that ALP people had told her that I was not to help anybody against Bob Stensholt (ALP member for Burwood), Russell Hannan, who was standing for pre-selection for the Liberal Party, and also not to use any of the billboards that are used for my plumbing business and letters and notes to this effect. We then spoke about Cr Lake ringing her a number of times and pressuring her along party lines. She also told me she was being pressured by Anna Burke (ALP member for Chisholm) not to vote for me and to vote for a Labor mayor, not Tom Morrissey. Cr Peter Vlahos did not arrive so we finished our meeting as I had a 12 noon meeting with David Conran.

On 19 March, Cr Smith rang me to say Cr Lake met with her around lunch time for two hours plus, putting more pressure on her not to vote for me. Cr Smith said it was getting her down and she had a family member to worry about.

That evening in the Monash Civic Centre Function Room we started dining at 6.30 p.m. before the 7.30 p.m. Council meeting start. Seated at my table was my wife, Lorraine, Cr Smith and her husband, Howard Smith, Cr Peter Vlahos and one officer. At about 7.20 p.m. Cr Vlahos left the table — he had been seated on my left, Lorraine next to me on my right. Cr Smith and Cr Magee then came to my side. Cr Smith said she could not vote for me as Howard's job could be affected, i.e. he could lose his job in the Union. With that I said very little. Cr Magee then said she did not want to see me get hurt so she would put her hand up for the Mayoralty. We talked for only about a minute and left the room for the Council Chamber for a 7.30 p.m. start.

Urgent Business was called for election of the Mayor for 2002–03. Neither Cr Magee nor myself (Cr Morrissey) put up our hands so there was no need for a vote.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

DECLARED at Burwood in the
state of Victoria this 26th
day of March
in the year of 2002

Before me: Mark Phillip Von Chrismar,
Acting Sergeant, 24989

Burwood Police Station
64 Burwood Highway
Burwood 3125

Wednesday, 27 March 2002

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Lilydale Heights Secondary College

Hon. ANDREW BRIDESON (Waverley) — I ask the Minister for Education Services to guarantee that the $644 000 promised to Lilydale Heights Secondary College for a capital works program will be spent as planned by the school.

Hon. M. M. GOULD (Minister for Education Services) — The honourable member asked a question about Lilydale secondary college with respect to some — —

Hon. B. C. Boardman — Lilydale Heights.

Hon. M. M. GOULD — Lilydale Heights Secondary College. This government has spent more money on upgrading schools than the opposition did. The opposition closed 300 schools! It sacked 9000 teachers! This government has put over $2.2 billion into the education budget over the past couple of budgets to decrease the black hole left by the opposition. This government has put in money and has one in three schools undergoing upgrades as a result of capital works and improvements. We have built 18 new schools.

This government has a better record in education than the opposition has. We have put in more money in order to cater for the education needs of our students. Research clearly shows that schools that are in good repair increase the learning abilities of students. The hypocrisy of the opposition to ask such a question is outrageous. This government is committed to improving the quality and standard of our schools, unlike the opposition.

Hon. ANDREW BRIDESON (Waverley) — The minister failed to listen to the question; it was a very specific question. She did not even listen to which school I mentioned — Lilydale Heights Secondary College.

In her answer she raged about what the Kennett government did or did not do. I would like to correct the record. The Kennett government did not sack 9000 teachers; teachers took voluntary departure packages. I would also like to add that schools were closed by the Cain and Kirner governments. What I would like the minister to answer is why have schools — —

Honourable members interjecting.

The PRESIDENT — Order! The honourable member is entitled to be heard. I will not allow anyone to be drowned out in the way it was proceeding there. The honourable member should just think about 12 seconds because that is all he has left.

Hon. ANDREW BRIDESON — Why has the minister failed to tell schools about the 10 per cent across-the-board reduction in their capital works payments?

Hon. M. M. GOULD (Minister for Education Services) — As I indicated in my previous answer to the honourable member, this government is committed to improving education in our schools. Our record in improving capital works within the state education system is second to none, compared to the opposition which when it was in government closed 300 schools. We have — —

Hon. Bill Forwood — On a point of order, Mr President, both the question and the supplementary question were specifically about a particular school about which a promise was made for capital works but then had money taken away from the amount that had been initially promised. In neither answer has the minister addressed anything to do with the question. All she has done is try to divert the issue to a different situation and, in particular, to debate it. It is a quite specific question. If the minister does not know that they have cut 10 per cent off, then she should!

The PRESIDENT — Order! As I understand, the honourable member was suggesting that the answer did not address the detail of the question. Certainly the question was very specific. It related to a particular school. Therefore it would be usual to address that as part of the minister's reply. In relation to the other aspect of the reply, the minister is entitled to address that as she sees fit. I do not believe the minister has addressed the specifics of the question relating to Lilydale Heights Secondary College, and she might like to consider that.

Hon. M. M. GOULD — The government is ensuring that one in three schools in this state receive capital works improvements, and this government has put over $2.2 billion into the education budget to look after the black hole the opposition created for our schools when it was in government. This

government is committed to education, and it has ensured that the schools are improving — in contrast to the black hole the opposition left!

Youth: Mornington Peninsula

Hon. R. F. SMITH (Chelsea) — Will the Minister for Youth Affairs inform the house of the services the Bracks government is providing to young people on the Mornington Peninsula?

Hon. M. M. GOULD (Minister for Youth Affairs) — I thank the honourable member for his question. I know he has a keen interest in this area. I am pleased to report with respect to the question the honourable member asked that this government is doing more for the community than the opposition ever did. It is rebuilding the communities and it is delivering real benefits to Victorians.

As an example of this, recently in the Mornington Peninsula shire I had the pleasure of announcing a Community Support Fund grant of nearly $430 000 for the shire council to conduct a youth-focused community building project, Communities that Care. The shire will also contribute $121 000 to the cost of the project. The Communities that Care project is a model for community intervention that aims to minimise the risks to young people and to boost the protective factors that support their healthy development. This model is based on community engagement and joint action. It involves a number of organisations and is focused on the development and training of community leaders.

This project will extend across approximately 40 towns in the Mornington Peninsula shire over the next three years, and the council has already undertaken a pilot study of five towns to ensure that its project will actually work. The Community Support Fund is the result of gambling taxes that are paid in the area, and this is an appropriate way for Community Support Fund money to be spent — unlike the opposition, which spent it on a boat that sank out in the middle of the ocean! This money from the Community Support Fund will be spent on a significant project which focuses on the needs of young people in the community and identifies risks and protective factors so the community can collectively put strategies in place to prevent drug and alcohol problems arising within the shire.

The community building project is an excellent way of ensuring the government focuses on the effective delivery of services in an appropriate way that is relevant to the community — unlike the former government, which did not care about local communities and did not care about building partnerships. The fact is, it did not care about much at all!

Courtenay Gardens Primary School

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I refer the Minister for Education Services to the Courtenay Gardens Primary School capital works program to construct a six-classroom complex to replace a number of portable classrooms. The project is a jointly funded project between the department and the school at a cost of approximately $900 000. I ask the minister to confirm that the project is on time and on budget.

Hon. M. M. GOULD (Minister for Education Services) — The honourable member raised a question with respect to a $900 000 project that has been undertaken. The government is committed to ensuring that it delivers on its promises — unlike the opposition. The government has increased the education budget, it has ensured that capital works and maintenance have improved in one in three schools across the state — unlike the opposition, which left a black hole in that area. It did not do anything. It wound down the school system and allowed schools to crumble, and it did not undertake proper auditing. The opposition did not care about the education system.

The government has put $2.2 billion into the system in the last two years. It has increased the staffing in our schools, and it has one in three schools undergoing capital works programs, whereas the opposition just left the schools to crumble, did not put in any proper facilities and did not do any upgrades. This government is committed to ensuring that our schools are improving, that the facilities are up to the standard and that they meet the appropriate occupational health and safety standards.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I refer to the minister's answer where she said the government is committed to delivering on promises, and again I ask with reference to Courtenay Gardens Primary School: is it a fact that a tender for this project was supposed to be let by the end of January and that as at the end of March no tender has been let? Is it also a fact that the architects, Sinclair Knight Merz, have been instructed by the department to produce a proposal which is based on a 10 per cent budget cut to the original proposal?

Hon. M. M. GOULD (Minister for Education Services) — The government is, as I have indicated, committed to improving education in this state. It has put in $2.2 billion to improve the education system in this state, and it will ensure that the responsibilities of the schools and the desires of the schools are addressed in the appropriate way. The government will ensure that it delivers, that it improves the standards in the classrooms and the facilities within the education system, that it does it within the budget the government has allocated and that the proper tendering process is adhered to, because, unlike the opposition, it is an open and accountable government.

Small business: Vic Export

Hon. G. D. ROMANES (Melbourne) — The Minister for Small Business has previously advised the house of the Bracks government's commitment to ensuring that small business can take advantage of export opportunities. Will the minister inform the house as to any further progress on this commitment?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. We have worked very hard in being able to provide information to small businesses in relation to export, and as part of that I launched Vic Export as an electronic export assistance centre that helps businesses in the three major areas of trade readiness, trade promotion and trade financing. Unlike the previous government, which locked small business away in a little corner of the department, we are opening access for small business to all the department offers by way of assistance.

I am pleased to advise the house that Vic Export has received a gold award in the 2002 government technology productivity awards. These national awards recognise areas of government that have improved productivity and provided better service with the aid of technology, and Vic Export won gold!

Vic Export was designed to help small businesses evaluate their potential for success in the international marketplace, and since the launch of Vic Export in September 2000 over 10 000 visitors have been to the web site. Businesses in regional Victoria in particular now have online access to export information that was previously only available in Melbourne. The Vic Export web site is estimated to have provided the equivalent of over 1600 hours of face-to-face counselling by department staff. This has enabled those staff to redirect that time and to make hands-on, in-depth assistance available to first-time exporters. The current Vic Export web site has undergone considerable upgrade in response to user surveys, and it now contains four times as much information as the initial site contained. Both the content and the navigation system have been redesigned to make it easier to use.

The Vic Export web site complements the other initiatives in e-commerce and E-commerce Advantage, which all go towards helping small businesses grow and improve their access to those new technologies which will help them with their business management. This is yet another example of the Bracks government turning the state around by providing services to small business, particularly to those in rural and regional Victoria.

Schools: private investment

Hon. W. R. BAXTER (North Eastern) — My question is to the Minister for Education Services. Bearing in mind the minister's oft-repeated distaste for and opposition to privatisation, does she support the Treasurer's plans to have schools built and owned by private corporations including multinational companies?

Hon. M. M. GOULD (Minister for Education Services) — The Honourable Bill Baxter has been in this house long enough, a damn sight longer than I have, and he knows it is inappropriate to ask a question couched in such a way that it is totally inaccurate in relation to the comments of the Treasurer as reported in the newspapers.

The government is turning things around in this state, especially in the education system. We have invested a considerable amount of money to ensure we get new schools and upgrade facilities and we have recruited over 3000 new staff to the system. The government has clearly stated in the public arena that under any partnership approach, or any project in the education system, three criteria would have to be met: better facilities; value for money; and, most importantly — something the opposition does not understand — a better say for parents with respect to their school or college.

Those three criteria would have to be met and if anybody came to the government meeting those three criteria the government would examine the proposal. No such proposition has been put to the government. Unlike the previous government we are not into privatising and we are not into privatising the education system. We know what has happened to their privatisation test — it has failed and failed

miserably. We want to ensure that parents have a say in the education system, which is the opposite to what the opposition said when it was in government. It was about closing schools and sacking teachers.

Hon. W. R. BAXTER (North Eastern) — I have to confess that I find the minister's answer quite confusing. Her opening remarks were that I was incorrect and that this was not government policy. The rest of her answer seemed to support what I put forward as being government policy. I would like some clarification on that. That being so, if the three criteria she indicated are met, will schools be built and owned by private corporations?

Hon. M. M. GOULD (Minister for Education Services) — If the honourable member listened to my answer he would know that I indicated the three criteria that would have to be met and that the government would examine any proposal that is put. So it would have to be better facilities, value for money and a better say for parents.

Winter Olympics: Victorian athletes

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Sport and Recreation advise the house as to the success of Victorian athletes at the recent Olympic Winter Games and more particularly what role the Bracks government has had in assisting them to achieve their best?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Of the 27-strong Australian team that competed at the Olympic Winter Games in Salt Lake City, Victoria had 5 representatives. I congratulate them for representing not only Australia but the state: Adrian Costa, Jacqui Cooper, Alisa Camplin, Alex McEwan and Lydia Ieradiaconou.

The Victorian government is committed to the development of elite sport through the Victorian Institute of Sport. I also congratulate Adrian Costa, a VIS scholarship holder since 1997, for being given the honour of carrying the Australian flag at the opening ceremony.

Alisa Camplin produced, as we would appreciate, a historic performance in winning the gold medal in the freestyle aerials. She did this in her first Olympic outing. It was a dramatic week, with the great disappointment for Jacqui Cooper of sustaining a serious knee injury during a training jump. However, in her first winter Olympics Alisa landed perfectly in both her jumps. She has been a VIS scholarship holder for the past three years.

Credit must also go to Kirstie Marshall, a former VIS scholarship holder and Alisa's specialist coach. She has also assisted Jacqui Cooper. We share Jacqui Cooper's disappointment and no doubt she will be back in years to come to continue to compete.

One of the interesting developments in this state in aerial skiing is that many former gymnasts who are unable to continue to compete at gymnastic level because their size and maturity takes them out of that sport are pursuing skiing and aerial jumping as a career. That is being fostered by not only the government's commitment to the VIS but also its commitment to the State Gymnastic Centre which I had the good fortune to open last year.

Can I say on behalf of the government, the Labor Party and I suspect on behalf of the opposition, but you never know whether they care about these things — you can never tell — I complement all those Victorians who were part of the Olympic Winter Games, wish them well in their future competition and thank them for representing Australia and Victoria in the manner in which they did.

Liquor: licences

Hon. W. I. SMITH (Silvan) — My question is to the Minister for Small Business. Ian Urquhart of the Local Independent Liquor Stores association, which is one of the liquor groups in the four-fifths of the industry she is not talking to, claims that with the early phasing out of the 8 per cent liquor licensing cap, 200 small, family-owned businesses in Victoria will close, resulting in the loss of 1000 jobs. He also claims that many small Victorian wineries will be significantly affected, with a huge loss of sales. Is the minister aware of the job losses that will result from the early phase-out under the deal that is being brokered behind doors?

Hon. M. R. THOMSON (Minister for Small Business) — Small business holds the opposition in contempt, and well it might! The opposition did not care about small business when it was in government, and it does not care now. There have been three shadow ministers in less than three years. The opposition has no concern for small business — none whatsoever!

Hon. W. I. Smith — What has that got to do with the wine industry?

Honourable members interjecting.

The PRESIDENT — Order! The opposition has asked the question. I ask opposition members to keep quiet while the minister answers.

Hon. M. R. THOMSON — The government welcomes the discussion that is being held by the liquor industry. Over 50 per cent of the industry is part of the negotiations, and there have been wide consultations by those associations with their members about the discussions that are going on. They understand that their future resides in having the industry agree on how it will progress into the future. They understand that their future relies on ensuring that there are viable small businesses that are able to compete. It is why they want to be part of the negotiations and why they want to be part of the solution for the industry. It is a pity the opposition when in government was prepared to back-door small businesses in the industry to give a nod and a wink to Coles and Woolworths and say to them, 'Just wait until after the election and we will get rid of the 8 per cent'. But now, as the industry tries to resolve its own future and to secure small businesses a place in this industry, the opposition is carping and negative.

Hon. W. I. SMITH (Silvan) — I do not understand this government. It has 700 reviews, it consults, and this is the first time it has not had a proper consultation process with all stakeholders. This is a secret deal. Woolworths and Coles have said publicly to the market — —

Honourable members interjecting.

The PRESIDENT — Order! The honourable member is entitled to get her question out without interruption.

Hon. W. I. SMITH — Woolworths and Coles have told the market they will not carry the same range of products as independents. Small wineries in Victoria are at risk of their lines not being carried by anyone. Is the minister not aware of the impact? They are very concerned about what is going to happen to small wineries in Victoria.

Hon. M. R. THOMSON (Minister for Small Business) — It is just because Victorian consumers want access to small wineries and access to the range of wines — —

Honourable members interjecting.

The PRESIDENT — Order! I ask Mr Bob Smith, Mr Cameron Boardman and others to keep quiet while the Minister for Small Business answers the question. Also Mr Furletti, if he is in it as well!

Hon. M. R. THOMSON — It is just because Victorians want access to that kind of product that small businesses will thrive in the liquor industry. They will provide a niche for those products. It is a pity the opposition is so negative and carping as the industry tries to come to an agreement about its future.

Cruise ships

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Ports inform the house of what the Bracks government's cruise ship strategy has delivered to Victoria during the 2001–02 season?

Hon. C. C. BROAD (Minister for Ports) — I thank the honourable member for his question. The 2001–02 cruise ship season began in November 2001 and ended just last week. I am pleased to advise the house that it was the most successful season to date.

The current cruise ship strategy set as its objective a target of 31 cruise ship visits to Victoria in the 2001–02 season, and this target was achieved. It included two visits to regional Victoria and, importantly, represents more than 55 000 visitors to our state including passengers and crew.

The Bracks government's decision to invest in the further refurbishment of Station Pier was again justified when on 20 February three cruise ships, together with the regular Tasmanian ferries, occupied all berths — otherwise known as a full house at Station Pier. The government is delivering the benefits by investing in our port facilities, unlike the previous government.

At the same time as investing in infrastructure, the government has had to review security arrangements at Station Pier in the light of tragic world events last year. I am pleased to say that in consultation with the cruise ship industry we have been able to demonstrate that Victoria is responsive to the industry's needs and is able to provide a safe environment for the ships' visits.

I am grateful for the support of all Victorians in understanding that there have been times over the just-finished cruise ship season when we have had to restrict public access to Station Pier while the ships were visiting.

These arrangements have been well accepted and allow Victoria to demonstrate that it offers a safe pier

for cruise ships while at the same time providing an enjoyable experience to passengers.

It is not only Melbourne that benefits from these visits. I am pleased to advise the house that the 2001–02 cruise season has also provided significant benefits to regional Victoria, a very important priority of the Bracks government — for example, a highlight of the season was the first visit to Geelong on 21 January by the boutique cruise ship, the *Silver Shadow*, and a visit to Wilsons Promontory by the clipper *Odyssey* saw some 60 people enjoy the natural attractions of Refuge Cove.

In addition to these regional visits undertaken to date — and we are very hopeful about Phillip Island in the future — a significant number of cruise ship passengers will take advantage of opportunities to visit areas outside of Melbourne in the time that they have available. The tourist destinations include the Great Ocean Road, the Dandenongs, the Yarra Valley and Phillip Island which are all popular destinations. The Bracks government is committed to growing the whole of the state, including cruise shipping.

Gas: SEA Gas pipeline

Hon. C. A. FURLETTI (Templestowe) — I refer the Minister for Energy and Resources to her answer to my question without notice yesterday and to her response to my adjournment issue last night. In each instance the minister avoided explaining to the house her lack of action on financial inducements being offered to solicitors advising landowners on the SEA Gas pipeline route.

The minister in cross-chamber banter last night indicated that she was aware of the issue and challenged me to produce any information I may have had, which indicated that she may have intentionally misled the house earlier yesterday. Will the minister confirm that her office has been aware since last week of the conduct engaged in by SEA Gas or its consultants, which is at best questionable and at worst illegal, and will she explain why she has done nothing about it?

Hon. C. C. BROAD (Minister for Energy and Resources) — The honourable member should be very careful not to add 2 and 2 and get about 100. Yesterday I invited the honourable member to provide me with any information he has to backup these assertions. He has still not provided me with a single shred of information whatsoever. I repeat the invitation, that any information which he has to backup these assertions I would be pleased to receive and investigate. What I have indicated to the house is that — —

Hon. C. A. Furletti — Careful!

Hon. C. C. BROAD — I indicated to the house yesterday what I have just outlined. Since then I have been advised by my office that fortunately information has been provided to my office by other sources, not by the honourable member.

Hon. Bill Forwood — Last week.

Hon. C. C. BROAD — No, not last week. That information, as is the normal course of events in my office, has been referred to the department for advice, and when I receive that advice I will take the appropriate action.

Hon. C. A. FURLETTI (Templestowe) — I should advise the minister that I have spoken to people who assure me that they contacted the minister's office last week on at least two — —

Honourable members interjecting.

The PRESIDENT — Order! This system does not operate on honourable members being drowned out.

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! We have not heard the question yet. Let the honourable member ask his question and then the minister can answer it.

Hon. C. A. FURLETTI — Thank you, Mr President, for your assistance. Those people spoke to a Mr Trent Kier in your office and to a Ms Robyn McLeod who, I understand, is the minister's chief of staff in her office, and requested those two advisers to seek your assistance and intervention in the almost illegal conduct that was being conducted. This is a case of the minister either sitting on her hands or, alternatively, doing what other ministers have done — that is, wait to be found out before acknowledging the existence of inappropriate conduct. I have a letter which was delivered before the minister's answer to the question yesterday, which I am happy to read into *Hansard*, and I ask the minister: when will she intervene?

Hon. C. C. BROAD (Minister for Energy and Resources) — Once again I challenge the honourable member to provide me with a single shred of information to backup these assertions. The fact of

the matter is that he did not have the information yesterday and he was making calls — —

Honourable members interjecting.

The PRESIDENT — Order! The Deputy Leader of the Opposition has asked his question and should now keep quiet and allow the minister to respond, and others on this side should keep out as should others in the house. They should allow the minister to respond in a way that she can be heard.

Hon. C. C. BROAD — The fact of the matter is that the honourable member was ringing around yesterday trying to get hold of a copy of information which he did not put up, and that is why he has not provided it to me. A good number of telephone calls are made to my office every day. I was not made aware of this information until — —

Honourable members interjecting.

The PRESIDENT — Order! We are entitled to hear the minister. I suggest other honourable members keep quiet.

Hon. C. C. BROAD — The fact of the matter is that I was not aware of these matters. I will take the appropriate action when I have advice on these matters, unlike the assertions the honourable member is making without a shred of information to back them up.

Rural and regional Victoria: sport and recreation funding

Hon. E. C. CARBINES (Geelong) — Will the Minister for Sport and Recreation advise the house how the Bracks government's funding for sport and recreation facilities is impacting on rural and regional — —

Honourable members interjecting.

The PRESIDENT — Order! Because of the continuing conversation left over from the last question we cannot hear the honourable member. I ask her to start her question again.

Hon. E. C. CARBINES — Will the Minister for Sport and Recreation advise the house how the Bracks government's funding for sport and recreation facilities is impacting on rural and regional Victorian communities, particularly in the south-west region of the state?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In recent weeks I have had the good fortune to open a number of benchmark facilities in the south-west, the first being the Balmoral recreation pavilion and the Smythesdale community recreation centre. These facilities are benchmarks for what the government is doing in strengthening isolated rural communities. The government has delivered through local government $247 000 to the Balmoral recreation pavilion and $204 000 to the Smythesdale community recreation centre to ensure the strengthening of sporting and community facilities in every way. Those facilities include social rooms, rooms for people to come together as a community to celebrate in a real sense to assist in morale, to provide support mechanisms and in every sense to strengthen communities in rural and regional areas.

This complements the work the government is doing in the south-west in providing greater access to the funding ratios through the changing of those funding ratios across all the community facility programs. That is something the opposition did not do in government. It had the opportunity in government and pretends to care about rural and regional Victoria now, but in government it did not care and it still does not care. When opposition members go on about rural and regional areas it is clear they still do not care.

To illustrate how the government cares, over the past two years the government has invested about $6.6 million in the south-west. Some $1.3 million has been invested on 41 minor facility developments alone, including the upgrading of the Wye River playground, the Portland tennis club, the Geelong Cement cricket club, the Cavendish recreation reserve and the Warrnambool lawn tennis club. I could go on — and I will — although time will prohibit me from getting all of them out.

Honourable members interjecting.

The PRESIDENT — Order! The Minister for Sport and Recreation is keen to advise the house of a list of significant projects in western Victoria, but for some reason other honourable members do not seem to be very interested in it. I have learnt of a couple of projects in my electorate such as Balmoral and others. I ask honourable members to keep quiet and allow the minister to conclude his response.

Hon. J. M. MADDEN — I shall list a few more facilities. I refer to the Geelong Hockey Association clubrooms, the upgrade of the Panmure sporting

complex and providing funds to enable the development of the Portland Surf Life Saving Club, just to name a few of the projects within the regional allocation of $2.8 million.

This government is continuing to deliver in rural and regional Victoria with a quantum of funds but also a number of projects far beyond anything the opposition ever did in government. When the opposition cries poor it is because it left rural and regional Victoria poor and poorer when it left government.

Through the Better Pools program the government has allocated $2.5 million to the soon-to-be completed Warrnambool indoor aquatic centre as well as funding the upgrade of the Blue-Water Fitness Centre in Colac.

Clearly this signals a number of things: we are delivering and turning the state around, particularly in rural and regional Victoria. The opposition did not care in government and it does not care now. It stands for nothing and is divided. When it comes to rural and regional Victoria it does not care. When it was in government the opposition neglected rural and regional Victoria and local government. Its big mistake is that because of that the Liberal and National parties are now in opposition.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Lilydale Heights Secondary College

Courtenay Gardens Primary School

Hon. ANDREW BRIDESON (Waverley) — I move:

> That the Council take note of the answers given by the Minister for Education Services to questions without notice asked by the Honourable Andrew Brideson and the Honourable G. K. Rich-Phillips relating to school capital works program funding.

I have not yet had the opportunity to congratulate the Minister for Education Services on her appointment or to congratulate the Honourable Elaine Carbines on her appointment as Parliamentary Secretary for Education and Training. After today's performance by the minister someone will be breathing closely down her neck.

The opposition has high hopes and expectations of the minister and probably at the top of the list is that she stay in the house to be accountable to this house and its constituents. We also hope she is more successful as the Minister for Education Services than she was as Minister for Industrial Relations. We also hope she will make decisions for all students in Victoria and not just her union mates. We also hope she will be honest in answering questions to the Parliament and today we had the classic situation where she gave a stock-standard response just like the answers she gave the first day of the sittings, and when she responded to the Honourable Gordon Rich-Phillips and the Honourable Bill Baxter today.

We also have an expectation that the minister will consult and explain to schools why the government has secretly cut the funding of promised school capital works by 10 per cent. That is a disgrace. Schools are unable to work with their planning processes. I cite as an example the Kent Park Primary School, which received an allowance for the upgrade of relocatable classrooms to permanent classrooms. The school council did an enormous amount of planning but was unable to meet the budget expectations. What did the government do? Instead of consulting with the school and trying to assist it in meeting its target it abandoned the project.

I refer to Lilydale Heights Secondary College, which I referred to in my question without notice. The school has had 10 per cent knocked off its capital works budget of $644 000 which will now give it about $580 000. The school will get its classroom and upgrade but will be unable to furnish the classrooms with the necessary equipment. It is a disgrace that this is going on. The school may have to fundraise and provide its own funds to obtain the necessary equipment.

The minister gave a stock-standard response blaming the Kennett government for what she perceives it did. The minister should do some homework. She should read previous budget papers. She should talk to honourable members on this side of the house. The Kennett government refurbished practically all the schools in my province.

I refer to Springvale West Primary School and Clayton South Primary School. Those schools were neglected by the Cain–Kirner governments. Those governments cut capital works spending to schools. I give the further example of Glen Waverley Secondary College, a multimillion-dollar development. I refer to Mount Waverley Secondary College, which had a total refurbishment of a primary school site to allow the school to expand.

About three weeks ago I attended the opening of the Oakleigh South Primary School, a $2 million

relocation from its current site to the former Oakleigh South secondary college site, which was announced by the previous Kennett government, but which took this government more than two years to do. It is a disgrace that the minister is not in the house to be accountable to Parliament.

Other schools that have had their funding cut drastically are Tooradin Primary School and Colac High School. The question the minister failed to answer today should be put again. Is it not a fact that the government has secretly cut the funding of promised capital works projects by 10 per cent?

Hon. T. C. THEOPHANOUS (Jika Jika) — It gives me great pleasure to speak about the great achievements this government has had in education. Nothing gives me greater pleasure than to do that. Before I do so, let me say a couple of things: it is incredible to see the Honourable Andrew Brideson get to his feet and lecture this government about honesty and education standards. This is the bloke who set an example for students by plagiarising most of his Commonwealth Parliamentary Association report. That is the example that the Honourable Andrew Brideson set for students in Victoria.

Hon. Andrew Brideson — On a point of order, Mr President, my understanding of the take-note motion is that it must directly relate to the responses given by the appropriate minister. Mr Theophanous is now embarking on a personal smear campaign which has nothing to do with the responses given by the minister.

Hon. T. C. THEOPHANOUS — On the point of order, Mr President, it has been established that debate on this motion is wide ranging. The sessional orders allow this time to be used for debating the responses of ministers. The response of the minister regarding education in the state was wide ranging. It is appropriate when talking about education to look at the standards being applied.

If a member is seeking to uphold standards of education I would have thought one of the major standards — and I believe we have a huge problem in our education system and have had for a long time with students seeking to plagiarise work, and it happens all the time — would be that members of Parliament provide an example to our students to show that plagiarising is cheating, it is trying to get unfair advantage.

I put it to you, Mr President, that it is absolutely appropriate to be talking about plagiarising in the context of talking about education and the fact that the opposition had — and has — no standards on this.

Hon. Bill Forwood — On the point of order, Mr President, this take-note debate is about the minister's answers to specific questions asked about capital works programs. The only issues raised today in the questions that are now the subject of this debate were issues about the amounts of money being spent on capital works and maintenance programs in schools. There was no discussion about curriculum, no discussion about teachers and no discussion about any other aspects of education. For Mr Theophanous to come in now and try to make the debate about the whole state of the education system in Victoria when the questions were specifically about capital works and maintenance is totally out of order. He should not be allowed to come in here and subvert the process that is being established.

Hon. T. C. THEOPHANOUS — Further on the point of order, Mr President, very quickly I would like to point out to you that the questions were not solely about facilities at schools. In fact Mr Baxter raised questions around the issue of privatisation.

The PRESIDENT — Order! The motion before the chair is limited to the questions that were about the schools.

Hon. T. C. THEOPHANOUS — Then I would simply point out that having facilities in schools is part of providing a school curriculum and providing a school service.

The PRESIDENT — Order! In relation to the point of order that has been raised, as I said when we started these proceedings last week, the rules relating to relevance to the matter before the house are still the essential guiding light for what we do.

The motion before the house is to take note of two questions that were asked of the Minister for Education Services in relation to school facilities. The answers to those two questions are what we are debating. Any reference to plagiarism is just as relevant to this debate as it is to whether a member has received a speeding ticket or some other thing. In other words, it is totally irrelevant to the debate, so I ask the honourable member to get off that and to get on to the subject matter of the debate, which is facilities in schools.

Hon. T. C. THEOPHANOUS — Thank you, Mr President, and I thank the Honourable Andrew Brideson for helping me with my speech.

Hon. B. C. Boardman — What?

Hon. T. C. THEOPHANOUS — If you do not understand it, I am sure he does. When the achievements of this government in the areas of education, education facilities and staffing for schools are contrasted with what happened under the previous government, the contrast is so stark that it beggars belief that the opposition would come into this house with this kind of motion. It absolutely beggars belief.

Under this government the building and maintenance program included an allocation of $590 million to build better schools and TAFE institutes, including building 18 new schools and upgrading a third of the existing government schools. That is what our maintenance and building program is, and when it is compared to what happened under the previous government it is an absolute contrast that you should — —

Hon. W. R. Baxter — Show us the figures!

Hon. T. C. THEOPHANOUS — Well, I can tell Mr Baxter that the previous government closed 300 schools. That is what he did.

Hon. W. R. Baxter — You haven't got the figures.

Hon. T. C. THEOPHANOUS — And you got rid of 9000 teachers out of the system. You got rid of 9000 teachers and you closed 300 schools, that is what your record is. And you allowed the TAFE system to get into a state where by the time we came into government we had to institute rescue packages to save the TAFE system from going completely under. That is the legacy you left us. You left us a legacy of despair in the education system. That is what was left by the previous government.

This government has set about trying to address the teacher shortage with a program that has put an extra 3000 teachers into our schools. We have ensured that at least one computer is available for every five students, at a cost of $23 million. That ratio of one computer per five students is one of the best ratios in the world. I had occasion recently to address a convention on innovation in Victoria, which was a joint convention with Italy. When we told that conference about the achievements we had made in the education system in innovation, in putting education at the forefront of what we were doing to build this economy, and when we gave the statistics on the number of computers per student that we brought into this state I can tell you that that conference was very impressed indeed.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The debate this morning has been an absolute farce. We have had Mr Theophanous on his feet representing the government as lead speaker, a man who six weeks ago was removed as parliamentary secretary for education, and we have the current Parliamentary Secretary for Education not in the chamber, not leading the debate on behalf of the government.

Then we have the minister, who stood up in this chamber on the first day of these sittings and said that one of her responsibilities was student welfare. At that time the minister made a great song and dance about how student welfare was going to be a priority of hers and about how it was going be to be in contrast with what happened under the previous government. Then when we have a debate on the issue of providing facilities for students that will enhance their welfare the minister has run away. She could not get out of the chamber quickly enough following question time! It is understandable that she would have left the chamber so quickly when you reflect on the answers she gave to questions from the Honourable Andrew Brideson and me, and the answer she gave the Honourable Bill Baxter, because although it was a completely different question it received the same answer.

The minister's answers this morning are very telling. They send two messages: either the minister does not want to talk about education services or the minister simply does not know about education services. I tend to suspect that it is the latter, that this Minister for Education Services is as incompetent in this portfolio as she was in her last portfolio and is as incompetent in this portfolio as the other ministers for education in this government have been.

I refer back to issues with the previous Minister for Education, the Honourable Mary Delahunty, and in particular matters raised with her at the Public Accounts and Estimates Committee last year when in response to a question I asked her about maintenance and the physical resources management system (PRMS), which was a top-up to school maintenance funding to address the backlog left by the Kirner government, the then Minister for Education told me my question was wrong — not that she did not know the answer but that I was asking the wrong question! That is the sort of arrogance and incompetence that minister demonstrated in that portfolio, and that is what we are starting to see with the new Minister for

Education Services, the minister who was sacked from industrial relations because she was incompetent and put into this portfolio, where she continues to demonstrate that she is incompetent.

Mr Brideson asked her a specific question relating to one of his schools, and I asked her a specific question relating to the Courtenay Gardens Primary School; and not once did the minister touch upon that issue. This is a very serious issue for these schools. Courtenay Gardens Primary School has been told it is to get a new school building to provide an extra six permanent classrooms in addition to the 10 it already has. It has a number of portables on its site and it wants to replace them with a permanent building. However, the department and the government have told the school that to do this the school will have to fund approximately $180 000 to $200 000 of the $900 000 project itself with the rest of the money to come from the department.

This work was supposed to be under way now. Tenders were to be let by the end of January. During the Christmas holidays the school put in place preparations to allow this work to take place. Portable classrooms were moved and temporary work areas were set up in anticipation of this work. Half the school oval is occupied by portables to allow the school building work to take place and nothing is happening. The minister has failed to address this. She clearly has absolutely no idea of this issue in her portfolio. It is a key responsibility. This minister is responsible for facilities and buildings in the education area and she had no knowledge of this school's situation. I am also informed that not only is the department two months behind in letting tenders, the architect, Sinclair Knight Merz, has been instructed to prepare a proposal which is based on a 10 per cent budget reduction. That is another matter the minister failed to address. The question is very clear: is this school going to get the budget it was promised for this project, or is it not? Is the minister going to cut $180 000 out of it or is she not?

It is very telling that a couple of weeks ago I attended a tour of the new Narre Warren South P–12 College, which the Minister for Education Services also attended. During one of the visits to the classroom the minister was on the floor playing with the primary school children. It was a topic of conversation between me and the federal Labor member for the area that the minister was finally with a peer group she could relate to.

Hon. E. C. CARBINES (Geelong) — I am delighted to be speaking about state education. It has been very much a feature of my adult working life which has been devoted to state education. I must point out the rank hypocrisy of the opposition this morning with its condemnation of the minister and the Bracks government because unlike any of those people opposite, I taught in state schools under the Kennett government and that was a dark era for state education.

Over 300 schools were closed and more than 8000 teachers were removed from the state education system. They were dark years indeed because it meant devastation to local education communities and a poorer education for our state school students. This government is turning state education around. We have invested $2.2 million in state education, $590 million of which has been dedicated to upgrade facilities across the state. In fact, one in three schools is receiving upgrades under the Bracks government. I would like to talk about some of the schools in my electorate, because education is very much good news in the electorate of Geelong Province. Our government has recently announced the building of a new secondary college in Lara, the need for which was totally ignored by the former Kennett government.

We have opened a new primary school in Torquay, again by courtesy of the Bracks government. There is also the Ocean Grove campus of the Bellarine Secondary College, a collection of portable buildings where we are building permanent facilities. And let's have a look at the Gordon TAFE College in Geelong which had long been ignored by the previous Kennett government. Our government has invested $16 million in the Gordon TAFE College to upgrade this much-needed facility. I was out at the Gordon TAFE College on Monday and people told me, 'Thank goodness the Bracks government has come into power because we thought our days were numbered under the Kennett government'. Let's have a look at a school at which I taught — Corio Bay Senior Secondary College. It has suffered unfortunately two devastating fires in the last few years and our government stepped in immediately to provide the funds necessary to upgrade those buildings and replace the facilities that were burnt down. That building is going on at this moment.

Let's look at a really good example in my electorate of a school that had been neglected for years by the former Kennett government: Leopold Primary School was in such poor condition that it has been condemned and is being demolished. It had been left to crumble by the Kennett government. We are building a new school. We have relocated the

children to portable buildings with the support of the school council and we are building a new school. Yet we have been criticised for this by the honourable member for Bellarine, who, when this was announced, thought we were overreacting. The school had been condemned and he was worried that we were overreacting by moving children out into portables. He has recently been in the press criticising the government over its allocation of funding to rebuild the school.

I thought I would leave the last word to a constituent, Ms Alison Smith of Leopold, who wrote to the *Geelong Advertiser*. In a letter to the editor on 16 February at page 30 entitled 'We know who cares', she says:

> In attacking the present state government's achievements, Bellarine MP Garry Spry says giving $2 million towards the Leopold Primary School isn't something to crow about …
>
> …
>
> Well, Mr Spry, the school buildings didn't get that way overnight.
>
> …
>
> Of course not. The buildings had been in a horrible state of disrepair for years and it's solely because Mr Spry did not stand up for the local community and demand the desperately needed education funding.
>
> The people of Leopold know that it was only when a state Labor government was elected that something actually happened at the Leopold Primary School.
>
> Now that the Bracks government has contributed $700 000 to the Leopold Indoor Neighbourhood Centre, Mr Spry is right about one thing — Leopold has something real to crow about. It has a government that cares.

That is very much the message in education — —

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

Hon. K. M. SMITH (South Eastern) — It is a great pleasure to join in this debate and talk on issues of education, I can tell you. It is too much to hear these hypocrites on the other side of the chamber getting up trying to blame the Kennett government for things that occurred in education. I have not forgotten the $600 million black hole left by the Cain and Kirner governments when we came to power that we had to fix up! School maintenance had been neglected for years. All they had ever done for schools was give them promises, promises; they gave them nothing else. I just cannot believe it.

The Kennett government rebuilt schools. It carried out maintenance in the way it should have been carried out. In the last two years before the election in 1999 it put on average $120 million each year into the physical resource management system of school maintenance, known as PRMS, to bring them all up to a decent standard. What did this government do? In 2000–01 not one dollar was put into PRMS to upgrade those schools! Not one dollar was put into that system by this government, which is hypocritical enough to come in here and talk about what the Kennett government did not do.

This government has done nothing for education, particularly by appointing the minister it has appointed to education services. That is an insult to education, and I commiserate with the students, teachers and parents of kids in schools at the moment who are going to be totally neglected by the government. We can see that. To have a parliamentary secretary for education of the sort we have, whose last contribution in this chamber was absolutely appalling — —

Hon. T. C. Theophanous — Turn it up!

Hon. K. M. SMITH — Mr Theophanous, you got the sack from your position as parliamentary secretary for education because you did a report on school buses that you plagiarised off Mr Brideson's previous report!

Honourable members interjecting.

Hon. T. C. Theophanous — Mr President, on a point of order — —

The PRESIDENT — Order! I would not entertain one which plays on the word 'plagiarising', because Mr Theophanous has already used that. I might be anticipating, but I am just giving him a bit of guidance.

Hon. T. C. Theophanous — I thank you for your guidance, Mr President, but I thought I had the right to take a point of order in this house.

The PRESIDENT — Order! Mr Theophanous does; I am just helping.

Hon. T. C. Theophanous — And I thought I had a right to be heard on the point of order.
Mr President, I find the term 'plagiarism' when it is untrue objectionable. You have in this house on a number of occasions applied two tests to calls for withdrawal. One of those tests is whether the term is objectionable to the honourable member. I find it objectionable for the Honourable Ken Smith to suggest that I would plagiarise anything the

Honourable Andrew Brideson would or would not have written.

The second test you apply, Mr President, is whether it is objectively true or can be said to be objectively true. I put it to you that my earlier comments in relation to this word were on the basis of an admission by Mr Brideson in the paper that he had copied work from another source in putting together his Commonwealth Parliamentary Association report. So it was objectively correct for me to say that he had plagiarised work. He did not take objection to the term because he knew that it was objectively correct.

In this instance Mr Smith is simply throwing around a smear that is clearly and patently untrue. It is untrue, and in fact the report — —

Hon. K. M. SMITH — Prove it is untrue.

Hon. T. C. Theophanous — It is not up to me to answer whatever it is that Mr Smith has got in his mind. I know Mr Brideson's report on school buses was not even written by him. It was written by other members of staff because he would not be capable of writing such a report.

The PRESIDENT — Order! The Honourable Theo Theophanous, if he had been at last night's meeting of Temporary Chairmen of Committees, would have known that he has not quite stated the rules as they have been applied in the house. First of all, the honourable member has to take the objection. Secondly, the question is whether the expression is objectively offensive, not whether the allegation is true. That is a different issue.

I do not believe I have upheld an objection to the word 'plagiarism' as being objectively offensive. It is just another expression used during debate.

Hon. T. C. Theophanous — He did not ask for a withdrawal.

The PRESIDENT — Order! That has nothing to do with it. I am not talking about today. I am saying if one goes through the various expressions we have talked about being offensive — —

Hon. T. C. Theophanous — You keep changing the rules.

The PRESIDENT — Order! I am sick of Mr Theophanous making those sorts of comments. I ask him to withdraw it and apologise to the Chair.

Hon. T. C. Theophanous — Withdraw what, Mr President?

The PRESIDENT — Order! Withdraw the suggestion that I keep changing my mind on these matters. That is what Mr Theophanous's normal — —

Hon. T. C. Theophanous — Mr President, if you want to throw me out for saying that I think you keep changing your mind, then you go ahead and do it, because I am entitled to an opinion.

The PRESIDENT — Order! Mr Theophanous is entitled to withdraw the expression immediately.

Hon. T. C. Theophanous — I am entitled to an opinion.

The PRESIDENT — Order! The honourable member is not entitled to express an opinion in that form. He is reflecting on the Chair.

Hon. T. C. Theophanous — Mr President — —

The PRESIDENT — Order! I ask Mr Theophanous to withdraw, and then I can — —

Hon. T. C. Theophanous — Mr President, if you think I am reflecting on the Chair, then I am happy to withdraw.

The PRESIDENT — Order! Now I will finish what I was saying before. The test is a two-way one: is the matter objectively offensive? What I was saying — and I was not referring to today — is that I cannot recall ever having upheld the word 'plagiarism' as being an objectively offensive word. It is one that might annoy people, but it does not pass the threshold. That is the point I am making. In no way can I comment on the veracity or otherwise of the allegation that was made. I have read Mr Theophanous's report. I have not read any other report to compare it with.

Hon. T. C. Theophanous — It was not publicly available.

The PRESIDENT — Order! So the question is — —

Hon. T. C. Theophanous — You suppressed it.

The PRESIDENT — Order! There is no point of order.

Hon. K. M. SMITH — Thank you for that ruling, Mr President, because Mr Theophanous is a failed

parliamentary secretary for education. His report on school buses has been absolutely lost on this government. It took up none of the issues he raised. I do not know how much it cost the education system, how much would have come out of capital works funding that could have gone into schools to have him running around the state making out he was doing a report on school buses. It came to nothing. No wonder they sacked him, and they will probably sack her too on the basis of her speech today!

Hon. T. C. Theophanous — On a point of order, Mr President, you ruled me out of order in an earlier ruling on the basis of relevance. I would argue that, since this debate is meant to be about school facilities in buildings and so forth and capital works, the question of buses and the bus review I conducted is not relevant to the questions that were asked of the minister. Therefore, I ask you to rule the honourable member out of order and ask him to address the actual issues.

The PRESIDENT — Order! The issues raised in the debate have not been confined to school facilities. We have also talked about the extra teachers that have been made available and additional facilities in TAFE institutions, which are not directly, if you like, schools. I think Mr Theophanous has made his point. The honourable member, I am sure, wants to get on to something else.

Hon. K. M. SMITH — I do, because there are a large number of issues that we can talk about. There are a number of schools we can talk about that have been robbed by this government of funding that was promised to them.

The Tooradin Primary School was promised $1.3 million to build some permanent classrooms — a school that was entirely made up of portable classrooms. They went out to tender, got all of the tenders organised, started on the project, then they were told to take $200 000 off the project. What did that do to the school? Apart from knocking its morale around, it also robbed them of $200 000 of work that could and should have been put into that school. I am not sure where this penny pinching has come from, but it may well be from the Minister for Education Services.

We have another school, Langwarrin Park Primary School — another school made up of portables — that at long last looked towards getting some permanent classrooms. They went out to tender, got everything started, and when they were nearly finished the job they were told they were having 10 per cent knocked off the value of their tender and they had to look towards cutting back. What they did towards cutting back was to take away all of the dado timber in the school. Dado timber is great for maintenance, because when things get knocked into the walls and so forth it is not a problem when you have timber up there. When it is just plaster, which they had to put in, there are problems with kids knocking holes in walls.

The government has again stolen from that school; it has taken away 10 per cent of its good money and made it put in something inferior to what should have been put in. That is what we are objecting to, and the fact that the government has taken away the 'Job guide' booklets for Wonthaggi Secondary College, as detailed in a letter of complaint that has gone to the minister. Good money has been taken from the school. The school has 145 students in year 10, but they have only one 'Job guide' between them. They cannot sit down and discuss the guide openly in class because they have only the one guide to pass around. They cannot use the computers because the computers are being used by everybody else.

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

Motion agreed to.

Schools: private investment

Hon. W. R. BAXTER (North Eastern) — I move:

> That the Council take note of the answer given by the Minister for Education Services to a question without notice asked by the Honourable W. R. Baxter relating to private investment in school infrastructure.

It is disappointing that the minister fled the chamber immediately after question time had concluded because the government went to the people on an openness and accountability policy platform and has repeated that mantra time and again since it came to office. Yet, given the chance to be open and accountable, it failed to be so. It demeans Parliament that we have a debate specifically about an answer given to a question but the minister refuses to be in the chamber to listen to the debate. That undermines the parliamentary process and system. I certainly believe it does no credit to the minister or the government, particularly when both have made such a big deal about being open and accountable. Their credibility is certainly on the line.

As I said in my supplementary question, the minister's answer to my original question was

confusing. She said the policy did not exist, then she set out the grounds on which the policy can be implemented. She cannot have it both ways. I believe I hit the mark when I said that this is the policy.

I do not have any particular objection to private investment in infrastructure provisions, but I object to the hypocrisy and double standards of the government and the minister, who on the one hand so often comes in here and rails against privatisation of the electricity industry or privatisation in transport or whatever but completely overlooks what benefits may have been delivered to Victorians, and in particular to the taxpayers of the state, yet on the other hand is prepared to embrace that very policy when it suits her and the government. She and the government cannot have it both ways.

Similarly the minister cannot come in here and give stock-standard answers to different questions, which is what happened today. Goodness knows what the party of schoolchildren sitting in the public gallery thought during question time when they heard the Leader of the Government — presumably one of the most competent people in the chamber, they would think, if that person is the Leader of the Government — give the same answer to three or four different questions. How on earth will those young people ever form a good opinion of the parliamentary system and democracy if that is the example they see put before them?

Then Mr Theophanous comes here and rolls out the same old mantra we heard from the minister — that is, 'We are doing better as a Labor government than that dreadful coalition government did'. When I challenged Mr Theophanous to give figures to the house he did not do so — not, I suspect, because he has not got them but because the actual figures do not back up the big lie that the government wants to promulgate around the countryside.

It says the former government did nothing for schools but the present government is doing a lot. The people will not believe that because the evidence tells us otherwise. In my electorate in one particular year the education budget of the former coalition government for school refurbishment and school renewal was greater than that expenditure had been over five years of the Cain and Kirner governments.

Hon. T. C. Theophanous — Rubbish!

Hon. W. R. BAXTER — Mr Theophanous can come to my electorate and I will take him to the schools that were refurbished by the former government, because we know what the Cain and Kirner governments did to schools: they let them run down.

I will also deal with the mantra the house got from both the minister and Mr Theophanous: 'You closed schools'. Yes, some schools were closed, exactly as they are now being closed by this government. The Lexton school and others have been closed by this government. It is a natural phenomenon as populations change. Large schools to accommodate 1200 students were built to cater for the baby-boom period, but their enrolments have fallen to perhaps only 200. Of course it was stupid to have them continue to operate.

In my electorate not one school was closed against the will of the local population. Yes, there was some consideration and some angst, but nobody has complained to me since. However, a lot of constituents have come to me and said, 'My child is getting a better education now that he or she is in a class of 20 or 21 instead of being the only student in grade 5'. They may have had concerns at the time, but the proof of the pudding is that they now believe it was the correct decision.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Environmental accounting and reporting

The PRESIDENT — Order! I call Mr Theophanous.

Hon. Bill Forwood — I have a point of order, Mr President, in relation to the issue we are about to deal with. Recently we changed the sessional orders so that on the presentation of committee reports the chairman or other member of the committee presenting the report may move, without notice, that the Council take note of the report, and a member may speak for 5 minutes on such a motion.

The first I knew of this Public Accounts and Estimates Committee report being tabled today was when I came into the chamber at 9.55 a.m. and saw it on the blue sheet that shows the order of business of the house. I was aware that Mr Rich-Phillips was the chairman of the PAEC subcommittee that produced this report; he was unaware that the report was being tabled today. The deputy chairman of the PAEC, Mr Hallam, was also unaware that the report was being tabled today.

The practice of this house is that we do not ambush people, that people have the right to speak and that they are informed of what will be happening next and have the capacity to prepare themselves to debate the issues. It seems to me that a sneaky deal has been done between the chairman of the PAEC in the other place, the honourable member for Geelong North, and Mr Theophanous to ambush other members of the committee so they would not be prepared or have the opportunity to be prepared to debate the report today in the 5 minutes we have agreed they should have. It is an outrage that this should take place.

Hon. T. C. Theophanous — What is your point of order?

Hon. Bill Forwood — The practice of this house has always been that either the most senior person on the committee — in this instance, the deputy chairman of the PAEC, Mr Hallam — would table the report or the chairman of the subcommittee that produced the report — in this instance, Mr Rich-Phillips — would do so rather than a committee member, in this case Mr Theophanous, coming to a secret arrangement with a member of his own party.

I seek your guidance, Mr President, so that in future whenever a report is to be tabled in this place in this manner every member of the chamber has the capacity to know beforehand that the report is being tabled and therefore has the capacity to be prepared to speak on the tabling.

Hon. T. C. Theophanous — On the point of order, Mr President, I take objection to the inference made by the Leader of the Opposition in relation to this matter. For him to accuse me of sneaky deals is a bit much, given the sort of sneaky deals he has been involved in lately.

This is not an ambush, and if we are going to talk about convention it is the Honourable Roger Hallam who recently refused to follow convention and allow the government to have the deputy chairman in the so-called Reeves inquiry — —

The PRESIDENT — Order! The point of order relates to the procedures we are following at this stage.

Hon. T. C. Theophanous — I am happy to address that, Mr President. In terms of the procedures, I was certainly present when the report was agreed to by the committee and the committee was told that the report would be tabled this week in Parliament.

Hon. R. M. Hallam — That is not true.

Hon. T. C. Theophanous — You have your own interpretation. The committee was told when I was there that the report would be tabled. In terms of the question that has been raised by the Leader of the Opposition in relation to seniority, I make the following points. First of all, I have been a member of the Public Accounts and Estimates Committee for a longer period of time than any other member of whom I am aware. That is the first point. The second point is that this particular report — I was going to make these comments in my contribution — is the final report of the Public Accounts and Estimates Committee on environmental accounting. I am the only member who was associated with the initial report and, indeed, with the commencement of this second — —

Hon. Bill Forwood — No-one knew you were doing it today.

Hon. T. C. Theophanous — I believe the committee was — —

Hon. Bill Forwood interjected.

Hon. T. C. Theophanous — It is not my role. I was asked to do this by the chairman of the Public Accounts and Estimates Committee, and I agreed to do it.

Hon. Bill Forwood — He asked you?

Hon. T. C. Theophanous — Absolutely. So far as the process is concerned, I do not believe any rule of this house has been breached as a result of my being asked to table this report. I have been the member most associated with this particular inquiry, as I was on both the previous inquiry, which did the initial report, and on the inquiry which did the final report that is currently being produced, so I have more experience than anyone else on this issue.

Hon. Bill Forwood — Further on the point of order, Mr President, I have no intention of getting into a debate with Mr Theophanous about how much he knows and does not know as we would be here forever. The point I really want to make is that the practice of this house is that people have an opportunity to be prepared to make their contributions. What happened today is an abuse of the process of the house.

Mr Theophanous is about to move a take-note motion on a report which other members of the committee — including the deputy chairman of the

committee and the chairman of the subcommittee that produced the report — had no idea was being tabled. That is wrong. We need to put in place in this house a mechanism that upholds the normal practice so that people have the opportunity to be prepared and not ambushed.

The PRESIDENT — Order! To clarify the role of the Council in this matter, the arrangements for presentation of reports is entirely a matter for the committee. What happens is that the Clerk of Committees receives the report for tabling and all the tabling documentation — in other words, the report comes to us with a reader already prepared for it to be presented by Mr Theophanous. The house has no role other than that. The question of what the arrangement is as between members of the committee is a matter for the committee.

I do not uphold the point of order because it is not a matter that affects the procedures of this house. I suggest that the parties should be talking about these things. There could be a way around this by moving a motion on Thursday at which time everyone would have plenty of opportunity to talk about it because they will then know it is coming up. However, that is a matter for the house at the moment.

I cannot uphold the point of order because the house is merely the recipient of the report. The committee decides in its own processes who will table it.

Hon. Bill Forwood — Thank you for your ruling on this issue, Mr President. On a further point of order I am aware that periodically chairmen of committees meet with you and the clerks to discuss the relationships between committees and the Parliament. I would appreciate it, Mr President, if the next time that committee meets a conversation could be held under your guidance so that we do not find ourselves in the situation we find ourselves in today, where a report is being tabled without the knowledge of other members of the committee and without the opportunity for them to respond.

The PRESIDENT — Order! Mr Forwood raised the suggestion, and in my discussions with the Speaker I can suggest that to him.

Hon. T. C. THEOPHANOUS (Jika Jika) presented final report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. T. C. THEOPHANOUS (Jika Jika) — I move:

That the Council take note of the report.

This is the second and final report on environmental accounting and reporting by the Public Accounts and Estimates Committee.

Hon. Bill Forwood — You are reading a prepared speech.

Hon. T. C. THEOPHANOUS — I am reading my notes.

Hon. Bill Forwood — These guys did not get an opportunity to prepare notes.

Hon. T. C. THEOPHANOUS — I wrote them just now. The first report — with which I was also associated — tabled in the previous Parliament was, I believe, ground breaking, and is quoted extensively in both academic and political circles.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — The Honourable Bill Forwood would like me to acknowledge his contribution during the previous Parliament as chair of the Public Accounts and Estimates Committee, and I am happy to acknowledge that contribution, although it is a pity Mr Forwood does not acknowledge in the same gracious way my contribution both to that committee and during the course of this committee in pursuing this very important issue of environmental accounting and reporting.

This report builds on that first report. This report is based, as was the first report, on the idea of extending the bottom line of reporting to include the environment. Indeed, we have had a lot of discussion over the last few years about triple-bottom-line reporting, and in my judgment the environment is an extremely important component of that triple-line reporting concept.

The report argues that the environment should be included not only in the reporting mechanisms but in the decision-making processes of both business and government, and goes on to also support state-of-environment reporting and the appointment of a commissioner for ecologically sustainable development.

The report is also meant to be educative for both government and business, and it is important that the educative component be understood and appreciated

because part of the goal that the committee saw as important was to try to educate business in particular but also government through the state-of-environment reports that it is not against their interests for businesses to do environmental reports and to have such reports as part of their normal reporting structures.

The report puts the view that there is no real conflict between prosperity and protecting the environment and that the companies that care for the environment are likely to improve — not reduce — their bottom lines. The report makes 39 important recommendations, and I believe all members will be able to use the report as an important resource, particularly when it is taken in conjunction with the first report of the Public Accounts and Estimates Committee in this area which, as I have said, is a groundbreaking report.

This report deals in particular with state-of-environment reporting, an important aspect of environmental reporting, so it is a very important report, but it also deals with the establishment of a commissioner for ecologically sustainable development, which I think is something we need to facilitate state-of-environment reporting and to care for the environment.

I conclude my remarks by saying that companies need to do more. Whether we ultimately go down the path of forcing companies to do environmental reporting or not is still an open question, but it is something that is extremely important for companies to take up in their own right.

I thank the staff of the Public Accounts and Estimates Committee and I acknowledge the research support provided by John Knowles in preparing this important report.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased to rise to speak on this final report from the Public Accounts and Estimates Committee in my capacity as chairman of the subcommittee inquiry into environmental accounting and reporting.

I note the unfortunate circumstances surrounding the tabling of the report this morning and I also indicate that it is my understanding through conversations with the deputy chairman of the committee, the Honourable Roger Hallam, that it was Mr Theophanous's request to the chairman the honourable member for Geelong North in the other place, Mr Loney, that resulted in his tabling the report this morning, not the other way around.

Hon. T. C. Theophanous — You're a liar!

Hon. G. K. RICH-PHILLIPS — On a point of order, Mr Acting President, Mr Theophanous has made an allegation against me and I ask that it be withdrawn.

Hon. T. C. Theophanous — On the point of order, Mr President, Mr Rich-Phillips suggested that what I had said about Mr Loney approaching me was untrue. In that sense it reflected on the truthfulness of what I put to the chamber so my response was directly in relation to that comment on the part of Mr Rich-Phillips. I am happy to withdraw the word 'liar' because it is unparliamentary. However, Mr Rich-Phillips's comments are untrue.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! Do you withdraw the comment?

Hon. T. C. Theophanous — Yes.

Hon. G. K. RICH-PHILLIPS — I would like to thank my subcommittee colleagues on the inquiry, the Honourables David Davis, Bill Forwood, who served for a brief period, Roger Hallam and Theo Theophanous, and the chairman of the committee, Mr Peter Loney from the other place. In particular I record my thanks to the Honourable Roger Hallam for the work he did in this inquiry. As Mr Theophanous did, I also acknowledge the work of the staff of the committee, Michele Cornwell, the executive officer, and Mr John Knowles, who for a significant period served as the research officer on the inquiry.

As Mr Theophanous noted this was a follow-up inquiry to one which took place in the previous Parliament. I understand that was chaired by Mr Kim Wells, the honourable member for Wantirna in the other place. It was our intention to build upon the work done by that inquiry and a number of areas were canvassed during the inquiry. Mr Theophanous has touched upon a number of those, including the commissioner for ecologically sustainable development. That was a key area investigated by the committee because it had been a plank of the election platform of the Bracks government which consisted basically of a policy of introducing the office without a framework about how such an office would work. It became a fairly important role of this inquiry to investigate and report on ways the office of commissioner could be established and implemented

and the types of roles and objectives such an office could have. Other areas investigated include: state-of-environment reporting; the nature of such reporting in terms of the time frames; elements that should be included; whether private sector involvement should be compulsory; and whether local government involvement should be compulsory. Recommendations have been made in those areas.

Other areas canvassed include environmental accounting, which covered the role the private sector has in reporting on its environmental impacts and effects. It goes to the issue of triple bottom line which, as Mr Theophanous has touched on, is an issue of growing importance and interest in this country and in other jurisdictions. We were fortunate in being able to take some wide-ranging evidence in this regard, having received 42 written submissions and taken evidence from a number of witnesses at public hearings in Sydney, Melbourne and Canberra during the inquiry.

The other area which the inquiry investigated was the issue of environmental levies which have been used in a number of jurisdictions, particularly in local government in New South Wales but as yet little used in Victoria. They point the way to future programs as we are now hearing about with carbon taxes.

So a whole range of issues were canvassed in the inquiry. Because it is in the nature of the field being so new and committees of the Victorian Parliament having such limited resources we were not able to fully explore and report on the issues that we would like to have covered in the report.

In conclusion, I suggest that the report that has been presented today poses more questions than answers, but it provides a framework for the government to move forward in the area of environmental accounting and reporting.

Motion agreed to.

FREEZA PROGRAM

Hon. I. J. COVER (Geelong) — I move:

That this house condemns the government for slashing funding by stealth for the Freeza program and calls on the new Minister for Youth Affairs as an act of good faith towards young Victorians to match the Liberal Party's commitment to increase funding to $3 million annually on a recurrent basis.

In commencing my contribution today I am nervous because I note that the 5-minute clock is running. As I understand it under the new sessional orders for this debate, there is no time limit and I am a bit anxious to see the 5-minutes showing on the clock up there.

Hon. M. M. Gould — It is 3 hours. The clerks have not quite got it right yet.

Hon. I. J. COVER — I see, thank you.

Hon. M. M. Gould — They haven't got their licence yet — they are still on training wheels!

Hon. I. J. COVER — I wish the clerks well with their operation of the newly placed clocks in the chamber. Perhaps they need to talk to some of the Freeza providers who operate the lights at some of the Freeza functions around the state!

The opposition is raising this matter today because the provision of Freeza programs and funding has been a hot topic and of great concern and interest among the young people of Victoria for the past 12 months — in fact going back to the budget last year.

The opposition is raising the matter at one of its first opportunities, given a new Minister for Youth Affairs has been appointed. In keeping with other comments made this morning acknowledging the changes that have been made by the government, I take the opportunity to congratulate the Honourable Monica Gould on her appointment as the new Minister for Youth Affairs. At the same time the opposition pays tribute to the previous Minister for Youth Affairs. I am not sure whether young Victorians will join me in that tribute because it was during the Honourable Justin Madden's time as Minister for Youth Affairs that the Freeza program suffered the funding cuts that we are discussing this morning.

At the same time we are giving the new Minister for Youth Affairs the opportunity to match the Liberal Party's commitment — announced last month — not only to restore the funding, but to increase it by 50 per cent on a recurrent basis, so the young people of Victoria who provide and attend Freeza events around the state know that the money is there for the life of a Liberal government. I trust the minister will be able to match that during her contribution today so that the congratulatory tone of my introduction can accompany her contribution and indeed her entire time as Minister for Youth Affairs, however long that might be.

In her previous area of responsibility as the Minister for Industrial Relations she was frequently informing the house of her role in that area as an honest broker, so here is a challenge and an opportunity for her to show that she can broker a deal with young Victorians by giving them the sort of funding that Freeza deserves — the sort of funding that was pledged by the Liberal Party last month.

The issue was first canvassed in this house by way of debate last June when we were discussing the government's failure to young Victorians in general. Freeza was one of several topics raised in that debate and it was one of the first times that it was put on the record that the Freeza funding had run into all sorts of problems because of the then minister's bungling of the budget process by not being able to secure the $2 million that had been there in the 2000–01 financial year. In fact $1 million had been allocated for the last six months of 2001. The minister proceeded to give the house verbal undertakings — 'she'll be right mate, no worries, the money will be there' — and during that debate I said that although I did not doubt the minister's word, that I would like to see it in writing.

The place for that would have been in the budget but it was not. The opposition challenged the then Minister for Youth Affairs to put in writing that the funding would be maintained at the level of $2 million a year — which would mean another $1 million for the period from 1 January to 30 June 2002. Unfortunately the opposition was not able to get it in writing at that time, but eventually something in writing came in December on one of the last sitting days of the spring sittings.

Hon. A. P. Olexander — The very last day!

Hon. I. J. COVER — The very last day I am informed by the Honourable Andrew Olexander, and he would know because he had placed a question on notice with the Minister for Youth Affairs regarding the funding for Freeza for the first six months of this year — which is the second six months of the financial year 2001–02.

An answer to the question on notice was provided on the last day of sitting. We had for the first time something in writing from the minister to the effect that funding for the six months was being reduced from $1 million to $700 000, a $300 000 cut and a 30 per cent slashing of the Freeza funding for a program that has been talked about not only by me but by other members on both sides because of its value and importance for young people in Victoria.

Finally we had something in writing to say that funding had been slashed. As the wording in the motion says, the slashing of funding has been done by stealth. A question on notice was answered on the last day of the spring sittings and handed to the Honourable Andrew Olexander as if it were a shopping list, 'Here you go, pick up the bread and milk on the way home, but by the way we are taking $300 000 out of the Freeza funding'.

Not only is it not good enough that funding was cut but the minister avoided the responsibility of admitting it throughout the discussions from June through to December. Finally the answer to the question on notice was introduced on the last day of the sittings. Understandably Freeza providers and the young people who attend, organise and run Freeza events, were bitterly disappointed. They were not only disappointed that the funding had been slashed but that it was done in such a manner. The minister had led them on by saying the money would be there and then we discovered it early in December, around the Christmas holiday period when it would go unnoticed. However, it did not go unnoticed by us in the Liberal Party, and I am sure it has not gone unnoticed by our colleagues in the National Party who in country Victoria are hearing the feedback about this government's action.

Hon. E. J. Powell — They are angry.

Hon. I. J. COVER — They are indeed very angry. It was also noted by the Youth Affairs Council of Victoria, the peak youth body, which is also similarly angered by the cut. It carried out an analysis of the Freeza program and its benefits for young people which will be canvassed later in this debate.

As I have said through the wording of the motion today, I give the new minister the opportunity by calling on her to not only reinstate the funding but match the commitment of the Liberal Party. The minister made a pre-emptive strike yesterday during question time, when asked by the Honourable Jeanette Powell to reinstate Freeza funding, and her subsequent supplementary question, by saying on three occasions that funding started at $1 million and under her government's operation it had been increased to $1.7 million. There was no mention that it had gone from $1 million to $2 million and back to $1.7 million as if this were some breakthrough, only that it had gone from $1 million to $1.7 million.

That is a tricky or slippery way of saying, 'Yes, we have increased it from $1 million to $1.7 million'. An honest broker would have said, 'We increased it

to $2 million and then cut it back to $1.7 million, but I am going to see that we whack it back up there'. It would be a good start in her new role as the Minister for Youth Affairs, and she has that opportunity today to get off to a good start, not only by reinstating the funding but by doing better than that and matching the Liberal Party's commitment of $3 million recurrent annual funding.

The Freeza program was commenced by the previous Kennett government. In going through the file — much of which has been swamped by press clippings from around the state on this issue and which I shall share with the chamber shortly — I found a news release from Thursday, 28 November 1996, when the Kennett government was in power, issued by the then Minister for Community Services, the Honourable Denis Napthine. Given that the second Kennett government had been elected in March 1996, it took only eight months for this initiative to be up and running for young people in Victoria.

Hon. A. P. Olexander — Action, not words.

Hon. M. M. Gould — Stop prompting.

Hon. I. J. COVER — I welcome prompting by my colleagues, because that is where I get support on this side of the house. I trust that I will not be prompted as much as the minister in the past, and more than likely will be today. The press release states:

> First six Freeza events set to go.
>
> Victorian teenagers in six different regions will next month get their first taste of Freeza, an innovative program of drug and alcohol-free entertainment.
>
> Freeza events will be staged at Frankston, Dandenong, Broadmeadows, Geelong, Wangaratta and Wodonga as part of the $4 million, four-year state government initiative to combat the harm caused by drug abuse through the provision of drug and alcohol-free entertainment for 14–18 year olds in a safe and secure environment.
>
> Dr Napthine said the Freeza events offered a much-needed form of entertainment for this age group.
>
> Dr Napthine said Freeza was a major initiative for young people, organised by young people, with the concept designed with the input of a reference group of young people who also chose the name Freeza through a competition project.

Young people were involved in the Freeza program from its very inception. In November 1996 it started at six venues, and we now know that it was so successful it expanded to 60 Freeza providers around the state. It has been a great project, and I trust that it will continue with the right amount of government support not only for the activities and interest of young people but also to provide opportunities for them to showcase their talents not only as organisers but also by performing at Freeza concerts.

One of the earliest success stories of the Freeza program was the band Killing Heidi, which would be well known to members on both sides of the house. On 11 January when the news started to get out that the government had slashed Freeza program funding by $300 000 for the remaining six months of this financial year the Killing Heidi frontman, Jesse Hooper, learnt of it and is reported at page 13 of the *Herald Sun* of Friday, 11 January, as attacking:

> … the state government's funding cut of the Freeza youth entertainment program saying, it would leave a gaping hole for kids in the country.
>
> Hooper, 21, who credits the Freeza and Push programs with giving his and teenage sister Ella's chart-topping band its earliest breaks in Violet Town, said the $300 000 funding cut would be devastating for Victorian regional youth.

Jesse Hooper went on to say:

> The government should be putting more funding into these activities, not less, and encouraging kids to enjoy their own towns instead of forcing them to move to the city.
>
> And with less to do, kids are more likely to play up and turn to crime and drugs.

During question time earlier today we heard the former Minister for Youth Affairs in responding to a question about sporting issues go on about how he and the government care about regional and rural Victoria, unlike the previous government.

It is evident from my contribution that the previous government cared about rural and regional Victoria by establishing the Freeza program and by the words I have just quoted from Jesse Hooper, who hails from Violet Town.

Hon. N. B. Lucas — What did he say?

Hon. I. J. COVER — There is a brother and sister combination. He said these cuts to funding would be devastating to Victorian regional youth. So who are the ones who do not care about regional Victoria and young people in regional Victoria? It is clearly the government, and that is the reaction of people such as Jesse Hooper, who fronts the very successful band Killing Heidi, which got its break from performing at Freeza functions.

While I am referring to reports in the *Herald Sun*, I indicate that it has introduced a Youth Forum page

on Mondays and 10 days after the contribution from Jesse Hooper, Meghan B, aged 17 years, wrote to the Youth Forum page of the *Herald Sun* with a reaction and contribution that I believe would be typical of young people in Victoria who are angered and disappointed by the funding cuts to the Freeza program. Meghan was reported in the *Herald Sun* of 21 January as saying:

> I read with disgust that the state government plans to cut funding to youth organisation Freeza by $300 000.
>
> Shame. Rather than cutting this money from the budget altogether, the government should use some initiative and give it to the towns who will use it.
>
> Shame also to the communities who have not been fully using the money …

They may not have the money any more because of these cuts. Meghan B was disgusted by the cuts and I am sure many other young Victorians were equally disgusted as well.

It is interesting to hear from people who work in country Victoria and not just the young people who will organise and attend these events but people involved in working with local government, because local government often has responsibility for providing activities for young people. I note the work of the Economic Development Committee under the chairmanship of the Honourable Neil Lucas. During last year the committee travelled around country Victoria conducting an inquiry into structural changes in the Victorian economy. On 12 September last year it met in Rochester. This hearing predates confirmation from the government that funding was to be slashed, but we all knew it was coming because the minister's assurances were not being believed. During the hearing in Rochester Mr Paul McKenzie, the manager of aged care and disability services, Campaspe Shire Council, gave evidence to the committee.

I am informed that the Honourables Andrea Coote and Geoff Craige were present at that hearing and that the Honourable Bill Baxter was in the audience and was welcomed by the chairman, who said it was good to see him take an interest in the proceedings of the committee, as I am sure we all do. As well as talking about his responsibilities for aged care and disability services Mr McKenzie talked about issues confronting young people in smaller towns in country Victoria. He said:

> We are the ones with the blowtorch applied to us. We have one youth worker for the entire shire. The Freeza program, which has been an outstanding success with the alcohol-free entertainment, has had its funding cut in half.

He was on to this very early:

> We now have what was once an adequate service, of having entertainment once a month, now down to a couple every year, and that is about it.

If that is last September and they were already facing the blowtorch, as Mr McKenzie put it to the Economic Development Committee, one shudders to think what is happening to young people now the funding cut has occurred in the area. The Honourable Geoff Craige in a discussion about the withdrawal of services and the cutting of funding asked Mr McKenzie:

> Won't that have an absolutely dramatic effect here then?

Mr McKenzie said:

> It has had an enormous effect. If anything, we had been hoping that was going to be doubled or tripled …

Which is a reasonable expectation because people know what a successful program Freeza has been and the government, I acknowledge, initially did increase the funding. There might therefore be further expectation that it would continue at that rate or be increased further in line with what the Liberal Party committed, should it be elected at the next election. Mr McKenzie said it should have been doubled or tripled:

> … because it had been such a fantastic initiative. It was so well supported here. I think they had four or five functions where they had a full house. You could not get any more people in the biggest nightclub in Echuca. It was an absolutely fantastic success and now it has basically gone. That was really disappointing.

Mr Craige asked:

> Did you have to put an application in and was that rejected, or has the funding just been cut?

Mr McKenzie responded:

> The funding has just been cut across the board. It has been cut in half and you will get basically half of what you got last year.

An employee of the Campaspe Shire Council was articulating to the committee last September about the effects of cuts to the Freeza program in country Victoria.

Hon. N. B. Lucas — It is a disgrace.

Hon. I. J. COVER — It is a disgrace, as Mr Lucas points out.

The minister has moved on and a new minister has been installed whom we trust will take up the

challenge not just to restore the funding, but to match the commitment of the Liberal Party. That commitment of the Liberal Party was given in early February this year. At a rally of young people from around the state on a Saturday morning on the steps of Parliament House that commitment was made to young people who had travelled from many parts of Victoria. It was tremendous to meet and talk with them along with the Leader of the Opposition, the Honourable Denis Napthine, and my colleagues the Honourables Andrew Olexander and Gordon Rich-Phillips, who take a great interest in youth affairs and who are great supporters of the Freeza program.

In talking to these young people on that morning on the steps of Parliament House we learnt more about the anger at the slashing of funding, the manner in which it had been done and the way they had been kept in the dark and given assurances by the minister that amounted to a cut in funding rather than something that would encourage and continue support at previous levels.

At that announcement the Liberal Party said that a future Liberal government would boost funding to $3 million a year. I remarked earlier that was a 50 per cent increase on the best that the Labor government has been able to deliver. A future Liberal government would secure recurrent funding at that figure so that the program was not riddled with instability and being run on a year-to-year basis. It also said that a future Liberal government would recognise Freeza as a program of priority for young Victorians.

This announcement coincided with the substantial coverage given to the crisis among young people who were involved with chroming. Honourable members on both sides of the house were aware of the coverage that issue had and the concern which all have that young people fall into these activities if there are not more positive opportunities for them to lead more fulfilling lives. Sadly, we heard at that time how that practice was actually condoned by the then Minister for Community Services.

Hon. M. M. Gould interjected.

Hon. I. J. COVER — I stand corrected. She was aware of the practice occurring.

An Honourable Member — Eventually.

Hon. I. J. COVER — Eventually she was aware of it; so I am not correct in saying ‘condoning’ or ‘sanctioning’. I was looking for the right word: let’s say the minister was aware of it, and you trust that more positive things could be done to assist young people than being aware of these things and allowing them to continue.

As I said at that rally, we were able to point out — and it has been pointed out more widely across Victoria — that the government funding cuts to Freeza were sending a message to young Victorians that the government did not care about giving them entertainment that is drug and alcohol free and was restricting their opportunities to excel as musicians and performers.

We want to see this program funded properly. It is not as if the current government does not have the resources to do it. This was pointed out to us by a number of young people as we spoke to them at the rally. ‘The $300 000’, they said, ‘in the scheme of things from what we have been reading in the papers and what we hear through the media does not seem like a whole lot of money when we read and hear about the Bracks government wasting $80 million on the Metropolitan Ambulance Service (MAS) royal commission’. Can you imagine? Young people have their interests they want to pursue and they see these things going on, where the government gets the legal eagles in and runs a wasteful exercise leaving the meter running and extending it while the meter keeps running. So the bill ticks over and the government spends $80 million. How many Freeza groups could that fund around Victoria, if not Australia? The same young people were saying to us on the steps of — —

Hon. M. M. Gould interjected.

Hon. I. J. COVER — It is interesting that I have been going for about half an hour and have had little assistance from the Minister for Youth Affairs, but she has plenty to say about the MAS royal commission. She seems more interested in the ambulance royal commission than she is about the young people of Victoria!

Here is something else the minister might care to say to the young people of Victoria when they say they have had their funding slashed by $300 000. They said to us, ‘Okay, $80 million has been wasted’ in the proverbial manner against a wall. We read in the paper and hear on the news about the Bracks government approving spending of more than $15 million on extra ministerial advisers. Can’t they just knock a couple of advisers off?’. Mind you, we are all aware of the ministerial advisers because they line up here in question time every day!

Hon. M. M. Gould — Who said that?

Hon. I. J. COVER — The young people talking to us on the steps of Parliament out the front.

Hon. M. M. Gould interjected.

Hon. I. J. COVER — Well, you were welcome to come along and talk to them. You will hear from them now that you are the Minister for Youth Affairs, Minister.

The young people said to us, 'Are they spending $15 million? Even if they just took one adviser away perhaps that would help with the $300 000'. Perhaps we could employ a couple of people to be workers around country Victoria helping run these events like the man I quoted, Mr McKenzie in Campaspe. He said they have only one youth worker in the entire shire. That $15 million would be better spent on the young people of Victoria than spending it on the advisers who probably gave the advice about cutting the funding.

The other thing being said not only by the young people but also by their parents, who recognise the value of the Freeza program is, 'We are also aware that this government has been getting windfall gains from stamp duty to the value of $750 million. Mum and dad have paid stamp duty on their new house. Gee, it would be nice if they could direct some of that to young people's activities and to youth programs such as Freeza, rather than cutting the funding by $300 000'.

It is ludicrous that the government has taken $300 000 out of the program when you consider those sorts of wasteful expenditures by the Bracks government, which clearly does not have its priorities right when it comes to young people and their activities and programs in Victoria.

One could also advance the argument that there has probably been some element of jealousy or envy among members of the Bracks government over the success of the Freeza program. They thought, 'We will not knock it off too early because it has been successful, but gee, there is something the Kennett government has done that is good. Let's see if we can wind it back and then we will come in here and create another one of those myths about the mess we have had to fix up'.

There is only one mess here, and it is about funding the Freeza program. I am loath to think it is some vindictive act by the government. The argument we raised last June is more likely — that the former Minister for Youth Affairs plainly bungled the budget process in the first place and it can never be restored.

As I say, the effects have been felt right around Victoria. I have been collecting newspaper cuttings. I have a folder here and another one over there stacked with clippings from newspapers from all around the state. All of them are about the effects of the cuts. They come from Camperdown, Cranbourne, Shepparton, the Macedon Ranges, Ballarat, Warrigal, Whittlesea and Kyabram. They come from the *Sunraysia Daily* in Mildura and the *Colac Herald*. They come from Wangaratta, Dandenong, Mansfield and Casterton.

Perhaps I should name a few more of the country newspapers. It might be educational to the Bracks government, which claims to be caring about regional and rural Victoria. However, that changed once it reached office. As we know, life ends at the tram tracks for the Labor Party, and some of these names are probably new to them. I have cuttings from the *Terang Express* and the *Seymour Telegraph*. I am sure we will hear more about an article I have seen in the *Telegraph* headed 'Freeza funding cut'. We can go around the bayside suburbs like Mordialloc and Moorabbin and then down to Cobden. Even in the Labor Party heartland, back in the city, the *Coburg-Moreland Leader* reported, 'Freeza gets the cold shoulder'.

I will give the house some of the headings. It has been very handy for the people in the journalistic world when preparing their headlines about Freeza because they can use words such as 'cold'. The *Camperdown Chronicle* reported 'Freeza funds thaw'; the *Cranbourne Leader* has the headline 'Cash for youth slashed'. A second Cranbourne newspaper reported that 'Freeza funds melt away'. Up in Warracknabeal they talked about 'Freeza Frustration'; in Melton, 'Youth program at risk'; in the Ballarat *Courier* it is 'Ballarat youth program hit by government funding cuts'; and in Whittlesea 'Freeza given a cold shoulder'.

Hon. N. B. Lucas — It is a subeditor's dream.

Hon. I. J. COVER — It is a subeditor's dream, Mr Lucas, but a nightmare for the young people of Victoria in all these areas.

In Casterton the headline is 'Yet another blow for the young'. The *Knox Leader* had the minister defending the cuts to the youth music events. I should hunt that one out and see how he managed to defend it. He is actually admitting therefore it has been cut because

he was defending the cut to the youth music event in Knox on 22 January.

An honourable member interjected.

Hon. I. J. COVER — He said there was not, but he had to defend it. The *Moorabbin-Glen Eira Leader* reported 'Cash flow threatens kids' gigs' and further afield in Hamilton the headline was 'Cuts leaving youth out in the cold'.

Indeed, Hamilton is the home of Mr President, who is not with us at the moment, Mr Acting President. As the house would know when we had our historic sitting in Ballarat last year, I tabled a petition about the Freeza program. That came through the good offices of Mr President in Hamilton, so they know about it there. The *Warrnambool Standard* in country Victoria knew all about it when it published the headline 'Short-sighted funding cuts', and that is precisely what it is. It is short sighted from a government that has no vision in general and no vision specifically for young people in Victoria.

Although I have not read them all, I have provided the general tone of the newspaper cuttings. They are all here; the minister probably has them and is trawling through them now as she brings herself up to speed in her new area of responsibility.

They will sit nicely alongside the cuttings she probably received as Minister for Industrial Relations relating to industrial unrest in the state of Victoria when she had that responsibility.

I will just share with honourable members an editorial in the *Warracknabeal Herald* of 19 February, just last month. As I said earlier today in question time, the former Minister for Youth Affairs was accusing honourable members on this side of the house of not caring about country Victoria. Perhaps he might consider what they are saying about him and his government in Warracknabeal. This editorial is an important message to the government and the new Minister for Youth Affairs. It is headed 'Funding slashed' under the overall heading of 'Herald editorial'. I share this with honourable members to give them the general tone of what people in country Victoria really think about the Bracks government, specifically about youth and the Freeza issue but also on a broader scale.

> The Bracks government is again under fire for its slashing of funding to rural Victoria — this time it is the youth who will suffer.
>
> Youth minister Justin Madden announced the $300 000 cutback to funding in January. The Freeza program, which was the target, supported youth to organise drug and alcohol-free functions. Already the small community of Goroke has cancelled a planned activity because of the cutback. The proposed cutback to the Freeza funding will put many planned youth activities across the region in jeopardy as youth organisations already face difficulties financing projects. The Victorian Young Farmers organisation is also a loser under the proposed cutbacks — the government has said it will not finance the VYF, an organisation for young people which has been in existence for about 70 years.
>
> One of the best remembered events in the Warracknabeal area was the Jim Stynes/Paul Currie 'A hero's journey' on 21–22 October 1997 in the Warracknabeal town hall, attended by more than 500 youth from across the Wimmera–Mallee region. This is the type of event that later attracted Freeza funding.
>
> It is a sad state of affairs when governments can no longer financially support rural youth and their activities. Communities are already losing young people to larger centres because of lack of events and facilities to keep them in their own areas.
>
> Repeatedly residents (taxpayers) are forced to pick up the tab for projects to support and enhance the community, and we could say 'Here we go again'.
>
> It is imperative the government reconsider its earlier decision and not continue with the proposed cutbacks.
>
> Government funding is needed in rural Victoria and as voters we must remind politicians there is life outside the city (Melbourne) boundaries.
>
> They could be relying on our votes to get them back into Parliament, sooner or later!

In the case of the Labor government, that message is loud and clear. Those votes its members may have been relying on in country Victoria will evaporate at the next election.

Hon. N. B. Lucas — They just put up their electricity prices too.

Hon. I. J. COVER — That specifically addresses the Freeza issue but there are broader issues for country Victoria, and this government is clearly not grasping them.

A good place to start is with programs for young people. I concluded my contribution to the debate we had last June about the government's failure at that stage to provide for young people in Victoria by telling the then minister and the government to lift their game. Clearly the minister did not lift his game. In fact he dropped the ball, and he was dropped as Minister for Youth Affairs. The challenge is now with the new minister

An honourable member interjected.

Hon. I. J. COVER — She has not had much time to play the game, so it is a bit difficult to say 'Lift your game'. We can only ask her to play the game and play it in good faith for the young people of Victoria by responding to this challenge to her today by not only reinstating the Freeza program funding but also matching the commitment of the Liberal Party to $3 million on a recurrent basis over the time remaining to the government — and if she does not do it, we certainly will.

Hon. M. M. GOULD (Minister for Education Services) — I rise to oppose the motion before the house today. I have to say that if the Liberal Party intends to contribute $3 million out of its own funds, in accordance with this motion, that would be fine, but this government has already shown its ongoing support for the young people of Victoria. I once again take the opportunity to congratulate my colleague the former Minister for Youth Affairs, who did a terrific job in improving the lives of young Victorians.

During the time of the previous Kennett government the present opposition dismantled the department that looked after young people and buried it in the Department of Human Services. By doing so it indicated that its clear view of young people was that they were people at risk. In contrast, since coming into government we have created the Office for Youth to ensure that we have a whole-of-government focus in improving the lives of young people. We have also commenced the development of a youth strategy, which is the first such comprehensive strategy document developed in over 10 years.

What did the opposition have for young people when it was in government? Nothing. Zip, zero, zilch. Nothing. It had the youth people in the Department of Human Services, which made clear that the former government's view of young people was that they required human services. It was not interested in promoting the positive aspects of young people in our community.

This government has given young people a voice. Since we came into government we have given young people a voice to help shape this new plan, this new strategy, which the government will be releasing in due course. We have the youth round tables where we regularly meet. My predecessor the Honourable Justin Madden and I have also met all the chairs of those regional meetings.

What did the opposition do with them when it was in government? It wanted to dismantle them. It wanted to fragment the system. It did not want to know or acknowledge the existence of young people in this state. That is what the opposition did, whereas this government has established the round tables. The previous minister, like myself, has met with the chairs of those round tables, and we will do so on a regular basis to ensure that we have first-hand experience and knowledge and hear the concerns of young people right across the state.

We have provided a range of positive opportunities for young people in the community to participate, including the National Youth Week initiatives and a range of young leadership opportunities through the Freeza programs for which we have increased the funding. We have turned this state around with respect to young people. As a government we have been listening to their issues and concerns, whereas the opposition did nothing but harp and carp about what young people had to say, and did not listen. The Liberal Party did not listen and that why it is in opposition and we are in government.

So instead of the empty promises made by the opposition today in this motion, and what it has attempted to do in the past, this government has actually increased the funding of Freeza. We have grown the programs. Under the opposition how much was it funded? One million dollars! That is all it was funded; over four years, $4 million — $1 million a year. That is all that the opposition ever did.

But the Honourable Jeanette Powell in a question to me yesterday about this very issue said, 'We were going to do something'. You are never going to get around to it!

Hon. E. J. Powell interjected.

Hon. M. M. GOULD — You never did get around to it. You are in opposition. You are not going to get around to it. 'We were going to do something'. You didn't do anything, did you? All they did was turn away from young people, put them in human services and not have a whole-of-government approach with them. So since coming into government we have grown the Freeza program across the whole of the state. We have an additional 17 Freeza providers.

Hon. E. C. Carbines — How many?

Hon. M. M. GOULD — Seventeen new providers as a result of this government.

Hon. C. A. Furletti — You slashed the rest of them.

Hon. M. M. GOULD — No, Mr Furletti, you do not even understand, and you are not in your place. Seventeen new providers were included in the 2000–01 budget as a result of the government increase with respect to the Freeza program. That is an increase from 43 to 60. What did the government do with respect to these providers? It targeted them to areas of need. It targeted them to areas that had been neglected by the opposition when it was in government.

To address the special needs of communities, we targeted the Same Sex Attracted events in Melbourne, which is auspiced by the Also Foundation based in Prahran. We also targeted the Horn of Africa community events in the western region, which were implemented by the City of Moonee Valley.

One of the important things that I am sure the Honourable Jeanette Powell would appreciate and acknowledge as a very good initiative of the Freeza program was that the government targeted in regional areas junior discos to coincide with the Freeza events because regional and rural people as a huge community effort wanted to bring the younger people of the community into a program so they could have a similar thing to Freeza, and then the older siblings could attend the event so it could be a great day out. We combined junior discos that were held earlier in the evening with the Freeza events in small rural communities so that we could respond to a demand of the community. That is the difference between us and them. We actually respond to the needs of the community. We identified the needs and the programs were implemented.

One of the other things the government did with the increased funding was that the amount of money that went to the providers was increased from $16 000 annually to $22 000, of course including the federal government's GST. We increased the funding. That is what we did. We actually did it. We did not talk about it. We did not put out a press release. We did not make glib comments and promises. We actually delivered.

Because of this increase in funding, the number of people in the wider community that have participated in Freeza programs has increased dramatically. In the 1997–98 period 20 000 participants attended Freeza events. In the last calendar year over 99 000 people attended these events because we have grown the events, we have increased funding and there are more of them around. There were 43 and now there are 60. They were in restricted areas and now we broadened it out right across the state.

This government has spread the programs more evenly across the state, specifically in regional and rural areas that the previous government had neglected. The Honourable Ian Cover made comments about some press clippings he referred to in regional areas because of concerns they had with the Freeza program. But let me say these 17 additional providers that the government has been able to bring into the program as a result of its increased funding to the Freeza program are in these areas. Apart from the three I already identified, there is the Shire of Corangamite, the Shire of Hepburn, the Shire of West Wimmera and the Shire of Buloke, which covers Birchip, Wycheproof and Donald, places represented by colleagues of the Honourable Jeanette Powell. There are committees in the Pakenham and Emerald areas. There is the City of Monash, the City of Port Phillip and the Shire of Delatite which includes Benalla and Mansfield.

Honourable members may recall that in response to a question asked of me the other day in the house I referred to the Push On event that was held by the Push organisation at Moonee Valley on Labour Day, where over 3000 young people had come to that Freeza program. I had the great pleasure of introducing the headline act, Jebediah, near the end of the day. But this was not only for local people. A bus from Benalla picked up young people on the way so they could go to the Push On event — the big event where the Battle of the Bands takes place. During the course of that day, from 10.30 a.m. until about half past 8 that night over 3000 young people were involved in it. I spoke to some of the organisers of it and it was a great event. It was also good to see parents there who knew that these events were a safe environment for their children to attend.

The parents were standing around the edges of the areas where the bands were playing and staying clear of the mosh pit — I do not blame them — but it was good to see them bringing their young children to the event so they could enjoy it. People came from all around regional Victoria to attend that event, and in addition other councils already run their own events.

Other councils in the program include the Hobsons Bay City Council and the Hume City Council, and the Shire of Campaspe was another new one to which this government introduced Freeza funding. When the opposition was in government the Shire of

Campaspe did not have access to any funding or to any providers under the Freeza program.

I have spoken to local councillors at the Shire of Yarra Ranges, including Cr James Merlino, who is doing a terrific job with the youth workers and the programs to assist young people, which is what this Freeza program is all about — that is, ensuring that there is a safe environment for young people to enjoy entertainment and for parents to allow their children to attend because they know it will be alcohol and drug free.

Over the 2000–01 calendar year more than 450 events were staged across Victoria as a result of the funding this government gives to the Freeza program. On average there were about 240 young people at each event, many of which were held in regional and rural Victoria. As I indicated, the government has increased the number of Freeza program providers in regional and rural areas because it recognised when it came into government that the opposition when in government did not acknowledge the need for additional funding in those areas and did not provide it. The Bracks government acknowledged that need and increased the funding so that local providers could run these programs and allow regional and rural Victorians access to them.

Another initiative that has been rolled out as a result of the increased funding is the completion of the redevelopment of the Freeza web site, which needed updating. We all know how young people are with computers — if it takes too long to get into something they will switch off or switch to something else; so the government has upgraded that site to ensure that it is user friendly, accessible and in terms young people want.

The government also undertook a Freeza evaluation to ensure that the increased funding it had put in place was going to the appropriate areas, that it was targeted to the appropriate people, that it was fair and equitable and that young people had access to it.

The government continued to fund the Push organisation to assist young Victorians. The basis of that organisation is to give a push start to young bands so they can get a bit of a head start. The Battle of the Bands competition, to which I referred earlier, is part of that program. One of the prizes in that competition is that winners get the opportunity to be interviewed on Triple J. They also get their songs played on Triple J, which gives them a bit of a head start. They also get to cut a CD. The competition gives these young Victorian artists assistance in their chosen careers.

During this period many Freeza events were also coordinated and linked to other important events that are taking place within either the direct community, the state or the country as a whole. Honourable members will recall that last year two very important events were taking place: one was the celebration of our year of Federation and the other was the International Year of Volunteers. The basis of a lot of the work Freeza does is that young people coordinate and organise events and book bands and venues; so it brings them in contact with the wider community.

In regional and rural Victoria in particular the local communities want these events to take place in a manner that is drug and alcohol free so they encourage their children to participate. In one area the people who own the local bus service give up their time and drive the bus around to outlying areas picking up young people and bringing them into the events so they can participate. Young people have been getting in touch with local owners and operators of businesses and getting them to participate in the program, and that in itself is a huge asset for community building. It is a way of giving young people the opportunity to extend their skills beyond their ability to enjoy music and organise events surrounding them. The Freeza program is also linked with National Youth Week, which will be taking place early next month.

The government has no hesitation in recognising the benefits of the Freeza program for young people because it develops and creates opportunities for innovation; it fulfils the recreational needs of our young people; it recognises the important role of the youth culture in young people's lives; it provides opportunities for the development of knowledge, skills and careers; and it provides opportunities for young people to participate in the community.

One of the things that is very important — which is something this government has promoted strongly with the Freeza providers — is to link the skills these young people learn as a result of their involvement in their local Freeza committees with structured training programs. The skills and other talents these young people are developing while giving freely of their time to Freeza committees can be channelled into structured training by acknowledging the work they have done and the experience they have gained from making bookings, organising events or playing music and by encouraging them to take up music or business courses through vocational education and

training programs within their school or through other educational institutions. The local providers of the Freeza program — which are often the local municipalities — can help link these young people in with school courses and training programs in areas they love being involved in.

A number of municipalities have been involved in the Freeza program. The City of Boroondara, for example, has developed a youth culture magazine called *Pulse*, which is managed and produced by young people and distributed to a local readership of over 900. The magazine includes information about Freeza event promotions, participation, opportunities and events. The spin-off from this Freeza program in the City of Boroondara is that young people are now getting into the publishing of a magazine.

In the past six months the Shire of Yarra Ranges has provided Ausmusic courses and more recently one on event management. The Shire of Yarra Ranges was not a provider under the previous government but it is under this government because it increased the funding and spread it out across rural and regional Victoria to ensure a wider range of young people have access to the funding.

As I have indicated, the government is committed to the Freeza program. We have done more for Freeza in our term of office than the opposition did in all its time in government. We have increased the funding, increased the number of providers and re-established the Yacvic program, which the opposition closed down, turning away from young people. We have brought young people back into the Victorian community because the opposition did not. When it was in government it did nothing for young people. It wanted to hive them off, shut them out and define them as people who required human services rather than acknowledge their positive aspects and encourage them down the lines of further education based on their delight in the production of musical events and the development of programs and magazines, further education that includes musical skills as part of the curriculum.

The government's position on Freeza is clear: it increased the funding and the number of providers. It is committed to the Freeza program and undertook an extensive review that was conducted by the Victoria University's Institute for Youth, Education and Community. That research — it can be found on the Internet — indicates that there are a number of positive aspects to the Freeza program. The government has identified specific areas of need because the opposition in government did not care about young people and was not interested in what they had to say.

The government increased the funding. It ensured that regional and rural Victoria had access to Freeza programs and has enhanced them along the lines of young people being able to do further training. The government has encouraged young people to participate in vocational education and training (VET) programs, local learning and employment network programs, known as LLEN programs, and further education because of their love for music and the arts. The government has encouraged young people to be involved in the broader community, bringing the community together and showing the community that there are a lot of young people in our state who are bright, intelligent and enthusiastic and we ought to draw on them. The government has done that by increasing the funding for Freeza that has led to the increase in the number of providers. For that reason I oppose the motion.

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

Hon. E. J. POWELL (North Eastern) — The National Party would like to join with the Liberal Party in condemning the Bracks Labor government for slashing funding for the Freeza program. We will support the motion put forward by the Honourable Ian Cover.

The motion, in part, says that the funding was cut by stealth. It is true that under the disguise of a review that the government put forward to look at how the program was being received it then decided to cut the funding. I will ask a number of questions about where the government got its information and encouragement to slash the funding. I would like to applaud the Liberal Party's commitment of last month to increase the funding to $3 million annually on a recurrent basis which in effect doubles the Bracks Labor government's current funding.

The motion also calls on the new Minister for Youth Affairs to match the Liberal Party's commitment as an act of good faith towards young Victorians. The National Party urges the Labor government to do that but the lead speaker, the minister, has put on record her opposition to the motion so I suppose that request for her commitment is out of the question.

If the minister's response to my question to her yesterday was an indication of her commitment to the program I have grave doubts about its future. As the Honourable Peter Hall said, the minister has shown no commitment to the program.

Yesterday during question time I asked the minister to show her support for the program by reintroducing the funding, and there was a long diatribe from the minister about how wonderful the program is and how much the Bracks government is committed to it. She completely avoided the question of reintroducing the funding and did not even comment on it. In her answer she asked whether National or Liberal party members encouraged the previous government to increase funding.

I would like to respond to the question the minister asked — and I hope she was asking it in good faith. I would like to place on record the former government's complete commitment to the Freeza program, which it instigated. I also put on record part of the former coalition policy document entitled 'Youth' dated September 1999 which was taken to the last election. It makes projections for the years 2000–10 and states:

> The demand of local communities throughout Victoria to stage Freeza events is overwhelming. In response to this, the coalition will double the program by committing an additional $1 million each year to expand the successful Freeza program, in which 200 000 young Victorians have already participated. This will enable more young Victorians, particularly in rural areas, to become involved in planning and participating in Freeza events.

In answer to the minister's question, it proves that the coalition strongly wanted to continue the Freeza program, which it started.

I would like to make a couple of responses to the minister's presentation made just before lunch. She spoke about the government increasing the number of providers for the Freeza program, but while doing that did not acknowledge that the government had slashed the funding. Many providers in rural and regional Victoria are now finding it difficult to provide the events with the money they are getting. Some providers are getting $2000 for each event and having to provide eight events a year. That is just ridiculous in country areas. Providers are having to rely on the goodwill of the community to provide funding for events. So while the opposition says that it is great that the government has increased the number of providers, it would have been opportune for the government to also properly fund providers to put on decent quality events.

The government has cut the program from eight events a year to three, so now the youth in rural Victoria will not have the opportunity to go out about once a month as they have now. They will only be able to go to about three events a year.

The minister also said that more providers are now requesting funding. That was done under the previous government's program as well. When the Freeza program was established councils were asked to provide an expression of interest to hold an event. Any councils or other providers who wanted to hold an event simply wrote to the Freeza funding program, were looked at to see whether they could hold an event and if they could were allocated funding. The previous government did not try to keep rural Victoria out of the program, but when the program was new not enough people knew how good it was to put in an expression of interest. The program has now been going for a number of years, and the young people want the events and the providers are prepared to provide them. That is why there is an increase in the number of people wanting to provide events.

The minister said that she will be updating the Freeza web site. This had me a bit concerned, because the previous government also had a Freeza web site. The Office for Youth now has a staff of 19, and I ask the minister what the staff are doing if they cannot keep updating their web site. The previous government did not have a staff of 19. The government needs to look at its staff to make sure they are keeping our young people, particularly in country Victoria, updated on the day-to-day issues.

The minister spoke for about half an hour. She talked about the program and said how wonderful it is. We know it is a wonderful program; we instigated it. We are proud to have on record what a wonderful program it is and all of the benefits the young people of Victoria get from it. I acknowledge the work done by the Leader of the Opposition in the other house, who started this program when he was the Minister for Youth Affairs. I was on his bill committee and had a bit to do with bringing in the Freeza program. I know why it was brought in and that a coalition government would have kept it going.

The minister said the government is reviewing the program. It is interesting that it has not taken any notice of what the review said, because in part the review asked the government to increase funding. It is important to note that the government asked for a review but has not taken any notice of what the review said. The Freeza program is an important program for young people, particularly for young people in country areas, because they do not get many opportunities to go to events where there is no alcohol. Many young people would love to go and listen to bands, particularly in rural and regional Victoria, but do not have an opportunity because the

bands go to discos and pubs and the 14 to 17-year-olds cannot go in to listen to them. The former government thought the Freeza program was one way of saying to the young people, 'We think you need entertainment'. The young people themselves talked about the need for the program.

The Freeza name came from the young people of Victoria, and I hope the government is not thinking of changing it or rebadging it somewhere down the track just so it can continue support for it under another name so that it looks like something it has initiated.

Hon. P. R. Hall — There are many good local bands.

Hon. E. J. POWELL — Many of the young local bands get exposure, as the Honourable Peter Hall has said. The Honourable Ian Cover talked about the band Killing Heidi, which does not exactly come from the electorate the Honourable Bill Baxter and I represent. It comes from Violet Town, which is just outside our province. Killing Heidi is well known throughout Victoria and Australia. It got its start in the Freeza program and is committed to and supportive of the program. Its members are angry that the government has cut the funding.

The program was started up for the 14 to 18-year age group, but it probably is of most benefit to young people between the ages of 14 and 17 years. They are telling us that there is not a lot to do in rural and regional Victoria and that they are bored. The previous government initiated the Freeza program, as well as many other programs for young people. It is a way of stopping antisocial behaviour. Instead of young people being out on the streets, they have somewhere to go to meet other people. It also picks up people with at-risk behaviour because they find that you do not have to drink or use drugs to access high-quality entertainment.

The former government is proud of the program. We hope this government supports it to its ultimate. I am disappointed that the minister has not supported the motion before the house today and committed her government to $3 million.

The Honourable Ian Cover talked about information he received from the Shire of Campaspe, which is one of the shires the Honourable Bill Baxter and I represent. We know that shire very well.

I know a number of Freeza events have taken place in that shire. Originally the shire had not expressed interest, but it now sees how important they are for young people and is asking for more events. We hope the government will support the providers in the Campaspe shire by not cutting Freeza funding but increasing it.

In the Shepparton area in which I live some of the organisers of events have been using the Freeza program extensively. A Freeza committee has been set up in Shepparton. It involves six young people aged 15 or 16, but there are also some 14-year-olds on it. It is a big commitment for these young people, who meet once a week and organise events. Mr Dale Janke, who coordinates the committee, helps them run the events and also helps them with some of the skills. He is also a full-time schoolteacher. Cutting Edge Youth Services is the other main provider for the Freeza programs and many of the youth programs. It provides programs not only in the Shepparton area but also in the Moira and Mitchell shires. I put on record my thanks to Rowena Allen, the chief executive officer of Cutting Edge Youth Services, for the support she gives not only to this program but more particularly to our young people throughout country Victoria.

The committee that was set up to look at the Freeza events and programs teaches those young people important skills, which the minister acknowledged in her presentation. They learn organisational skills, how to hire a hall, hire bands and work with adults. They learn many skills that will stand them in good stead later on in life. They also learn budgeting skills and are given a strict budget. They have to pay for the bands. Sometimes they have headline bands from Melbourne, which can cost up to $1500. The events give exposure to local bands and also show them how to be part of a big band.

They also have to hire a hall and be able to advertise, which is important for events. They must also provide the lighting and the sound, which can cost up to about $1300. In country areas, and it would be the same in Melbourne, they have to provide security. They may have to provide about six security guards at each venue at a cost of about $400 to $500. That is a big commitment and a big slab of their money. Not only do young people going to such events feel secure, but more importantly their parents know that when their children go to such events that they will be well looked after and will not be at risk in any way.

One of the other skills they learn is how to manage and promote eight events a year. Although the government said it has increased funding to the providers, I do not know whether they are receiving

increased funding because Mr Janke said they do whatever they can on about $2000 per event. There is some funding by the community, but now the program has been cut rural areas in particular will find it difficult to provide events at a lower cost because of the particular difficulties in country Victoria. Some of the event organisers provide transport, which is at a cost to them because they do not charge young people to use the buses or public transport.

The Shepparton police strongly support the Freeza program. They come along to the Freeza events and walk around to ensure there are no problems. The police have said to Mr Janke that the crime rate has come down in Shepparton because of the Freeza program. That is important. In areas like Shepparton some young people behave in an antisocial way, but there are other young people who are great leaders in our society. The police acknowledge that the Freeza program is reducing the crime rate. That must give support for the continuation of the present program and the need for funding at appropriate levels.

The Freeza program also gives young people an alternative to being out on the streets and puts a stop to that antisocial behaviour. Mr Dale Janke told me that if the providers knew what support the government would provide and that the funding was committed and static, they would be able to do great things in the community. If the funding was permanent they could organise things six months ahead. Currently the government will now look at it for six months, pay for it for six months, decrease it for six months and then review it for six months. It is difficult for providers to organise events with a time frame of six months. He also said young people could lose interest if the events were not regular.

I have a number of press articles from which I should like to read some comments because they show community concern about what will be done with the Freeza program. We have heard the minister and the former minister say how committed they are to the program, but the message from the providers is that the government is not as committed. The *Shepparton News* of 29 January reports on the Exposure page — the young persons' page — under the heading 'Freeza events to be cut by half':

> Goulburn Valley's youth entertainment will be severely affected by cuts to funding for Freeza events, with the number of annual events dropping from eight to three.

It goes on to say:

> Shepparton Freeza coordinator Dale Janke said the cuts would mean there would be less opportunities for bands to develop in regional areas.
>
> 'We've got some great local bands here, and we really need Freeza events here in Shepparton — kids want music and bands, and we try and do the best we can but, if our funding's cut, we won't be able to do so much' …

Another article in the *Shepparton News* of 10 January states under the heading 'Cold cut for Freeza events':

> A Shepparton youth group that organises concerts has been left out in the cold with the state government slashing funding.
>
> The move will cut at least three of Freeza's drug and alcohol-free events in the Goulburn Valley this year.
>
> The government reduced Freeza funding from $1 million to $700 000 across the state.
>
> But Shepparton organisers have vowed to lobby youth affairs minister Justin Madden.

I will now tell them it is a new minister they should be lobbying.

> Cutting Edge Youth Services chief executive Rowena Allen said the committee will want to stress to Mr Madden the importance of Freeza for rural youth.
>
> The committees use funding to keep costs at a minimum for events such as live bands and dance parties. Ms Allen said social activities for teenagers in rural areas were limited, with boredom often cited as a reason behind drug and alcohol abuse.

It shows that the community strongly supports the Freeza program and is angry at the thought that the government is cutting Freeza programming.

The *Herald Sun* of 4 February under the heading 'Lukewarm Freeza' states:

> The state government has conceded it has reduced funding for a youth rock program that has in the past launched such successful bands as Killing Heidi.
>
> A government spokesman said state funding had increased for the program from $1 million to $2 million when the Labor Party first came to office.
>
> But the latest funding for the Freeza program had been scaled back to $1.7 million, he said.

No matter what the government says about support for this funding and the program, the reality is that when it came to office funding was at a certain level. The government increased the funding but then reviewed the program. Since then, for whatever reason, it has cut funding. On the one hand it says it is increasing providers and the area where people

access Freeza programs, but on the other hand it cuts funding.

Some 300 to 400 young people attend the successful Freeza programs in Shepparton. At each of the eight events in each of the areas young people can decide whether they want a live band, a Melbourne band, a local band or perhaps even a DJ with CDs. Each of the events is different.

Sometimes they have Melbourne bands and sometimes they have exposure to local bands, which promotes the local band. That is very important because it gives local bands confidence to play in front of their peer groups. It gives them confidence to play in front of a larger audience and it gets their name out there so that people who want a local band for an event, a dance or a party, can say, 'I heard you at an event and I am more than happy to put you in touch with someone looking for a local band, for a wedding, engagement or a party' or those things you use a youth band for.

The former Minister for Youth Affairs, the Honourable Justin Madden, says continually that the former government did not do anything for young people in Victoria. The minister in a ministerial statement in the autumn 2000 sittings mentioned the number of programs he is very proud of, many of which the former government initiated. In a lengthy ministerial statement the minister cited a number of programs, but nearly all of them had the former government's tick alongside them. While the opposition thinks it is great that the minister is saying how wonderful the former government's programs were and the great initiatives it introduced, it would have been nice if, at the end of the statement, he acknowledged the work done by the former government in introducing those programs for the young people of Victoria. As I said earlier, the Office of Youth Affairs has 19 staff and it is about time the office updated its web pages and promoted some of the events going on in country Victoria.

In the ministerial statement the minister said that an independent evaluation of the Freeza program would be undertaken commencing July 2000. Honourable members heard today that the review recommendations have been given to the government and that they included increased funding rather than decreased funding. I am interested to know where the information came to cut funding. I would like to know: the recommendations of the evaluation committee; where it said funding should be reduced; or whether the government is thinking of abolishing the program or re-badging it and calling it something else?

Did the minister seek advice from the regional youth committees about the Freeza program? In her contribution today the Minister for Youth Affairs referred to regional youth committees, what a good job they were doing and how the government was listening to them and to the voice of country Victoria. The former government initiated the youth committees for that very reason, because it felt it was important, particularly in country Victoria, for young people to have a voice in government and to be able to say, 'These are the types of programs we have in our community; these are the gaps and these are the duplications',

I was a councillor on the first regional youth committee, so I do know the good work they do. I do not know of any of the committees that would be saying to the minister, 'We think the Freeza program is not working and we think you should cut its funding'. I am sure that if the minister listened to youth committees and posed the question, 'How important is the Freeza program?', they would soon tell the minister that the programs are very important, particularly in country and regional Victoria.

I would also like to find out whether the current Minister for Youth Affairs or the former minister consulted with the Victorian youth round tables, which were set up to listen to young people. I am not sure in the government's decision by stealth to cut funding, where it got its recommendations from and from whom it sought advice in making its decision to cut funding to this very important program.

Many honourable members have raised in this house concerns about the funding of the Freeza program. It is important to understand the level of concern in the community. Every time the government says it is committed to funding the Freeza program, it says it will review it. It says it is committed to the program, but will it slash its funds? Is it going to say next that it is committed to the program but it will not fund it?

I put on the record the number of times members of this house have raised their concerns about Freeza funding over the past few years because local providers are coming to them saying, 'We are concerned that we are hearing that the government is going to cut funding'. That must be coming from the office itself, which is talking to committees, because it would not make the decision on its own.

On 24 November 1999 the Honourable Peter Hall raised the issue of Freeza funding cuts; on 10 May 2000 the Honourable Bob Smith raised the issue of youth services and in response the minister said how important the Freeza program was and that it had received $2 million for 2000–01 with an increase of $756 000 from last year. On 4 October 2000 the Honourable Elaine Carbines raised the issue of youth services and again the minister praised the Freeza program and said how committed the government was. On 25 October 2000 the Honourable Theo Theophanous raised the issue of youth services and again the minister praised the Freeza program and reiterated his support for it. On 24 May 2001 the Honourable Andrew Olexander, both in a question without notice and during the adjournment motion, requested the government's commitment to the Freeza program. On 20 June 2001 the Honourable Ian Cover moved a motion condemning the government for failing Victoria's young people through lack of action and opportunities. On behalf of the National Party I spoke on that motion.

On 16 August 2001 the Honourable Ian Cover presented a position in this house with 219 signatures requesting that funding to the Office for Youth Affairs for the Freeza program be continued at previous levels. On 18 September 2001 The Honourable Wendy Smith raised Freeza funding cuts. On 19 September 2001 the Honourable Bill Baxter raised Freeza funding cuts. On 19 September 2001, the same day, the Honourable Andrew Olexander raised his concerns about Freeza funding cuts. On 10 October 2001 I raised the issue of Freeza funding cuts. On 20 October and 27 November 2001 the Honourable Andrew Olexander raised the issue of the concerns about Freeza funding cuts.

Hon. P. R. Hall — You would think the government would wake up.

Hon. E. J. POWELL — As the Honourable Peter Hall said by interjection, you would think the government would wake up that there is concern in the community about support for the program and the need, not just to continue the funding but to increase the funding. I am concerned that the government is not listening, even though it says it is listening. It puts the same stale argument about how committed it is and the wonderful things about the program. We know the wonderful things about the program because the former government set up the program, but we want to know whether this government will increase the funding. Yesterday I raised this issue and the answer I received was not one that I liked. I wanted a commitment from the minister.

I refer to a document produced by the Youth Affairs Council of Victoria, which is a peak representative body for young Victorians and is an umbrella group for more than 400 youth organisations. It refers to the cost of the impact of funding cuts to the Freeza program for 2002 and states:

> The state government provides core Freeza funding. Prior to the 2001–02 budget, Freeza was allocated $2 million per year. From this, Freeza providers were allocated approximately $22 000 each to organise at least eight events over a 12-month period.
>
> Financial arrangements changed as of July 2001. In the 2001–02 state budget Freeza was allocated $1 million to operate for six months to the end of December 2001. Service providers were asked to organise at least four events in their region over the six-month period. At this time there was some concern about the ongoing funding of Freeza. However, the government made a commitment to continuing Freeza at pre-budget funding levels. The Minister for Youth Affairs stated that the program played 'a vital role in promoting safe drug-and-alcohol-free entertainment for the state's youth and our commitment to it has not diminished one iota since the budget'.
>
> In November 2001 Freeza providers were informed of a cut to the program's budget. Overall the program experienced a funding cut of $300 000 as Freeza was allocated $700 000 for six months to June 2002. This cut translates into around $2500 for each service provider. Freeza providers will now receive $7500 between January and June 2001, and they are expected to implement a minimum of three events in this period. Service providers receive less money but their responsibilities are also ostensibly reduced.

The question they also ask is about the uncertainty of their future. There is concern about the future of Freeza beyond 31 June 2002

Many providers are concerned that Freeza will be defunded. Several workers said that if Freeza goes there will be little else available in rural Victoria.

So again, I support the motion that is before the house about the increase in funding, the Liberal Party's commitment, and I hope members on all sides of this house will support the motion to support the Freeza program, but more importantly to make sure that the funding is not just at a certain level but is also increased.

Hon. E. C. CARBINES (Geelong) — As a member for Geelong Province I am delighted to contribute to the debate today on behalf of the government, and in doing so I reject the motion before us moved by the opposition.

As a former secondary school teacher I have spent the vast majority of my working life assisting and supporting young Victorians. I commend the

Minister for Youth Affairs and her predecessor the Honourable Justin Madden for all they have done to assist young people across the state and in particular in rural and regional Victoria.

By its motion before us today the opposition contends that somehow the Bracks government is ignoring the needs of young Victorians and indeed the funding for youth services and programs has been reduced, when in fact the opposite is true. Under our government youth services and programs have been expanded and funding has increased.

Further, the Bracks government has wisely adopted a whole-of-government response to the interests of young people with their interests being a focus across all portfolio areas in government and across all government departments.

Let us look at the particular program that the opposition has decided to focus on today, the Freeza program. I think all honourable members have spoken on the merits of the program, and it is good to know that this program has bipartisan support. It is a program that benefits young people in a variety of ways, and honourable members have talked about the benefit of Freeza to young Victorians by providing opportunities for youth participation, for knowledge, for skill and career development, for recognising the importance of youth culture, and also for developing very innovative recreational options for young people.

The important message underpinning the Freeza program that is a key message to all young Victorians is that you do not need drugs or alcohol to enjoy yourself or to be involved.

The opposition would have the house believe under the Bracks government the Freeza program has been scaled down and its funding reduced. In reality nothing could be further from the truth. All it takes is an examination of the facts to present the lie to the opposition's assertion, and that is the very reason why this motion should be rejected.

The Kennett government funded the Freeza program to the tune of $1 million a year — $1 million only. In its first budget the Bracks government doubled the annual funding for the Freeza program to $2 million, so it allocated twice as much as the former government, whose members are now in opposition today. The opposition seeks to condemn us for doubling the funding!

In our second budget $1.7 million was allocated to this program. Again, a substantial increase, a 70 per cent increase; 70 per cent extra on the funding that the Kennett government allocated to the Freeza program. Mr Cover, who moved the motion today, was a member of that government, and he wants to condemn us for significantly boosting the funding to this valuable program when in fact he ought to be congratulating us. Funding to Freeza under the Bracks government has seen an annual increase to each Freeza provider across the state. Their funds have risen substantially from $16 000 a year to $22 000.

On top of that under the Bracks government the Freeza program has actually grown. Under the Kennett government there were 43 providers across the state; there are now 60 Freeza providers across the state. The majority of the new providers, the 17 extra that have come on board since the election of the Bracks government, are from rural and regional Victoria such as, for example, the Surf Coast Shire in my own electorate. We also have the West Wimmera and West Gippsland health care groups and the Corangamite, Hepburn and Delatite shires — just some examples but fundamental to the Bracks government's commitment to growing the whole of the state. Here we have young Victorians living in rural and regional Victoria being able to access the Freeza program for the very first time, courtesy of the Bracks government. These are young people who did not have access to the Freeza program under the Kennett government.

So if all that — the substantial funding increase and the growth in the number of Freeza providers alone — is not sufficient to reject the opposition's motion, let us look at the number of young people participating in the program across the state. In order to get a true picture you need to compare the number of participants under the Kennett government with the number of participants today under the Bracks government, and that will prove how Freeza has grown considerably under the Bracks government. It has not gone backwards or stagnated, it has grown. In 1997–98, 27 000 young people participated in Freeza. Last year, in 2001, that number had grown to 99 000.

Further, we have developed special programs under Freeza to target some of Victoria's most marginalised young people.

Earlier today in her contribution the minister mentioned some of the events that have taken place across the state. She referred to the Same-Sex Attracted events in Melbourne which have been auspiced by the Also Foundation, and she talked

about the attempt to include some of our most marginalised ethnic communities into the Freeza program by those events organised in the western region of Melbourne to include the Horn of Africa communities. We also heard her speak about the increased inclusion of some events for junior participants — the adolescents, young people aged between 11 and 14 years who are probably too young to participate in some of the older events. We have encouraged the implementation of junior discos in smaller rural communities to respond to the demand for services for that age group.

On top of that we have also assisted partnerships in Freeza between local government areas, particularly in rural Victoria, so we have experienced providers in one municipality helping out a neighbouring municipality that may not have had the experience of Freeza before or that have a less developed infrastructure in place for young people.

In the Barwon South Western region in which Geelong Province is situated there are seven Freeza providers; they include the Shire of Colac-Otway, the Shire of Glenelg, the City of Warrnambool, the Shire of Corangamite and the Surf Coast Shire as I have mentioned. In Geelong Freeza operates out of the Courthouse project and in Hamilton, the Youth Biz Western District Health Service. So under the Bracks government Freeza has grown. The number of providers has increased from 43 to 60, the number of participants from 27 000 to 99 000.

Funding has increased. At the change of government the Kennett government funded Freeza for $1 million per year; in its first budget the Bracks government allocated $2 million — double the funding; in the second budget the Bracks government allocated $1.7 million. Across the state Freeza providers have established education, training and employment programs for something like 2000 youth committee members.

In my electorate of Geelong Province Freeza operates out of the Courthouse project in Geelong, as I said before. Having been a former secondary school teacher I can attest to how popular the Courthouse project is in Geelong. In fact it is a mecca for young people in Geelong. They love the Courthouse. They love all it has to offer and it is a very popular venue indeed. I commend the manager of the Courthouse project, Lynden Costin, and the coordinator of the Freeza program in Geelong, Jo York, for the work they do to involve and engage our young people.

Some of the programs that operate out of the Courthouse include access to training by professional arts organisations such as the Geelong Performing Arts Centre, which is in the same street as the Courthouse project. The Courthouse has a recording studio which is extremely popular. Beyond that, through Freeza the Courthouse project gives young people access to work at local music festivals and work experience within the local music industry suppliers.

I was pleased to announce last year a funding grant to upgrade the Courthouse project in Geelong, which included funding to set up a proper theatre space and include portable seating, funding which was warmly received by all involved with the Courthouse. We allocated $77 000 to that program. The Courthouse project also provides a very well utilised youth medical service, Clockwork. I commend all the medical staff involved in that service because often it is hard for young people to talk to the family GP about medical issues and health problems and I know the young people in Geelong really appreciate the service provided by Clockwork.

The Surf Coast Shire Freeza program has given young people from that municipality access to local media opportunities. They have also become involved in producing a quarterly newsletter called *News from the Fridge*. I understand that through their work on the Freeza program one committee member has gained employment with the Surf Coast Shire as an event coordinator. The Surf Coast Shire Freeza program also provides access for young people to workshops on event management and sound and lighting production for the events that Freeza holds. It is very much a success story and one that is replicated around the state It is quite hypocritical for the opposition to move this motion today focusing on Freeza alone under the Bracks government, because funding has substantially increased and the number of providers and participants has increased incredibly. The program has grown and we remain committed to it, yet the opposition seeks to condemn us for our commitment.

In June last year the then Minister for Youth Affairs, the Honourable Justin Madden, put out a press release stating the commitment of the government to the Freeza program. Under the title ‘Government continues to back youth program’ the minister says:

> The Bracks government is absolutely committed to continuing its youth program, Freeza …

> 'Freeza serves a vital role in promoting safe drug-free and alcohol-free entertainment for the state's youth and our commitment to it has not diminished one iota …'
>
> …
>
> 'I can give an absolute guarantee that Freeza will continue to be funded beyond the 2001 calendar year,' Mr Madden said.
>
> Mr Madden said the previous government had only ever funded Freeza at half the current level, and opposition MPs were only demonstrating hypocrisy by suggesting the program was in trouble.
>
> 'This is patently untrue. While the Liberals use young people to try and score cheap political point, I am working to ensure youth continues to be a key funding priority for the Bracks government …'

Apart from the good news about Freeza under the Bracks government we have also enhanced the status of youth as a whole-of-government priority across all government portfolio areas. We have created an Office for Youth which oversees the whole-of-government focus on improving the lives of young people. We have committed to developing a Victorian youth strategy. We have also given young people across the state a voice in our government so they can help shape our plan for the state via our youth round table program. Fundamentally we are turning around the basis for opportunities for youth in this state by addressing the serious disadvantage meted out to young people under the Kennett government in education, housing and health.

The Kennett government will always be remembered for its policies which seriously undermined the state education system. We all know that there were 300 schools closed and more than 8000 teachers removed from the system with the drastic effect of escalating class sizes and seriously impacting on the education of our young people. In stark contrast the Bracks government recognises the fundamental value of education to a young person's opportunities in life and has invested more than $2.2 billion in state education. We have re-employed more than 3000 teachers and staff and reduced class sizes substantially. On top of that we have allocated $590 million to upgrading school facilities across the state. We have also put welfare teachers in secondary schools and established local learning employment networks (LLEN) across the state, 15 of which are providing networks, frameworks and pathways for young people to move from education into employment. We have a very valuable LLEN in Geelong.

Further, we are addressing the health needs of young people by funding services specifically aimed at youth. I have already mentioned the Clockwork medical service in Geelong at the Courthouse project. I am proud of a project that the Bracks government has funded in Geelong where last year we opened a much-needed four-bed detox facility specifically for young people in Newcomb. It will service approximately 125 young Geelong addicts whose average stay will be 10 days. I commend the Minister for Health for his work in this area and his preparedness to address this need in Geelong — a need, I might add, that had been totally ignored by the Kennett government which closed Geelong's only detox facility, leaving our addicts with very few options.

This house has heard me speak about one of those young men before. He used to be a student of mine and he had to try and access detox facilities in Warrnambool. Ultimately it was a failure because he was forced to leave behind in Geelong his family and support networks. I commend what the minister is doing in youth health.

This government is also turning around the critical shortage of youth housing. Last year I attended the opening of a new house in Highton, very close to my own home, which the government has built in partnership with local Lions clubs. The Minister for Housing came down and opened that house, which is providing an opportunity for four young people to continue their education. They would have been homeless without that initiative. On that day the local Lions Club said it had approached the Kennett government under the previous minister to see if it would be interested in funding such a program and the club had been turned down.

Last week I was proud to be asked by the Barwon Adolescent Youth Support Agency (BAYSA) to present a plaque of recognition to Ken Morgan, the chairperson of Kids Under Cover. The reason I was asked to do this was to recognise the great work being done in Geelong by Kids Under Cover to provide housing for our young homeless. The bungalows that Kids Under Cover have provided have been done so in partnership with the Bracks government. Mr Morgan thanked me, as a member of the Bracks government, for our commitment to working to address youth homelessness — —

Hon. A. P. Olexander — On a point of order, Mr President, the honourable member for Geelong Province has for approximately the last minute and a half been discussing issues related to her work as a

member for Geelong Province and other non-related issues to the Freeza program which might have some disconnected relationship to young people, but certainly she is not addressing the motion before us. My point of order is on relevance. I submit to you, Mr President, that she should be brought to order and asked to address the motion the house has before it.

Hon. E. C. CARBINES — On the point of order, Mr President, the whole contention of my contribution is that the Bracks government has not only increased funding to Freeza programs and has been very successful, but also that in addressing the needs of youth, our approach is a whole-of-government approach and not deserving of the condemnation that the opposition is seeking to put to this house in the motion today.

The PRESIDENT — Order! The motion is fairly restrictive in the sense that the only program it mentions is the Freeza program. It calls on the minister as an act of good faith to match the Liberal Party's commitment to increase funding to $3 million annually. Its form is very prescriptive, and that is basically what guides the house. The honourable member has quite rightly dealt with some other youth issues and other initiatives which perhaps complement this. However, the debate before the house is essentially limited, so having made the point she has made, I suggest she gets back on the motion before the house.

Hon. E. C. CARBINES — Thank you, Mr President. I recognise that the truth hurts and opposition members do not want to hear the serious disadvantage they meted out to young people in our state. I find it pretty amazing that they do not want to talk about youth homelessness, youth education or anything like that. It will be remembered by young people, that is for sure.

So the Bracks government is seriously addressing the needs of young people across all portfolio areas and across all government departments — areas that really affect the lives and opportunities of young Victorians so basically. There is not much more basic than whether you have a roof over your head, to which the honourable member opposite took exception when I mentioned it.

The Bracks government is committed to Freeza; so much so that it has increased its funding. We have grown the program. There are more providers now in Victoria than there ever were under the Kennett government. The result is that more young people in Victoria access the programs than they ever did under the Kennett government. You cannot deny the facts, and the facts hurt. The opposition does not like hearing the facts.

I congratulate the Minister for Youth Affairs and also the Minister for Sport and Recreation, the previous youth minister, for their ongoing support of young people across Victoria. Those ministers have made a real and positive difference, as all ministers in the Bracks government have, in meaningful ways to the lives and opportunities of young Victorians. I reject the motion moved by the opposition because it is groundless. Far from condemning the Bracks government, the opposition should be applauding its demonstrated commitment.

Hon. A. P. OLEXANDER (Silvan) — It gives me great pleasure to rise to support the motion put to the house today by the Honourable Ian Cover, a motion which I am glad to say is supported by our friends and colleagues in the National Party. I welcome their support. The motion condemns the Bracks government for its cuts to a very important and successful initiative in the youth area, and rightly so. The motion also goes on in an act of good faith, as you might describe it, to ask the new minister to use her new position to make amends for these cuts by not only restoring the funding but by increasing it by almost 50 per cent — nearly double it — so that the Freeza program can grow and prosper in the state of Victoria. It is of concern to me and to the opposition that the Labor Party has decided quite petulantly that it will not support such a positive call. I believe it will stand condemned for that in the eyes of young Victorians.

There are two disturbing things about this debate. The first is the necessity to have it at all. We should not have to come into this place to chastise government members for ripping funding out of a vital youth program which they themselves acknowledge is successful, needed, vital and which has enormous positive benefits for young people in the state; yet their line in this place is fundamentally hypocritical. On the one hand, they praise the scheme to the rafters, but on the other hand they rip out 30 per cent of its funding in the next six-month period alone. There is a basic contradiction, and I am concerned — and the opposition is concerned and disturbed — that we have to bring this motion here at all.

There is a second thing about this debate that the opposition is terribly disturbed and very concerned about. We seem to have a government in the upper house that is in denial — a government whose line

today would indicate to everybody that all is fine in the youth sector. After listening to the contribution of the new Minister for Youth Affairs, and the new Parliamentary Secretary for Education and Training, the Honourable Elaine Carbines, you would be forgiven for thinking there is no problem. You would be forgiven for thinking that Freeza is fine and the young people of Victoria are happy. You would be forgiven for thinking that the government should be applauded — applauded, no less — and yet what the government will not address is the fact that it has severely negatively impacted on a very valuable youth program established by the previous government. You might also be forgiven for thinking the current government established the program.

Hon. E. J. Powell — They would like to think they did.

Hon. A. P. OLEXANDER — Yes, they would like to think that, and they would like to tell the people of Victoria that, but nobody is going to buy that line because the fact of the matter is that that program was initiated by a caring and responsible coalition government that involved young people, and that was the genesis of this program.

The program did not have its origin in the bowels of trades council policy committees or in policy committees of the Australian Labor Party. The government has taken money out of this program by stealth, and we say that in the motion very deliberately. As the Honourable Jeanette Powell pointed out, there have been so many calls for information on Freeza in the chamber over the last 12 months from both Liberal and National Party members that it is hard to believe the government has not sought further information, has not sought to get a briefing on this from the department and that the government is still trying to run the line that there is no problem.

Basically, questions on notice and many questions without notice asking about the future of the Freeza program have not been answered. The government has been asked, 'Is it true that money is to be taken out?', but that question has not been answered.

The former minister came into this place regularly and talked about how good the program was and how committed he was to the program, but he would not provide the essential information. He was asked whether the funding was increasing or decreasing and whether the program would have a future, but he supplied no information whatsoever.

It is not surprising in that context that young people in Victoria feel a sense of anger and betrayal because what the government has done and is doing to the Freeza program flies in the face of the promises it made to young Victorians before it was elected. Many young Victorians placed their faith and trust in the government's promises, and many young Victorians supported the government. The very same young people who did that are the ones now feeling that sense of anger and betrayal.

It is amusing to them that at the very time when they were being told by the former minister that there were no cuts — a minister and a government in denial over this issue — arrangements were being made within the minister's department to slash funding for the period January to June 2002 by 30 per cent. Then, in a recent ministerial reshuffle, the then minister became the former minister and a new minister was appointed. There is no resolution to the issue, and the new minister has followed precisely the same line that the former minister was peddling unsuccessfully for so long.

It is also probably amusing to young people that the minister the Bracks government chose to administer the important area of youth affairs is a minister who failed abjectly in her role as industrial relations minister. What the Bracks government says to young people with the new appointment is, 'If we have a failed minister we will put her in charge of youth affairs because it is such a low priority for us that that is deemed appropriate'. That is in itself an insult, and the new minister waxes lyrical about the fact that the youth affairs ministry was being run from a particular department but is now being run from a different department, and that is somehow meant to be meritorious. But the Bracks government has appointed a minister who failed abjectly in her former portfolio of industrial relations, and it is deemed appropriate that she should now run youth affairs. What does that say about the commitment of the government to the young people of Victoria? Not much at all! That point has not escaped the young people, and they are bemused.

The government's approach to this debate reminds me of the story of the emperor's new clothes and his belief that there was no problem. For the edification of honourable members, the emperor was convinced that he had been outfitted with a beautiful new set of clothes. They were the best clothes in the land. All his courtiers and the people around him were briefed to say the same thing: the clothes were fantastic. Eventually the emperor had to go on a parade through the town. A young person — the 'young'

being significant in this debate — at the back of the crowd who had not been briefed and who had not swallowed the emperor's line pointed to the emperor and said, ' He's not wearing any clothes!'.

In the same way young people in Victoria listening to the rhetoric of the government are pointing to the minister and the government and saying, 'This government and this minister have no credibility on this issue'. My story about the emperor's clothes is an apt analogy: the emperor has no clothes. On this issue the Bracks government deserves to stand condemned.

The opposition understands that the Freeza program is a worthy one. As has been said many times in this debate, a Kennett coalition government established the program. Yes, its purposes were to provide outlets for young people in a safe, drug-free and alcohol-free environment. We know the benefits of that for young people's self-esteem and confidence. That is one of the reasons the opposition has moved this motion and why it calls on the government to do something about the Freeza program cuts. It is within the government's power to do so and to double the funding for the program. It is a great disappointment to the opposition that the government has not responded to that call during debate on this motion.

The government has argued in this debate that the cuts are not real, that there are no cuts. That is patently incorrect. The government is not only trying to say that the Liberal Party opposition is wrong about the accusation that cuts have been made to the program, but it is telling Victorians that the National Party is also wrong. It is also telling about 60 Freeza providers around the state that they too are wrong. The government is telling numerous local councils around country Victoria and metropolitan Melbourne that they are also wrong. And it is telling the young people who are missing out on events that they too are wrong.

Hon. I. J. Cover — They think they are the only people who are right.

Hon. A. P. OLEXANDER — Yes. The Youth Affairs Council of Victoria, a body re-established and funded by this government, has come out and said to the government, 'We condemn you for cutting Freeza'. It has called upon the government to increase the funding, but the government is saying that the council too is wrong. The Bracks government thinks everybody else in Victoria is wrong but it is right.

Young people would like to give the government a piece of advice: it should grab a mirror and look into it, and then it will see who is wrong. The people who are responsible for the cuts are those in the Bracks government, and they will be held accountable by young Victorians.

The opposition calls on the Bracks Labor government to recognise the importance of the program as a foundation for addressing youth issues such as boredom, substance abuse, depression and suicide, as well as a range of negative social impacts that the Freeza program directly addresses. Study after study has revealed that leisure and boredom are a real causal factor in some of the great social problems facing young Victorians. The opposition says the government should be expanding on a successful program rather than cutting it back, but unfortunately until this point not only is the government not responding to that argument, it is not even acknowledging it has cut the program at all.

An honourable member for Geelong Province, the Honourable Elaine Carbines, said that the Bracks government has a commitment to community building and in its community building objectives she applauds the minister and the former minister for their activities vis-a-vis the Freeza program. It seems bizarre to the opposition that the honourable member should so applaud them in the face of the disastrous cuts suffered by the program. It seems bizarre that she should rely on the community building approach.

Page 22 of the Freeza program guidelines for 2001 issued by the Office for Youth says the program is:

> … a community building approach based on listening to local experience, supporting local connections, providing responsive services and investing in the infrastructure which makes communities good places to live and work.

Yet the government cannot recognise that the Freeza program supports all those aims.

We on this side say that the Labor government is clearly not committed to following through its promises and the rhetoric it uses in its community building documentation. By cutting back core funding by a third in six months, the government is sending a strong message to our youth sector that it is not of importance in our community and that it is not a priority. 'We will give you the rhetoric but we will not give you the action' — has that not been a catchcry for this government over the life of this government?

Hon. I. J. Cover — Everywhere!

Hon. A. P. OLEXANDER — Hasn't it been! We have heard so much talk and so much spin but not very much substance — all talk and no action! Eventually that starts to wear thin, and it is wearing thin in the youth sector in this state today. It is wearing so thin that more and more young Victorians are recognising they are losing out under this Labor government and they will not tolerate that situation indefinitely. We believe Freeza should be expanded and built upon. We believe that secure, increased and recurrent funding needs to be procured for the program.

My colleague from the Liberal Party the Honourable Ian Cover, who is shadow Minister for Youth Affairs, and the Deputy Leader of the National Party, Jeanette Powell, have both alluded to the fact that planning for the Freeza program is such an important issue but it is not able to be done effectively with the uncertainty that surrounds Freeza funding to date.

We have a solution to that problem. Our solution is that we would make the funding stable, secure and recurrent from consolidated revenue. The government is being called upon in this motion to match that commitment — not such a hard ask — and there is still an opportunity for it to match that commitment. I call upon the next speaker when he or she rises to their feet to make that commitment to the young people of Victoria. It is not too late.

The Youth Affairs Council of Victoria — the peak youth reference group in this state for youth issues — has done a survey on the impact of the very real funding cuts of this government, and it published a report in January 2002 entitled 'At what cost? The impact of funding cuts to the Freeza program 2002'. According to its report the impact of the funding cuts is that 68 per cent — nearly 70 per cent — of Freeza providers around the state will reduce their services to the minimum of three events per six months — that is, to 30 June this year. Nearly 70 per cent of the Freeza providers in this state will reduce the events they run as a direct result of these funding cuts.

The survey also found that 17 per cent of those providers are planning to hold more events than the required minimum, but would cut costs to do so. In other words, another 17 per cent — nearly 20 per cent — of Freeza providers are going to have to cut the quality of the events they provide for young people as a result of these cuts — not the number of events but the quality of events. Things like transport will go; things like live bands will go; and things like further safety initiatives and counselling initiatives at the events for people who may have substance abuse problems will go.

These are the things that will have to go as a result of the reduction in quality, and young people are telling us that through the Youth Affairs Council of Victoria survey. Fifteen per cent are saying they are able to hold more events due to cross-subsidisation from previous events, expected good ticket sales or through additional support from the auspicing agency or other organisations — not from the Bracks government. They will go to the private sector or they will go to councils or other auspicing agencies. I ask the government: why do they have to do that? The reason is that it really has cut the funds for this program. Everyone in the state has acknowledged it except the government!

I will quote verbatim some of the reactions to these cuts the opposition has received from various communications:

> Instead of acknowledging young people's efforts, they are taking away from it. It brings morale down.

They are talking about the Labor government!

> … it will have a big impact. We totally rely on Freeza funding.
>
> … it's disappointing that despite the review —

and this young person was referring to the very expensive review that the government undertook —

> the government is not putting more effort into it.

And finally:

> Perhaps we would have done more than required but now we won't.

There will be a very real impact on young people as a result of these cuts. Concern is held throughout the youth community that fewer events will make it much more difficult to attract a regular following. What does that mean? Freeza has had to build up its clientele since 1997. The government makes much of the fact that the numbers of Freeza participants in the state have been growing over the years. There is a really good reason for that, and that is that Freeza events build by word of mouth. Young people have an experience and then they seek another good experience with a Freeza event. The trend was moving up and it has continued to move up in terms of participation. But the government comes into this place and tries to convince us that the reason the participation rates are now at something like 99 000 whereas when the program started they were

20 000 is because the government has done such a great job with the program and a much better job than we did.

I put it to the government that that is a churlish and petulant argument to make. Why would you say that a program that is gaining support, and has gained support from day one, has suddenly become a badge of honour that you wear to say, 'We did a better job than you did'? The young people of Victoria will be the ultimate judges of who has done the better job and they will make their views known when they get an opportunity at the next election.

The holding of four Freeza events per year is very important to ensure that we have events in summer and winter. That will no longer be possible as a result of the Bracks Labor government's cuts. The reduction in funding for events results in an inequitable distribution across Victoria. What I am saying here is that the equity of the distribution of events across the state has been severely harmed and impacted in direct contradiction of the former minister's assurances to this place and to the youth of Victoria in a recent ministerial statement.

I will quote from page 3 of the ministerial statement of the former Minister for Youth Affairs of April 2000 entitled 'Youth at the centre: governing with young Victorians' where he says that the government would work 'towards appropriate and equitable service delivery'. But these cuts have resulted in decentralised events which means that smaller towns will miss out because of additional expenses relating to transport. The Youth Affairs Council of Victoria tells us from its survey that many providers will now have to cut back the transporting of bands and equipment as well as the provision of transport services for the young people.

How can that be considered to be equitable when some of the most marginalised communities in our state — some of the most remote communities — will now miss out on events which they would otherwise have enjoyed under the old funding formula. There is nothing equitable about that. But the minister said that is what it is going to work towards. It has not in this case and as a result of that it deserves to be condemned.

Promotional activities for these events will also be reduced, and that results in limited knowledge of events, choices, options and opportunities for young people. That will mean the figures the government has been so happily quoting about the rising patronage for Freeza events may start to come down now because so many Freeza committees, in particular rural committees, will have to stop advertising to save money. This is a real day-to-day issue for Freeza, particularly in the country.

In metropolitan areas it is not so bad because a lot of young people are connected to the Internet and there are many other ways that they can find out about Freeza programs, but in country Victoria promotion is done through advertising because people are not typically connected through the same networks. If the providers cut that advertising and cut patronage, the next time we discuss this issue the government is likely to be quoting figures trending down and not up, and responsibility for that will rest at the government's feet, not ours.

It is important to realise that the opposition is seeking to prompt the government to action. We want the government to consider in its budget considerations increasing the funding for this program by approximately 50 per cent. Our feedback from around the state tells us that would be an appropriate amount to increase it by. As a consequence, at a rally which the government did not even bother to attend on the steps of Parliament house, the Leader of the Opposition has committed to the young people involved in the Freeza program that under a Liberal government in this state, every year recurrently, the program would receive $3 million which is 50 per cent more than it currently gets.

Hon. M. R. Thomson — Only because he knows he'll never be in government. He'll never be the Premier and he'll never have to live up to it.

Hon. A. P. OLEXANDER — The Minister for Small Business interjects and says we will never be in government. My message to the minister is that if the government continues to administer programs like this in the way it has and if it continues to deny the fact that it has mishandled the program, it will not be in government for very long.

Hon. P. R. Hall interjected.

Hon. A. P. OLEXANDER — Mr Hall has just accused the minister, quite justifiably, of being the minister for non-innovation and that may be true!

Returning to the motion, the opposition wants the government to listen to the feedback from young people in Victoria and to increase the funding. It has an opportunity to take action on this. The budget will be handed down in May. There are months to prepare. The opposition calls on the government to

increase the funding to $3 million and at least match our commitment to this program.

We feel the government would not only be doing itself a favour if it did this but doing the young people of Victoria a favour. It is no secret that young people in this state are going through a series of social crises. We have already seen increasing rates of drug and alcohol abuse; the incredible chroming scandal and the popularity of that substance abuse. We have also seen an inadequate response from the government. There is no denying that this program gets right to the core of these social problems by giving young people something positive to do in a safe environment. There is no denying that increasing this program state wide would alleviate those sorts of problems. The government should not just look at the $3 million which we are calling for as an investment in a music and dance party. The government should look at this as an investment in young people and in their health and wellbeing. That is the way the opposition sees it; that is the way the National Party sees it; and that is the way the Youth Affairs Council of Victoria sees it. We want the government to see it that way as well.

In concluding my contribution I encourage the new minister not to do what her predecessor has done; not to deny, to obfuscate and to procrastinate. A pattern is emerging in this government of talking but not acting. We all realise a pattern of procrastination has taken root within the government but I ask this new Minister for Youth Affairs, as an act of good faith towards young people, to buck the trend, to move against the trend of the Bracks government and do something about this program. Restore the funding. In the May budget increase the funding to $3 million. Build the program; do not destroy it. That is the call of the opposition, and there is still time for the next speaker from the government to make those commitments.

Hon. JENNY MIKAKOS (Jika Jika) — I rise to make a brief contribution to the debate and to outline the reasons I will vote against the motion. I find it extraordinary for opposition members to come in here and seek to portray themselves as the friends of young Victorians. They had seven years in government in which they could have shown young Victorians the money but they did not. Claims are being made in this house that the Liberal Party has made promises to young Victorians of future additional funding to the Freeza program. It had seven years in government in which it did not increase Freeza funding beyond $1 million. Since coming into government the Labor Party has put significant additional funding into the Freeza program as well as taking other initiatives that have been of benefit to young people in this state.

The previous speaker, the Honourable Andrew Olexander, was fond of using analogies. He used the analogy of the emperor's clothes in his contribution. I can also use an analogy in respect of the Liberal Party's commitment to young people and that is one of a wolf in lamb's clothing. What we have heard from Liberal Party members is promises of future funding. They are the coodabeens of Victorian politics. They say that in the future, if they were re-elected, they would put some additional funding into services for youth programs, yet for seven years when they had the opportunity to do so they failed dismally in showing the money and producing the goods for young Victorians.

The previous speaker in the debate was also fond of referring to a survey and other comments made by the Youth Affairs Council of Victoria, yet he failed to mention that the previous Kennett government defunded the peak body, the Youth Affairs Council of Victoria.

The Bracks government has re-funded the body and allowed it to be re-established to act as a spokesgroup for young people in the state. It is a tremendous initiative for the government to fund an organisation such as the Youth Affairs Council of Victoria to act as a voice for young people. It is not interested in gagging organisations that act as spokesgroups. If the Liberal and National parties came back into government they would slash funding, put the gags back into place and cut back on a range of services that are of benefit to young Victorians.

It is important to acknowledge that the government has a serious commitment to young Victorians. It regards them as a priority in its government programs. Apart from putting additional resources into the Freeza program, it has also taken a number of initiatives. Not only has it increased educational opportunities for young Victorians by increasing the number of teachers available in schools, increasing capital funding in schools and putting more computers and other resources back into the school system to give them a proper education and enhance their employment opportunities, but it has also funded a range of other initiatives. My colleagues the Minister for Education Services and the Honourable Elaine Carbines outlined some of those initiatives.

It is important to acknowledge the establishment of the Office for Youth within the Department of

Education and Training to ensure the government takes a whole-of-government approach to developing youth issues. By contrast the previous government placed responsibility for youth in the Department of Human Services, which was a particularly peculiar thing to do given the nature of that department. It is almost akin to taking a perspective that young people are a problem to be dealt with rather than a large component of our society that should be embraced and included in all types of government decision making and services.

In addition to the Office for Youth the Bracks government has committed to developing a Victorian youth strategy, which will be the first such comprehensive framework document since the previous Labor government did the same thing in 1991. It is committed to taking a whole-of-government focus, and by developing such a comprehensive framework it will ensure that all parts of the government and all departments are working in the best interests of young Victorians.

The funding for the Youth Affairs Council of Victoria has given young people an effective voice in government. In addition, the government has given young people a voice through the continuation of youth round tables. I congratulate the previous Minister for Youth Affairs, the Honourable Justin Madden, for attending numerous round tables, particularly as their focus sought to include people from non-English-speaking backgrounds and young people from rural and regional Victoria.

The government has also sought to provide other types of opportunities for their participation. These have included national youth week initiatives and a range of youth leadership opportunities which include programs such as the Freeza program. It can be seen from just some of those initiatives and programs that the government takes youth programs and services very seriously. It regards the needs of young Victorians as a priority.

The Freeza program is a good one that is doing a great deal for the young people in my own electorate. I am pleased that the program provides opportunities for young Victorians of all ages to participate in drug and alcohol-free events in venues that are supervised and safe. The program funds a network of over 60 Freeza providers throughout metropolitan Melbourne and also in rural and regional Victoria who seek to support young people and include them in the running of those types of events. Not only is it important that we put on those types of events but also that we give young people an opportunity to develop skills and experiences that will prove of use to them later on in life. For that reason I am particularly pleased that the Freeza program encourages the establishment of Freeza committees which give young people an opportunity to gain experience and skill development in music and entertainment-related industries and which enable them to become involved in all aspects of event management and to take responsibility for the coordination and planning of events.

The Freeza program has had additional funding since the Bracks Labor government was elected, which built on the $1 million in funding from the previous Kennett government. Since this government came to office an additional 17 Freeza providers have been funded, bringing the total to 60 from a previous number of 43. Those additional providers have also sought to target the needs of some of our most marginalised communities, and as the minister indicated earlier, this has included same-sex events, events for young people from non-English-speaking backgrounds and also the establishment of junior discos for young people in rural and regional Victoria.

Additional funding was given to those providers, an annual increase from $16 000 to $22 000, inclusive of GST. The increase in the number of providers has also seen an increase of young people participating in the Freeza program. The number of participants in Freeza programs and events has grown from approximately 27 000 in the 1997–98 financial year to 99 000 in the 2001 calendar year, a significant increase due in large part to additional funding which has enabled 17 additional Freeza providers to put on additional programs and events and therefore draw a wider audience of young people across the state. That is something I particularly welcome, representing a relatively disadvantaged electorate using the usual socioeconomic indicators available, and given that unfortunately we still have high levels of youth unemployment in the province of Jika Jika.

I am pleased that the Freeza program in the City of Darebin is providing a number of opportunities for young people in my electorate. The Freeza program is part of the Darebin Decibel Youth Music Centre which is based near my electorate office in the civic centre. It provides industry education and training for contemporary musicians and enables young people to access media technology and other art forms through their participation in music and other events. The Darebin Decibels Youth Music Centre also provides music industry experience to young people, and

helps to facilitate an orientation and experience program in the music industry.

The centre also enables young people and young bands starting out to avail themselves of the studio service and CD development. That illustration gives honourable members an indication of the type of benefits the Freeza program can provide to disadvantaged communities, and I am pleased that they have an active participation in my electorate.

Other Freeza programs are being run in the City of Banyule and the City of Whittlesea. In the City of Banyule the Freeza program has informal links to non-accredited training in live sound production and studio engineering through Jet Studios. It also has informal links to Victoria University, TAFE and Ausmusic accredited music industry courses, and informal links to university level business management courses and other work experience opportunities.

In the City of Whittlesea, part of which forms the province of Jika Jika, the Freeza program provides young people with accredited courses through Soundtech and the Royal Melbourne Institute of Technology in production and music industry business management. It also has informal links to local TAFE courses and job placement opportunities.

That gives honourable members a flavour for some of the participation and opportunities to young people in the province of Jika Jika and the linkages that the Freeza program has made in the wider community and other service providers.

I am pleased that the Freeza program includes a component of funding for the Push program which provides services to young Victorian musicians, and also funds the Push Start, Battle of the Bands and the Push Play Record showcase events and CD compilation for young Victorian artists.

It is important that such programs also enable young people to participate in the arts and cultural events in this state, and to get a foot in the door in the music industry. The Push program does that in an effective way.

The Freeza program also has a number of linkages with existing youth events, such as the annual National Youth Week events. Last year there were linkages with the International Year of Volunteers and the centenary of Federation events held in this state. It is important that the Freeza program has those linkages with other groups and local communities to enable young people to avail themselves of all possible opportunities.

In conclusion, the government is committed to providing services and programs for young people. We have, unlike the previous government, increased Freeza funding. Not only have we done that but we have given young people a voice again in this government by re-establishing and funding the Youth Affairs Council of Victoria as well as creating other opportunities for young people in the education sector and a range of other programs that the government has been prepared to fund.

I take this opportunity on behalf of the young people of this state to congratulate the former Minister for Youth Affairs, the Honourable Justin Madden, for his fine work as youth minister, and to wish the new Minister for Youth Affairs, the Honourable Monica Gould, all the best in her endeavours as the new Minister for Youth Affairs in this state.

Hon. M. T. LUCKINS (Waverley) — I am pleased to have the opportunity to join this debate today and in supporting the motion:

> That this house condemns the government for slashing funding by stealth for the Freeza program and calls on the new Minister for Youth Affairs as an act of good faith towards young Victorians to match the Liberal Party's commitment to increase funding to $3 million annually on a recurrent basis.

Freeza is an important program — —

Hon. M. M. Gould interjected.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! We do not need that cross-chamber conversation which is totally unrelated to the debate.

Hon. M. T. LUCKINS — Freeza is an important program not only because it provides a venue for young people to have fun, enjoy music and socialise with their friends in a drug-free and alcohol-free supervised environment, but because it also provides an excellent opportunity for local bands and people starting in the music industry to gain experience in everything from setting up sound system equipment to playing music. It is a tremendous opportunity to gain experience and serve an apprenticeship, if you like, of having the opportunity not only to perform for their own generation, friends and peer groups, but to undertake training which may lead to a future career.

The Labor government has been waxing lyrical about its support for the program. You would think it developed it and owned it. We all know that the Freeza program was developed under the guidance of the now Leader of the Opposition, Dr Denis Napthine, when he was Minister for Youth and Community Services.

It was developed and funded in 1997. I commend the honourable member for Wantirna in the other place, who played an integral part in the process and policy development that led to the Freeza program and enabled it to go from strength to strength.

The motion condemns the government for reducing funding by $300 000 for the first half of 2002 and calls on it immediately to match the Liberal Party's policy commitment to young people in Victoria of $3 million to be provided on a recurrent annual basis for this important program for young people in Victoria.

It is not just important in the metropolitan area; it is absolutely crucial in rural and regional Victoria that young people have options for recreation, that they have safe environments in which they can enjoy the company of friends without the ever-present threat of drugs of addiction being thrust at them. We know that in rural and regional Victoria substance abuse is getting out of control and that young people do not have as many opportunities for recreation as are afforded their peers in the city.

The Freeza program has been very successful in my own electorate, and I now refer to some articles from my local newspaper, which has run heavily on funding cuts and threats to the program and for many months the ongoing uncertainty under the former Minister for Youth Affairs, the Honourable Justin Madden. Since the previous budget the government has fluffed around on the issue of funding and failed to give a long-term commitment about the future of the program. All we have heard is rhetoric, but no firm commitment. It is too late now for the Labor government to say, 'We support youth. We have demonstrated that', when its actions speak volumes about its lack of commitment to young people in Victoria.

I refer now to the *Waverley Gazette* of 5 June 2001. In an article on the issue it states:

> Youth workers fear their youth music program, Freeza, is in danger of closing, despite assurances from the state government that its funding will continue.
>
> Monash council youth project worker and Freeza coordinator Shlom Eshel is furious that funding for the statewide program, which was launched five years ago, was cut to $1 million in the state budget.
>
> 'It's a shambles, absolutely ridiculous that it hasn't continued. It's one of the most successful projects in Monash' …

The article goes on to quote Fee Harrison, the Monash council youth and family services coordinator, who:

> … believes funding is safe until December, but said the commitment of young people in the city would carry the program forward.
>
> 'The (Freeza) money was a bonus, but we've got a terrific group of young people and a strong commitment to maintaining youth participation in Monash' …

I also commented on this issue. Over a long period I have raised in this place my concerns about the government's cutting of funding and lack of concern for the program.

I refer now to an article in the *Waverley Leader* of 22 January 2002, which has the heading 'Cloud over youth program'. It states:

> Young people could find themselves with fewer entertainment options because of funding cuts to the Freeza program.
>
> …
>
> Monash spokesman Greg Axford said Quiksound's funding had been cut from $10 000 to $7500, or from four events to three.

They were cuts instituted by the government and the previous minister.

I place on record my absolute disgust with the direction this government is taking with youth services in this state. The inconsistencies start with cutting funding for an important Freeza program, a drug and alcohol-free zone, while funding programs like Ravesafe that encourage people at nightclubs and other venues to use illicit and illegal drugs safely. It brings to mind the failed experiment of installing heroin injection rooms throughout the community and in my electorate.

I commend the motion to the house, and I condemn the government for its mismanagement of the Freeza program. I look forward, in government, to fulfilling the Liberal Party's promise to provide $3 million recurrent funding annually for this important program.

House divided on motion:

Ayes, 25

Atkinson, Mr	Hall, Mr
Baxter, Mr	Hallam, Mr
Best, Mr	Katsambanis, Mr (*Teller*)
Birrell, Mr	Lucas, Mr
Boardman, Mr	Luckins, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Powell, Mrs
Cover, Mr	Rich-Phillips, Mr
Craige, Mr	Smith, Mr K. M.
Davis, Mr D. McL.	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr (*Teller*)
Furletti, Mr	

Noes, 12

Broad, Ms	Madden, Mr
Carbines, Mrs	Mikakos, Ms
Gould, Ms	Nguyen, Mr
Hadden, Ms (*Teller*)	Romanes, Ms
Jennings, Mr	Smith, Mr R. F.
McQuilten, Mr (*Teller*)	Theophanous, Mr

Pairs

Bishop, Mr	Darveniza, Ms
Ross, Dr	Thomson, Ms

Motion agreed to.

MEMBERS STATEMENTS

Freeza program

Hon. A. P. OLEXANDER (Silvan) — I rise to make a statement concerning the increasing number of open-house parties being held in the outer eastern suburbs as reported in two local newspapers in my electorate. Most recently from Upwey between 700 and 800 teenagers converged on Forest Park Road where a birthday party was to be held. This was the result of an open invitation posted on the Internet supplying the address of the party, which was originally to have 50 invited guests. This proves to the government how few avenues there are for young people for entertainment in the outer east.

The youths, predominantly aged between 16 and 19, blocked the road so that many residents could not reach their homes. Front yards were urinated and vomited upon. Many residents received an earful of abuse, not to mention the sounds of the late-night burnouts; and many of the youths had been drinking alcohol. It is appalling that the government, in particular the Minister for Youth Affairs, refuses to listen to the needs of young people. It appears the government is exacerbating the problem by slashing the funding for a successful program such as Freeza, which provides fully supervised and drug and alcohol-free entertainment.

Youth boredom is a major issue. The government has argued that it is committee to a Freeza-like program now and in the future. To me it appears as if the needs of young people have fallen on deaf ears, specially when considering the benefits of a program like Freeza can have for the whole community.

SPC Ardmona Ltd

Hon. E. J. POWELL (North Eastern) — I bring the attention of the house to the wonderful work of SPC Ardmona Ltd. This is a great canning company in the Shepparton–Mooroopna area and it has a great big heart. Last Saturday the 2002 Operation Share a Can Day was held. It was a great success with about 2000 people — —

Hon. M. M. Gould — The Share a Can Day?

Hon. E. J. POWELL — Yes.

Hon. M. M. Gould — I was there; were you?

Hon. E. J. POWELL — Yes, it was a terrific day. You missed the official proceedings! It was a great success with 2000 people attending, and obviously the Leader of the Opposition in the upper house was there.

It is the sixth year of fundraising. I congratulate the managing director, Mr Nigel Garrard, on carrying on the good work of the former managing director, Mr Peter Thor. I would also like to thank the new chairman of the board, Mr David Mikeljohn, for his support of the program. The day raised the equivalent of more than $1 million worth of donated produce. All proceeds of the day are donated to charities right across the state.

I would like to thank the sponsors for providing the labels, the packaging and the transport, and I acknowledge the staff of SPC Ardmona Ltd for volunteering their time from 6.00 a.m. until 1.00 p.m. I would like to acknowledge the fruit growers for donating their fruit, and I spent about an hour on the Ponderosa line checking the peaches. The master of ceremonies for the day was Tony Barber, who said he will be back next year. The volunteers, the community and sponsors will too. This is a great commitment from all for the benefit of charity.

Women: honour roll

Hon. JENNY MIKAKOS (Jika Jika) — In May 2001 the Bracks government launched the Victorian Honour Roll of Women, recognising the contributions of 250 Victorian women who have been pioneers in their field or have made significant contributions to the community. The honour roll is an ongoing commitment of the Bracks government which will culminate in the centenary of women's suffrage in Victoria in 2008. As part of this commitment on 8 March 2002, International Women's Day, I had the pleasure of attending, together with the Minister for Women's Affairs, a commemoration inducting a further 20 women to the Victorian honour roll.

Among the women included on the roll this year was Mrs Panagiota Zacharias, who lives in Preston and works voluntarily with Greek elderly women and is president of the Women's Elderly Friendly Club based in Darebin. For the past 10 years she has been visiting nursing home residents and frail elderly Greek widows in their own homes, providing companionship to members of our community who are often isolated by their lack of English. Last week I had the opportunity to meet Mrs Zacharias and some of her children and grandson, and I take this opportunity to congratulate Mrs Zacharias on her inclusion in the Victorian Honour Roll of Women.

Hazardous waste: Dandenong

Hon. N. B. LUCAS (Eumemmerring) — I raise a matter to do with the Hazardous Waste Siting Advisory Committee, which appears to be locating a treatment facility for soil containing toxic wastes in Dandenong.. The facts are that now only three sites are being considered in the metropolitan area, and two of them are in Dandenong. That means Dandenong has two chances out of three of being chosen.

I notice that Mr Pandazopoulos has been sacked as the Minister for Major Projects in order to facilitate this decision. He has washed his hands of the matter and is not attending any public meetings in Dandenong on the matter. The other day a government spokesman said that if Dandenong takes the soil treatment facility it will not get any other toxic waste facility. That to me is blackmail, and the government should stand condemned for that. Dandenong does not want this soil treatment facility. The people of Dandenong absolutely and totally reject it. I call upon the government to make a decision not to place the facility close to residential areas which would have been the case in the Dandenong area.

Local government: VLGA publication

Hon. S. M. NGUYEN (Melbourne West) — I take this opportunity to thank the work of the Victorian Local Governance Association (VLGA) for its resource book entitled *What Price Citizenship? The Impact of the Kennett Government Reform on Democracy, Citizenship and Local Government*, which was released last month. The book contains three parts and three case studies. Part 1 deals with local government citizenship. There are four political rights and obligations of citizenship — namely, voting, political representation, participation in the democratic process, and access to information, which has been selected for closer analysis from a broader framework of civic, civil, political, social and participation rights and obligations.

Part 2 deals with the impact of local government reforms on citizenship. The reforms had dramatic and negative impacts on the status of citizenship and on political rights and obligations as exercised through local government. Local government was viewed merely as a tool of economic liberal micro-economic reform rather than — —

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! The honourable member's time has expired.

Bendigo: public land access rally

Hon. C. A. FURLETTI (Templestowe) — I was very pleased to have represented the Liberal Party at a public land access rally last Saturday, 23 March, in Bendigo. Nearly 3000 Victorians attended the rally, many of whom spend their recreational time in the bush, either amateur prospecting, horseriding, gemstone fossicking or whatever, and many others who make their livelihoods in the forest through bee keeping, eucalyptus oil harvesting or firewood gathering. There were also representatives of the Victorian Farmers Federation and many umbrella organisations representing bush users.

The rally was coordinated by Timber Communities Australia president Kirsten Gentle, and she should be congratulated on her efforts last Saturday. I was grateful for the opportunity to address the rally, as did the Leader of the National Party. The rally was incensed and offended that the Minister for Environment and Conservation, who had been in

Bendigo the day before, failed to organise herself to attend the rally to hear directly the concerns of country Victorians. Her parliamentary secretary, the honourable member for Ballarat East in another place, received a somewhat cool reception. I am sure he will take back to his minister the message that the many country Victorians who voted the Bracks Labor government into office have said 'Never again!', and I am sure he will have realised that rural and regional Victorians are angry at the government's failure to consult on the issue of use and access to public land and particularly the breakdown in public land management, which remains very discretionary and inconsistent and which — —

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! The honourable member's time has expired.

Tata Consultancy

Hon. R. F. SMITH (Chelsea) — As honourable members will agree, Victoria has gained much from multiculturalism, not only in social or cultural ties but in the economic benefits it delivers. An example of this is the recent announcement by the Bracks government of a new global development centre for Indian software company Tata Consultancy. As reported in the *Australian* newspaper earlier this month, the centre will create 200 new jobs in Victoria. This announcement further demonstrates the contribution the Indian business community is making to Victoria's economy, creating great opportunities for our state.

It is in stark contrast to how opposition members deal with ethnic communities. As the Tata announcement demonstrates, the Bracks government is recognising the importance of working with the Indian community. No-one could learn more from this lesson than the Honourable Maree Luckins, who, had she spent more time working with the Indian community, may have secured her own future as well as helped that community. However, as last night's disgraceful antics have shown, she much prefers to spend her time — —

Hon. Bill Forwood — On a point of order, Mr Acting President, the standing orders are very clear: if Mr Smith has a problem with anything that happens in this place he can move a substantive motion about Ms Luckins, but he cannot under standing order 131 come here and use words to attack her like that, and I ask him to get back to his issue.

Hon. T. C. Theophanous — On the point of order, Mr Acting President — —

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! This is quite clear cut. I uphold the point of order, and I would ask Mr Smith to come back to his statement and the substance and not to reflect on other honourable members.

Hon. R. F. SMITH — I would say, Mr Acting President, that the antics of the Honourable Maree Luckins quite clearly were detrimental to the Indian community, and she should know better. She is clearly going to inherit the name of Senator Heffernan.

Hon. M. A. Birrell — On a point of order, Mr Acting President, a member cannot reflect on another member other than by a substantive motion. Unfortunately Ms Luckins is not here to have the freedom to respond or ask for a retraction. I regard the comments made by Mr Smith as unparliamentary, and I ask him to withdraw his comments attacking Ms Luckins in such an improper manner.

Hon. T. C. Theophanous — On the point of order, Mr Acting President, my understanding of what the honourable member was saying is that he was referring to the amount of effort that the honourable member had put into forging relationships with the Indian community in her electorate. Now I do not see that as any reflection on anyone, certainly not on the honourable member, and I do not quite understand what it is that the former Leader of the Opposition is trying to assert in relation to this matter. Perhaps he would enlighten the house as to how he thinks that talking about the comparatively good way in which the government treats the Indian community compared with the way it has been treated by the opposition, including Ms Luckins, has anything to do with a reflection on her.

Hon. M. A. Birrell — Further on the point of order, Mr Acting President — fortunately, I do not have to respond to Mr Theophanous — I made the point based on standing orders and he, amongst many others, should know what they are. Honourable members are not allowed to make reflections on any members of this house other than by substantive motion. The comments made by Mr Smith, if you listened to them, indicated her disrespect and her improper actions in relation to the Indian community. It is a clear reflection on an individual.

Hon. T. C. Theophanous interjected.

Hon. M. A. Birrell — He did not use those words! Don't try to reinvent them. Read the *Hansard* if you wish or have the tape played back to you! Those comments are improper. They should not be used here, and the honourable member should withdraw them immediately.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! On the point of order, members are not to reflect on other honourable members. I ask the honourable member to withdraw his comments and then to proceed with his 90-second statement.

Hon. R. F. SMITH — I withdraw any reference that may have led to offending some people in here that referred to the antics of Maree Luckins and the way she disgracefully represented herself in the Indian community.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! I require Mr Smith to make a clear withdrawal.

Hon. R. F. SMITH — I withdraw.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! I can stand here longer than you can yell. I ask honourable members to come to order and allow the house to proceed in an orderly fashion.

Timber industry: Gippsland

Hon. PHILIP DAVIS (Gippsland) — I bring to the attention of the house the impact of the recent decision by the Bracks government to downsize the timber industry by 31 per cent across the state, and in particular the reduction of resource allocation in Gippsland by 50 per cent. Recently I had the opportunity to take the Honourable Bill Forwood on a visit to the nine sawmills in the Shire of Baw Baw, all but one of which indicated that as a consequence of this decision they would prospectively be out of business.

Similarly in East Gippsland, most of the 16 mills are considering their futures. It will be surprising to see how many are able to be sustained in terms of the resource left available to them.

Importantly, I have had evidence led to me by the Sum Strait Timber Company at Bairnsdale which is entirely dependent upon green timber mills in the East Gippsland region for the provision of timber for pallet production. The company says it too will be out of business. I am interested to note that the government has made no provision for assistance for an industry, for example, which has been operating for 20 years and is dependent upon the resource becoming available to it from sawmills. There will be no assistance for such industries.

Bendigo: public land access rally

Hon. R. A. BEST (North Western) — I take this opportunity to congratulate the bush users group that formed a rally in Bendigo on the weekend.

An Honourable Member — Carlo was there!

Hon. R. A. BEST — Some 2500 to 3000 people attended the rally and made their point of view very clearly and succinctly known to the members of the Parliament who were there. The Honourable Carlo Furletti, as has been alluded to, represented the Liberal Party, the honourable member for Ballarat East, Geoff Howard, represented the Labor Party, and the leader in our house, the Honourable Peter Hall, and the honourable member for Rodney in the other place represented the National Party.

Hon. W. R. Baxter — As well as Mr Best.

Hon. R. A. BEST — And I was pleased to be there as a local member. The Rally for your Rights march was a signal to the government that country people have had enough of the green philosophy and do not want that philosophy imposed on them, restricting their lives and the activities they are able to pursue. The National Party is strongly supportive of their views and has pointed that out to the organisers of the rally.

I would like to put on the record my appreciation for the work done in gathering those people together by Rita Bentley, Robin Taylor and Kirsten Gentle. It is a clear indication to all members of Parliament from all sides of politics that people in country Victoria are very concerned that they are being restricted in their recreational activities on Crown land. They do not want an extension of national parks, and they do not want land locked up.

Monash: mayoral election

Hon. T. C. THEOPHANOUS (Jika Jika) — I am concerned at the comments made by the Honourable Maree Luckins yesterday. Today Cr Felicity Smith, who was named by Ms Luckins

yesterday, stated that the allegation that a family member was threatened with the sack if she voted against Cr Lake is absolutely untrue. I am concerned that the Leader of the Opposition in this place, Mr Forwood, failed to thoroughly check accusations raised by the Honourable Maree Luckins yesterday. It is just like John Howard and Senator Heffernan. Mr Forwood failed to check whether the accusations, which impugned the reputation of members of the community, made by one of his members under parliamentary privilege were accurate. While Anna Burke was in hospital having a baby, Ms Luckins was in here slinging mud with the approval of the Honourable Bill Forwood and Dr Napthine. Had the Honourable Bill Forwood or the Honourable David Napthine bothered to check — —

An Honourable Member — Denis Napthine!

Hon. T. C. THEOPHANOUS — They would have found out the truth. Ms Luckins should now be asked by her leader to apologise, as John Howard asked Senator Heffernan to do. Mr Forwood should have the guts to tell her that she should apologise to the people she impugned under parliamentary privilege in this place.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! The time for members' statements has expired.

FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 26 March; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

> That so much of the standing orders be suspended as would prevent motions for the second reading of the Forensic Health Legislation (Amendment) Bill and for the adjournment of the debate on the bill being again moved.

In so doing I apologise to the house for the mix-up that occurred yesterday with the second-reading speech.

Hon. Bill Forwood — On a point of order, Mr Acting President, I wonder if you could clarify for the chamber the procedure we are following.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! I understand that when or if this motion is passed the minister will move for the second reading and the debate will then be adjourned.

Hon. Bill Forwood — On a further point of order, Mr Acting President, does this mean the second-reading speech shown in today's *Daily Hansard* will be expunged permanently from the record?

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! No, I understand it stays in.

Motion agreed to.

Hon. M. R. THOMSON (Minister for Small Business) — I move:

> That this bill be now read a second time.

The Forensic Health (Amendment) Bill makes important amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act and the Mental Health Act. The bill is based on two reviews. The first was a review of the operation of the Crimes (Mental Impairment and Unfitness to be Tried) Act by the Department of Justice. The act controls what happens when a defendant is found unfit to plead or not guilty because of mental impairment. It provides a fair and practical regime for dealing with mentally impaired people who commit crimes. However, after more than three years of hearings under the act, the government has identified ways to improve its operation.

The second review was a review of leave arrangements for patients at Thomas Embling Hospital, chaired by Justice Vincent. Thomas Embling Hospital is a secure hospital for people with a mental illness. The review followed the absconding of a security patient while on escorted day leave. The government accepted the review panel's recommendations. Recommendations that require legislative amendment are being implemented in this bill.

Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

The Crimes (Mental Impairment and Unfitness to be Tried) Act establishes a system of custodial and non-custodial supervision orders. Supervision orders are designed to allow people who commit crimes while mentally impaired to receive treatment and be rehabilitated, while protecting the community. The courts retain a high degree of control over persons

subject to supervision orders. The courts may increase or decrease a person's level of supervision.

Victims and families

The act requires that notice be provided to victims in certain circumstances and allows victims to provide information to the courts. The families of people under supervision are also entitled to be informed of the person's progress under a supervision order.

Whenever an application is made to reduce a person's level of supervision, victims and family members may make a report to the court. At the moment, the content of a victim's report is limited to an account of the injury, loss or damage they have suffered. The bill broadens the focus of this report so that it will be a statement of the victim's view of the conduct of the person under supervision and the impact of that conduct on them.

The act will also be amended so that basic information about the level of supervision being provided can be supplied to the victim or family member. At the moment, agencies that supervise people on supervision orders are not free to provide confidential information about them. The provision of this information will be limited to the type of order and the level of supervision, so that there is a balance between the needs of victims and families and the privacy and therapeutic needs of the client.

The act will also be amended so that notices to victims and family members under 18 years of age will go to their parent or guardian. Where this would be inappropriate, the court may direct that notice be given to another person on the young person's behalf.

Understandably, some victims and family members simply do not want to hear anything about the offender after the trial because they find it too traumatic. We are amending the act to make it clear that a victim or family member can choose not to be notified about any further applications made by the offender.

Similarly, there are circumstances in which notice of a hearing would be so distressing to a person that it would be detrimental to their mental or physical health. In these cases, the court will have the power to direct that the notice be provided to another person or that it not be given.

These amendments ensure that the notice procedures in the act are flexible, provide relevant information, and allow family members and victims to present their views to the court if they wish.

Representing the community

The community at large also has an interest in the progress of a person under supervision.

The courts may only reduce the level of supervision to which a person is subject if convinced that the safety of the person or the public will not be seriously endangered. The community is therefore entitled to be represented when a court is considering whether to reduce a person's level of supervision.

Experience has shown that the involvement of the Attorney-General's legal representatives speaking on behalf of the community is invaluable. The attorney is the first law officer of the state and has played no part in the initial prosecution. The attorney can therefore come to the court to protect the community's interests.

So that the attorney can fulfil this role more effectively, the bill amends the act to guarantee the Attorney-General's right to appear. The bill also extends power to appeal a court decision to the Attorney-General. This will ensure that the Attorney-General has all necessary powers to act in, and protect, the community's interests.

Notice and rights of appeal

The Director of Public Prosecutions, the Attorney-General, the supervisor appointed under the act and the Department of Human Services all have a role to play at court hearings. This bill clarifies that these parties are entitled to be notified of hearings and ensures that they are provided with relevant information. It also clarifies the rights of appeal available under the act. The bill also sets out the obligations of the Court of Appeal in hearing matters under the act.

Major reviews

In order to ensure that people do not get lost in the system, the court that makes a supervision order under the act must set a nominal term. At the end of the nominal term, the supervision order will automatically be reviewed by the court.

The bill will require the courts to specify a commencement date for the nominal term when making a supervision order. This will allow the courts to take into account any detention preceding the making of that order.

In many cases, a major review will not occur for 25 years. A new provision will allow a court to direct that a person subject to a custodial supervision order return to court prior to their major review. This provision allows the courts to take a more proactive approach to reviewing detention under the act.

The bill ensures that if a person is detained after their major review, then they will be reviewed again at least once every five years. This means that even if a person is detained after their nominal term expires, the courts will still regularly reassess their detention.

Leave

People subject to custodial supervision orders may apply for four types of leave: special leave, on-ground leave, limited off-ground leave and extended leave.

Special leave from the place of custody is currently only available for 24 hours. It is administratively burdensome for leave to be approved every 24 hours when the patient is on leave for medical treatment such as surgery that may take longer than one day. The bill extends the period available for special leave to seven days where the leave is for medical purposes.

On-ground leave and limited off-ground leave are granted by the forensic leave panel.

The Vincent review panel recommended that the provisions of the act governing the forensic leave panel be examined. The Vincent review panel cited concerns that the legislation presumes that leave will be granted unless a reason can be shown why it should not. The review panel suggested that leave should only be granted when it would contribute to the applicant's rehabilitation and when it was reasonable to do so. The amendments address the review panel's concerns.

The amendments provide that the forensic leave panel may only grant leave:

> where it will contribute to the rehabilitation of the applicant; and
>
> where the panel is satisfied that neither the public nor the applicant will be seriously endangered.

To ensure that the forensic leave panel is properly informed before granting leave, the bill requires that a patient profile and leave plan be submitted with each application. The profile and plan will be prepared by the service in which the person is detained. Where the service does not think that leave should be granted, then it must provide reasons to the panel. These amendments ensure that the forensic leave panel is provided with the information that it needs when deciding whether or not to grant leave.

A grant of leave can specify the days and nights on which a person may take leave in a period of up to six months. The bill provides that, once an order is made, the panel will only vary it where there has been a significant change in the applicant's circumstances. This will encourage a long-term view of the way that leave contributes to rehabilitation.

The forensic leave panel previously expressed uncertainty about the proper interpretation of the number of nights that the panel may grant as limited off-ground leave. The bill clarifies that the forensic leave panel may only grant up to three nights leave per week.

The bill also provides for an extension of the hours within which leave can be considered day leave. The hours will be extended from 7.30 a.m. to 6.00 a.m., and from 7.30 p.m. to 9.00 p.m. The new hours will allow more flexibility in allowing clinically appropriate rehabilitative activities during hours when they are possible.

Extended leave

Leave granted by the forensic leave panel is part of the gradual reintegration into the community of people on custodial supervision orders. Extended leave, which is granted by the courts and allows a person to be absent from custody for up to 12 months, is also part of this gradual process.

When a person seeks extended leave, it will usually be the first time that they have lived independently in the community for some years.

When making the supervision order for the first time, the court applies the principle that restrictions on a person's freedom and personal autonomy should be kept to the minimum consistent with the safety of the community. This principle will now also be applied to consideration of extended leave.

The act contains a list of criteria for the court to consider when making a supervision order. These amendments will ensure that the court also considers these criteria when deciding whether to grant extended leave.

The act will be amended so that a person's supervisor can make an application for extended leave on their

behalf. The act will also be amended so that a court can grant extended leave when conducting a major review.

Interstate transfer

The bill also provides for the interstate transfer of people subject to orders under the act and similar legislation elsewhere.

Transfers to Victoria will be allowed to maintain or re-establish family ties. A transfer may only take place where it is for the benefit of the patient and services are available. The transfer can only occur with the consent of the relevant Victorian ministers and the person being transferred or their legal guardian.

The new provisions ensure that, when a transfer takes place, an order will be made to allow the person to be treated, supervised and detained, where necessary.

Transfer from Victoria to other states will be possible where those other states have legislation allowing for the reception of persons subject to supervision orders.

These provisions fill an important gap in the regime for transferring people subject to supervision or detention between the states. They will promote rehabilitation and the reunion of families separated under difficult circumstances.

Mental Health Act 1986

The bill amends the provisions of the Mental Health Act that relate to the discharge and leave entitlements of security patients. Security patients are people who are in custody — including prisoners and young people detained under the Children and Young Persons Act. The severity of their mental illness means that they need to be detained in a hospital for treatment.

The Vincent review panel argued that treatment for these patients in hospital should focus on the acute phase of their illness and continue only so long as it is necessary and can be justified. After that, security patients should be returned to their place of detention where treatment can be continued. These amendments implement recommendations of the Vincent review panel.

The amendments provide that security patients can be discharged back to their place of detention where immediate treatment is no longer necessary. This is consistent with the discharge criteria for people receiving involuntary treatment in the community.

Discharge back to the place of detention for security patients will be governed by clinical guidelines. The guidelines will be issued by the chief psychiatrist following consultation with the Correctional Services Commissioner and the Mental Health Review Board. In this way a balance will be struck between the need for treatment and concern about security.

The Vincent review panel also recommended that a new approach be taken to granting leave of absence to security patients. The panel recommended that the authority for granting leave of absence be transferred from the Chief Psychiatrist to the Secretary to the Department of Justice, who has responsibility for granting leave to prisoners.

The amendments provide that a security patient, or the authorised psychiatrist of the relevant service, may make an application for leave of absence.

The Secretary to the Department of Justice will be responsible for granting this leave. The Chief Psychiatrist, who will be consulted on each application, will provide clinical input.

If the security patient is a young person transferred from a juvenile justice facility, then consultation with the Secretary to the Department of Human Services will be necessary. Similarly, if the security patient was transferred directly from police custody, then consultation with the Chief Commissioner of Police will be necessary. This consultation ensures that the Secretary to the Department of Justice has all the information relevant to the granting of leave.

The secretary will grant leave to security patients only where neither the patient nor the public will be seriously endangered. Leave will be granted for a maximum of six months.

At present a security patient can appeal to the Mental Health Review Board against a refusal by the Chief Psychiatrist to grant leave of absence. However, there is currently no right of appeal from a refusal by the Secretary to the Department of Justice to grant leave to a prisoner. Accordingly, now that the Secretary to the Department of Justice will grant leave to security patients, there will be no appeal to refusal of an application for leave.

The Scrutiny of Acts and Regulations Committee recently expressed concern about the removal of this appeal right. As outlined in the government's response to the committee, this amendment

implements one of the recommendations of the Vincent review panel. As security patients have either been sentenced or are on remand, the process for considering leave of absence for security patients should be essentially the same as that used for prisoners. In addition, a transfer from the prison system to the Victorian Institute of Forensic Mental Health should not, of itself, lead to reduced security.

In accordance with the recommendations of the Vincent review panel, the Correctional Services Commissioner, as delegate of the Secretary to the Department of Justice, will receive advice from the Minister for Corrections ministerial community advisory committee in relation to all applications for leave of absence from security patients. The committee's terms of reference will be amended to give effect to this recommendation and to ensure that the committee considers the treatment and rehabilitative needs of the patient in deciding whether or not to approve leave. The Chief Psychiatrist will be a member of the committee when considering applications from security patients.

These legislative amendments and new processes will ensure that prisoners and security patients are treated as consistently as possible in relation to leave arrangements. We can be reassured that people who are detained as a result of having committed serious offences will only be entitled to leave after appropriate consideration has been given to the application.

Two other recommendations by the Vincent review panel concerning options for sentencing the mentally ill have been held over pending the outcome of the review of the Sentencing Act.

Apprehension of Victorian patients who abscond interstate

The Mental Health Act contains powers of apprehension for people on supervision orders and security patients whilst they remain in Victoria. However, these powers do not apply to people who abscond interstate. The bill contains provisions that will allow warrants to be issued once it is clear that a person who is subject to supervision orders, or a security patient, has absconded interstate. The bill ensures that a person subject to a non-custodial supervision order who is apprehended under emergency provisions can be given appropriate treatment.

Apprehension of interstate patients who abscond to Victoria

As you are all aware, serious legislative gaps became evident in late 2001 when a restricted patient detained under the Queensland Mental Health Act 1974 arrived in Victoria in breach of the conditions of his leave. At that time there was no power to apprehend, detain and treat the patient. The incident highlighted the lack of a legislative framework for the apprehension and return of interstate forensic and security patients who enter Victoria after leaving their place of custody in another state or territory of Australia without permission or authorisation.

This bill closes these loopholes to ensure that patients who abscond to Victoria can be apprehended.

The Minister for Health has also entered into agreements with the ministers for health of Queensland and New South Wales pursuant to part 5A of the Mental Health Act. These agreements will enable the apprehension and return of forensic and security patients who abscond interstate. Negotiations to enter agreements with the remaining jurisdictions are well under way.

The bill creates a fallback regime to ensure that, if a patient cannot otherwise be apprehended and returned to the jurisdiction from which the patient absconded, a warrant will be able to be issued in Victoria to apprehend the patient. If the patient cannot subsequently be returned, their status in Victoria will be determined according to Victorian law.

Control of Weapons Act 1990

The amendment to the Control of Weapons Act ensures that a finding of not guilty by reason of mental impairment will not prevent the forfeiture of weapons, dangerous articles and body armour.

Intellectually Disabled Persons' Services Act 1986

The amendment to the Intellectually Disabled Persons' Services Act ensures that a person with an intellectual disability who is subject to a non-custodial supervision order and is detained under emergency detention provisions can receive services.

Other amendments

The bill contains a number of other amendments that clarify existing legislative provisions and correct a number of technical errors.

The overlap between crime and mental impairment can result in the most profound personal, family and social tragedies. This bill aims to achieve the appropriate balance between the needs of mentally impaired offenders, the safety of the community and the wellbeing of victims.

I commend the bill to the house.

Debate adjourned for Hon. M. T. LUCKINS (Waverley) on motion of Hon. Bill Forwood.

Debate adjourned until later this day.

COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

Council's amendments

Message from Assembly disagreeing with following Council amendments considered:

1. Clause 11, line 15, omit "***section 115***" and insert "***sections 115 and 116***".

2. Clause 11, line 17, after this line insert —

   '"115. ***Transitional provision — Country Fire Authority (Miscellaneous Amendments) Act 2001 — Membership of Authority***

   (1) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, the Authority as constituted on and after that commencement is deemed to be the same body as the Authority as constituted before that commencement.

   (2) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, a person who is a member of that Authority under section 7 as in force immediately before that commencement, continues, subject to this Act, to be a member until the expiry of that person's term of office.'.

3. Clause 11, line 18, omit '"**115**' and insert "**116**".

4. Clause 11, line 23, omit "9" and insert "10".

5. Clause 11, line 28, omit "9" and insert "10".

6. Insert the following new clause to follow clause 2 —

   'A. ***Constitution of Authority***

   In section 7(1) of the **Country Fire Authority Act 1958**, for paragraphs (d), (e) and (f) **substitute** —

   "(d) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Farmers Federation;

   (e) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Employers Chamber of Commerce and Industry;

   (f) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —

   (i) wholly or partly within the country area of Victoria; and

   (ii) within an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne;

   (g) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —

   (i) wholly or partly within the country area of Victoria; and

   (ii) outside an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne.'.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the Council do not insist on their amendments with which the Assembly have disagreed.

Hon. B. C. BOARDMAN (Chelsea) — It is not often that I am lost for words but obviously the minister is lost for words as well. I find it extraordinary that a minister of the Crown would enter the chamber disagreeing with amendments that have previously been debated in this place and rejected by the other place and not use the opportunity to put forward a conclusive argument as to why the house should reject the amendments as proposed. It does not have a lot of logic associated with the motivations of the government because it would have been a tremendous opportunity for the minister to articulate the government's position on the legislation, why it did not agree with the amendments moved previously by the opposition, and why the bill has been reintroduced in accordance with the amendments passed in the lower house. It seems to be an opportunity gone begging.

I do not know whether the minister is not interested, has not been briefed or does not have his heart in it, or whether the opposition knows that because of the

sensitivity associated with the opposition's amendments that it will not even try to take up the attack. It smacks of a government that does not understand its responsibilities or its obligations and commitments to the community because we are dealing with a sensitive issue. We are dealing with the issues of community safety and fire prevention.

Thankfully, we have had a summer that has not been traumatised by a significant number of fire incidents. The weather which has been relatively mild has seen the fire season shortened by some degree and apart from the fires near Seymour two weeks ago we have not had any major incidents of note. In one regard that is comforting; in another it shows the government, which attempted to play politics with this sensitive issue by suggesting it was the opposition that was playing politics, has really fallen short of its objectives.

The opposition does not have any objection to the main thrust of this bill — that is, the introduction of municipal fire plans, the use of scatter guns, and so forth. The opposition does not oppose any of the fire safety provisions associated with the legislation. However, we vigorously oppose the blatant attempt by the government to try to utilise through legislative provision the regulation to stack the Country Fire Authority board — for want of any other description that is exactly what the government is trying to do. Is it not amazing that in the time we have had since first debating the legislation we have noticed a significant change in the relationship the government has with the United Firefighters Union?

The secretary of the union, Peter Marshall, has resigned from the Australian Labor Party. I do not know whether Peter Marshall resigned because of this bill. It may have been the case that Peter Marshall was one of the individuals the minister may have used to stack the CFA board. Perhaps Peter Marshall has realised that Victoria is losing under Labor. Perhaps he understood that this is a government that does not understand its legislative abilities, its responsibilities and commitments to the community and only introduces this and similar legislation which provides opportunities for payback and cronyism and to give greater employment prospects for Labor mates because that is what it enjoys doing and that is exactly what its motivations are. Peter Marshall needs to understand that his decision in the light of the political environment facing Victoria was correct. To disassociate himself from the Labor movement and to realise that there are far better alternatives than the Labor Party is probably a smart decision.

I am not suggesting that in any way I agree with Peter Marshall because he has been an unnecessary disruption to the Country Fire Authority for many years. Apart from all of that he has seen that this government is not up to the task. He has made a decision to resign from the Australian Labor Party and to distance his union from the Australian Labor Party and to try to pursue greater advocacy for his members through different industrial and political associations, and for that reason he reflects just what the greater community thinks about the government.

On 28 November we were faced with what I consider to be quite an insulting press release from the Minister for Police and Emergency Services which suggested that the Liberal Party was playing politics with this legislation. For the record that is not the case at all. We do not want to create an opportunity for the government to simply put its own people onto these boards. These boards are sacrosanct — there is no doubt about that. Particularly when you have an authority which provides a vital service to the community you cannot have an environment where the government and the minister have control over the policy and the operations of the authority. It is not the way governments should run. This is an independent statutory authority. It is an essential service. It needs autonomy and needs to have the professionalism and the respect of the community. Clearly that is what the CFA volunteers are saying. There is not one CFA volunteer in the state who disagrees with the opposition. They do not trust the minister. They see the minister as being sneaky and devious in trying to introduce the legislation and they understand clearly that if it is passed the minister would have the opportunity to manipulate the operations of the CFA.

All volunteers are very proud of their uniform. They are equally proud of the important duty they provide to the Victorian public and they want to provide that duty knowing they will be supported independently and with the professionalism and respect they deserve. They do not want to be manipulated, they do not want to be dictated to by government and they certainly do not want the minister interfering with their board.

To suggest that the government will not agree with what are sound, commonsense and reasonable amendments shows how completely out of touch it is. I would like to know the level of consultation the government has had and its reasoning for opposing the opposition's proposals. I suspect it would be none. In fact I do not suspect: I know it would be none because the CFA brigades and officers that I

visit on a regular basis in my electorate and further afield tell me quite clearly that they do not trust the government. They are thankful that the opposition has the numbers in the upper house to block this ridiculous piece of legislation and subsequent pieces of legislation that deserve to be blocked. To suggest that the opposition is playing politics is not the case; it does not oppose any of the provisions that improve fire safety standards and provide the opportunity for municipal fire strategies. The opposition is only there to protect the members of the CFA and subsequently the whole Victorian community.

A press release from the minister dated 6 December 2001 was headed 'Opposition delays important reforms on the eve of fire season'. In my opening remarks I commented that thankfully the fire season has been relatively short. However, what a devious attempt to try to manipulate the real agenda. The government wanted to distort the facts by suggesting that any attempt to suppress fire safety was the opposition's fault. If the government was fair dinkum, if it was sincere and compassionate about what it was trying to do about fire safety, maybe it would have moved two separate pieces of legislation. There could have been one bill to deal with all the provisions of fire safety and a subsequent piece of legislation to deal with the structure of the CFA board. That would not have been beyond the realms of possibility. The opposition would have supported any attempt to deal with fire safety, and of course it would have opposed the attempt to stack and manipulate the board — with good justification and sound reasoning.

Thankfully the fire season was short, but it was a disgrace and a tragedy that the minister in the other place tried to manipulate this important piece of legislation for a politically expedient purpose. It defies any sense of credibility and the minister stands condemned, and will continue to stand condemned. He has no degree of respect among members of the CFA.

The opposition is clear that it wants its amendments accepted by this place. They are reasonable, they are appropriate and they are in tune with the philosophies and objectives of the CFA. It is nonsense to suggest that there will not be one rural and one metropolitan member from brigades on the board without explicitly specifying the relevant number of kilometres in the bill. The opposition has moved its amendment to ensure that it is 80 kilometres from the central business district. It makes perfect sense. It is beyond me why the government does not pick up on that commonsense amendment.

The opposition is doing the government a favour — as it always does — because the government brings this tacky and ill-conceived legislation into the chamber, and it is the opposition's responsibility to fix it. With great respect to my friends and colleagues in the National Party, the only political party in Victoria that has sincere regard for the CFA is the Liberal Party. The Labor Party has shown that it is more interested in the politics of the CFA and trying to achieve political gain through its operations. The Liberal Party represents the needs of the CFA and its members as best it possibly can.

The opposition provided the minister with an opportunity. He could have been a hero. He could have accepted the amendments and gone outside and said, 'Aren't I fantastic because I am going with the sentiment of the Country Fire Authority'. But he refused to do that and that is extremely disappointing.

I want to place on the record that the opposition vigorously disagrees with the motion moved by the minister. It is extraordinary that the minister does not use this opportunity to debate the government's reason for moving it. The opposition will continue to respect and fight for the rights of full-time CFA workers and volunteers to ensure that they have all the respect and assistance they need to continue to provide this vital service. I find the government's position totally illogical and the opposition will support the amendments it has previously introduced.

Hon. D. G. HADDEN (Ballarat) — The government's position is clear — that is, that the Council does not insist on the amendments with which the Assembly has disagreed. It is an important bill supported by the government.

The Minister for Police and Emergency Services is highly respected in my region, and I will give one example. Last year in the International Year of Volunteers the Minister for Police and Emergency Services sent out a certificate of appreciation to each volunteer Country Fire Authority member with their name on it. CFA members in my electorate said to me that they were absolutely thrilled and had never received such a personally engraved certificate before.

Despite the importance of and the community safety issues related to this legislation, the opposition has played and continues to play politics with it — as we have heard from Mr Boardman. This debate is about the composition of the Country Fire Authority board. The bill originally sought to simplify the current

nominations procedure that has been the practice since the mid-1990s for members to the CFA board.

The bill proposed by the government was to remove the current requirement for the Insurance Council of Australia (ICA) to provide nominations for two positions on the board, which was as a direct response to the ICA's publicly stated policy position of not wanting to participate on the board. That position was sought by the ICA from the minister and the government, and was also supported by the Office of the Correctional Services Commissioner, who suggested that the appropriate amendment should be made to the act to formalise the arrangements that had been in place since the mid-1990s.

The ICA stopped making nominations to the Country Fire Authority (CFA) board in the mid-1990s. Two governments and three ministers have made direct nominations under section 7(2) of the default provisions of the act. The system has worked well with no significant complaints, and the change in the bill as proposed by the government would have streamlined what has been an established practice and codified it into legislation.

The opposition Liberal and National parties have indicated that they will block these changes, and they have made scurrilous accusations against the government and the minister of stacking the CFA board. The minister has not stacked the board; nor has he appointed a union person under the default provisions of the act. There are no proposed substantive changes to the current structure of the board, and the position which the government wishes to implement, as requested by the ICA and suggested by the Office of the Correctional Services Commissioner, is to codify the current practice and have it consistent and placed into legislation.

The opposition is playing politics, particularly given that we have just gone through a very dry summer and high fire danger. Only last week there were fires in the Puckapunyal and Seymour region which have been devastating to farmers and property owners. It is crucial that the bill be passed, but not with the amendments proposed by the opposition.

The government is committed to achieving the necessary operational changes for the CFA that will protect our firefighters, our volunteers and the community. The composition of the CFA board has not been interfered with by the minister or the government. As I said, two previous governments and three ministers have appointed ICA nominees to the board. There has been no interference with the board and there have been no allegations of interference until now when the opposition Liberal and National parties are playing party politics and making scurrilous accusations against the minister and the government. They are unfounded, as the Honourable Cameron Boardman knows.

As I have said, no members of the United Firefighters Union have been appointed, and the minister is simply carrying on the practice that has been carried on by two governments and three ministers. The suggestion by the Office of the Correctional Services Commissioner is to formalise the practice into legislation. The ICA in particular has made it clear that it wants to extract itself from the responsibility of funding fire services. I implore opposition members not to go down that path and to support the government's motion.

Hon. P. R. HALL (Gippsland) — I commence my contribution with a personal apology, but a personal apology on behalf of my colleague the Honourable Cameron Boardman of the Liberal Party. I am sure it was nothing more than a slip of the tongue when he said the Liberal Party was the only party looking after the Country Fire Authority (CFA). I give him the benefit of the doubt on that, because the National Party stands proud on its record of looking after the Country Fire Authority for many years, certainly during the time that the representation of the National Party, and before that the Country Party, stood in this house.

After all, it can be said that every member of the National Party has CFA brigades in their electorates. That applies to many people in the Liberal Party and a few in the Labor Party, but in the National Party it applies to every one of us, and we understand the importance of the efficient operation of those brigades. We understand the enormous amount of goodwill and volunteerism that is demonstrated by those involved in the Country Fire Authority.

We have every respect for the Country Fire Authority as an organisation. One of the reasons we as a party insisted on the same amendments that the Liberal Party moved on the composition of the CFA board was in recognition of the strong views expressed to us by the volunteers within the Country Fire Authority. After all, it was the volunteers who expressed that view to us and said, 'We believe the composition of the board can be better'. The National Party understood that the Insurance Council of Australia did not wish to continue with their two positions on the board, but the volunteers told us that

there should be in their place one person representing the Victorian Farmers Federation and one person representing the Victorian Employers Chamber of Commerce and Industry. Both the Liberal Party and the National Party separately moved those amendments when the bill was debated in this place and in another place.

The next issue I turn to is, why not agree to the opposition amendments moved by the Liberal and National parties? As yet there has not been a statement from the government to tell us what is wrong with the new composition of the board. The minister did not even mount a defence or argument to suggest why the Legislative Council should not insist on these amendments. I would have thought that if his heart was in this matter he would have come to this house armed with arguments to tell us why the Council should not insist on the amendments.

Hon. D. G. Hadden — I put that case forward.

Hon. P. R. HALL — The Honourable Dianne Hadden says she put that case forward. Forgive me, I did not understand the arguments she put forward. Perhaps the minister will do us the courtesy, if he is allowed to wrap up this debate, of putting the government's position. But we will not hold our breath waiting on that particular issue.

Hon. J. M. Madden interjected.

Hon. P. R. HALL — The minister says, 'Is there any point?'. What an attitude being demonstrated by the government and by somebody who has given up just because he cannot stand the heat in the upper house. He has given up on the issue. What a pathetic approach by the government. The people of Victoria would love to hear that from the minister. 'What's the use', he says. What a pathetic statement.

I turn to the history of the bill. It has taken just over six months to reach the point where we are today. The bill was first introduced on 19 September 2001 in another place. During the course of the second-reading debate — —

Hon. D. G. Hadden — I know it.

Hon. P. R. HALL — If you know it you can hear it again because I will tell you all about it. You did not put it on the record when you spoke.

Hon. D. G. Hadden — I heard about it and read about it.

Hon. P. R. HALL — I am pleased you have. It is a wonder you have not picked up on some of the good arguments expressed in the debate. During the course of debate in the Legislative Assembly on 29 November 2001 amendments were moved by the government, by the Liberal Party and by the National Party. Of course, the majority of the government's amendments were carried at that time because it had the numbers, but the amendments moved by the Liberal and National parties were not accepted by the Legislative Assembly. The bill then came to the Legislative Council and was first introduced on 29 November 2001.

Eventually on 5 December there was a committee stage and finally the third-reading stage of the bill was passed. At the committee stage a series of amendments were put forward by the Honourable Cameron Boardman and me on behalf of the National Party — the views reflecting the concurrent views of the National and Liberal parties. We agreed there needed to be some changes in the composition of the Country Fire Authority board to replace the two Insurance Council of Australia representatives and that one of those representatives should be from the Victorian Farmers Federation (VFF) and another from the Victorian Employers Chamber of Commerce and Industry (VECCI).

Indeed, we also suggested that the two Municipal Association of Victoria nominees should consist of one from a municipality within an 80-kilometre radius of the central business district and one beyond the 80-kilometre radius. They were sensible changes and we have heard no argument from the government today about what is wrong with those changes. All the government wants is its will, as has been said by the Honourable Cameron Boardman. All it wants to do is appoint its mates to the CFA board. The opposition has presented a logical argument that would give the board the appropriate balance. In respect of those amendments, the opposition is waiting to hear good reasons why they should not be accepted, but it has heard nothing to date.

I go back to the views expressed by the volunteers of this great organisation. The views of the volunteers stand paramount insofar as the National Party is concerned. They have clearly expressed to us, through people like Alec Hooper and others — great volunteers who have served on the board and with the CFA for long periods — that they do not like the government's proposal to appoint its mates to the board and that they prefer to have appropriate representation on the board. As the Insurance

Council of Australia does not wish to participate, it says clearly that one should be from the VFF and the other should be a VECCI representative.

As I said at the outset, from the National Party point of view, the views of the volunteers are paramount. That is why the National Party will vote against the motion moved by the minister and insist on the amendments being put and carried by this chamber and sent back to the Legislative Assembly, because that will make for a better Country Fire Authority. That is what the legislation should be about — improving and strengthening a great organisation like the CFA.

House divided on motion:

Ayes, 13

Broad, Ms	Mikakos, Ms
Carbines, Mrs (*Teller*)	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms (*Teller*)	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	

Noes, 26

Ashman, Mr	Furletti, Mr
Atkinson, Mr	Hall, Mr
Baxter, Mr	Hallam, Mr
Best, Mr	Katsambanis, Mr
Birrell, Mr	Lucas, Mr (*Teller*)
Boardman, Mr	Luckins, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Powell, Mrs
Cover, Mr	Rich-Phillips, Mr (*Teller*)
Craige, Mr	Smith, Mr K. M.
Davis, Mr D. McL.	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr

Pair

Darveniza, Ms	Bishop, Mr

Motion negatived.

The PRESIDENT — Order! Having negatived the motion, the house is insisting on its amendments. The question is:

> That the bill be returned to the Assembly with a message acquainting them that the Council insist on their amendments with which the Assembly have disagreed.

House divided on question:

Ayes, 26

Ashman, Mr	Furletti, Mr
Atkinson, Mr	Hall, Mr
Baxter, Mr	Hallam, Mr
Best, Mr	Katsambanis, Mr
Birrell, Mr	Lucas, Mr
Boardman, Mr	Luckins, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Powell, Mrs
Cover, Mr (*Teller*)	Rich-Phillips, Mr
Craige, Mr (*Teller*)	Smith, Mr K. M.
Davis, Mr D. McL.	Smith, Ms
Davis, Mr P. R.	Stoney, Mr
Forwood, Mr	Strong, Mr

Noes, 13

Broad, Ms	Mikakos, Ms
Carbines, Mrs	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms (*Teller*)	Smith, Mr R. F.
Jennings, Mr	Theophanous, Mr (*Teller*)
McQuilten, Mr	Thomson, Ms
Madden, Mr	

Pair

Bishop, Mr	Darveniza, Ms

Question agreed to.

FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. M. T. LUCKINS (Waverley) — The opposition has pleasure in supporting the Forensic Health Legislation (Amendment) Bill. The bill amends four acts with regard to forensic or security patients who, until the previous government introduced the Crimes (Mental Impairment and Unfitness to be Tried) Act in 1997, were better known in the community as individuals who were serving at the Governor's pleasure.

The bill is the result of two reviews. The first was a review by the Department of Justice on the operation of the act since its introduction in 1997. In my opinion and in the opinion of the Liberal Party it is always prudent to consider any unforeseen challenges after an act has been in operation for some time to ensure that it is fulfilling the intention for which it was designed and that it is working very well in practice.

The second review followed a breach of security at the Thomas Embling Hospital, and I will go into more detail about that facility in a moment. After that breach of security there was a review of leave provisions by Justice Frank Vincent, and the bill before us basically accepts and implements the recommendations Justice Vincent made in that review.

In May 2001 the review panel appointed to consider leave considerations for patients at the Victorian Institute of Forensic Mental Health published its report. The panel's terms of reference when it was established in March 2001 by the Minister for Health followed the breach of security that I mentioned earlier at Thomas Embling Hospital. The review panel was chaired by Justice Frank Vincent and other members included Ms Penny Armytage, Correctional Services Commissioner, Mr Noel Perry, an assistant commissioner of police, and Associate Professor Norman James, Chief Psychiatrist.

The terms of reference covered all aspects of leave, including the level and type of escort required on a given leave; the leave categories available to sentenced prisoners who then become patients at Thomas Embling Hospital; when and if a security patient is able to access leave and what category of leave this patient can access; the procedure to be followed in the process of applying for given leave; and any other arrangements that would improve current leave arrangements would be determined by the panel.

The report made a number of key recommendations, and basically the upshot of the report is to tighten security arrangements and leave provisions in the bill that we are debating today.

The Thomas Embling Hospital was an initiative of the Kennett Government, although the ribbon was cut by the Labor government, as usual taking credit when it is not due. The Thomas Embling Hospital is located in Yarra Bend Road, Fairfield. It is a secure, 100-bed, inpatient forensic psychiatric facility and currently only 80 of the beds are funded for occupancy. The patients at Thomas Embling are received either from the prison system or from the courts, for assessment and treatment of their psychiatric illness. They are either returned to the prison from which they have come and continue to serve their sentence, in the case of security patients, or they are released into the community after a committed period of rehabilitation.

Part of that rehabilitation is the ability of psychiatrically ill individuals to be reintegrated with the community, and that is why it is important that they have opportunities for leave. However, we also have an obligation to the safety of the community to ensure that when leave is granted it is given after a full assessment of all the risks to the community and the individual, that it is properly supervised and has defined parameters for its duration, where the visit is to and who the patient can see.

Many psychiatric patients pose a threat not only to the community but also to themselves, and many have attempted to harm themselves or have threatened to harm themselves at the earliest opportunity. As I said, it is important that the obligation to community safety is maintained and that the security of Victorians is guaranteed, but it is also very important that individuals who suffer from a mental illness have the appropriate treatment and the opportunity to have real rehabilitation back into the community so that they can fulfil their potential and we can minimise the risk to them at their own hand or at the hand of someone else in the community.

The hospital itself is divided into two streams of care. It has acute care units, which contain predominantly sentenced prisoners and continuing care units which are responsible for the rehabilitation and community reintegration programs. About 75 per cent of patients in these rehabilitation units are forensic patients. These are the people to whom I referred earlier as having being known as Governor's pleasure cases prior to the introduction of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. In the past Governor's pleasure cases spent long periods in care and had no opportunity to be released. Indeed, many of them served effective prison sentences for a lot longer than would be the case had they not been mentally ill, but had committed crimes and been sentenced by a court.

For an indictable offence — for example, a serious assault — someone might be sentenced to jail for five years, while someone serving at the Governor's pleasure may not have the opportunity to leave that facility or leave care for 20, 30 or 40 years. It basically put those individuals with grave psychotic illnesses into a cushioned environment, but they had no opportunity at all to fulfil their potential, to be reintegrated with the community or to maintain a relationship with their families. Rehabilitation is the most important part not only of our prison system but also of our psychiatric institutions and hospitals throughout Victoria. I have on many occasions raised in this house sad and distressing cases of people suffering mental illness and explained how they have been treated by the system and also how their carers and loved ones have been treated.

Only last week I raised the case of a young girl at the Dandenong psychiatric facility that operates under the Southern Health network. She had phoned her mother and was threatening to harm herself. The mother then phoned the hospital and advised the staff that her daughter was agitated and threatening

self-harm. No note was made. Only a short comment passed between the staff at the end of the shift. The patient then absconded, and it was not realised that she was missing for an hour and a half until her mother phoned to speak to her daughter. As a consequence, while the girl was out of the facility she tried to kill herself, and indeed told her parents she had tried to throw herself onto a railway track. She was also raped. My main concern in raising the matter — and very much the concern of the parents — was that the rape was not treated seriously enough by the staff at the facility and that forensic evidence was not available to police because the girl had showered twice prior to the gynaecologist turning up with a rape kit.

That is one example of how our system is failing people with a mental illness in hospitals now. I have come across many other cases where families feel caught between a rock and a hard place. They love their children or their parents, brothers or sisters and want to do everything they can to protect them, but due to their mental illness the sufferers hurt or seek to hurt the people closest to them — indeed, the only people in the world who love them back and try to assist them. In another case I came in contact with recently the son is suffering a psychiatric illness and has psychotic episodes from time to time.

His father sadly passed away just recently, and his mother has not been able to control him at all. Every time there is an incident — and she lives on a farming property in central Victoria — and she is forced to call the police for her own protection, her son flees across the border. He is not under a community treatment order and only goes into psychiatric facilities when he has an episode. He is certainly kept on the drugs while he is in there, but when he goes across the border, at the moment there is nothing at all that his family or the system can do for him. While he is in a psychiatric facility, he is counselled, he is provided with medication and they try to instil in him the skills to survive in the outside world and provide tools for integration back into the community. But the sad fact is that many people in that situation never will. They are in for such short times that the ability to have a profound effect on someone's life and treat an individual's mental illness over a long period is greatly diminished.

There are also many cases where the system has failed the carers of the mentally ill. We have huge issues with privacy legislation where the loved ones of the individual are not kept up to date by practitioners or psychiatrists; nor are they given the opportunity to take an active part in the rehabilitation or treatment of their loved ones. That makes it very difficult for all concerned.

The rehabilitative programs offered at Thomas Embling are underpinned by a multidisciplinary approach, which is coordinated but offers the individual programs for every aspect of their needs to ensure they make a full personal recovery and have the best opportunity to be reintegrated back into our community. Throughout the process patients are allowed certain types of leave, depending on their condition at the time, to enable them to go back into the wider community which many of them find very daunting and a scary place because they do not feel that they fit into our society or even into their own families. It is a very important part of the rehabilitation process to allow individuals leave to move around the community.

That also presents many challenges for the community. There have been cases, two of which I will briefly mention, where the security of individuals and other Victorians has been placed under threat because of the release of these individuals on so-called supervised leave absconding and their whereabouts being unknown. They can pose a threat not only to others in the community but also to themselves.

I was told in the departmental briefing that this bill is not a response to the Claude Gabriel issue. Honourable members may recall that Claude Gabriel was a forensic patient in Queensland who was convicted of a quite heinous murder. He absconded on leave and came down to Melbourne. There was no reciprocal agreement between the states to enable him to be caught in Victoria and sent back to Queensland.

This issue highlighted the need for a national scheme and for responsive and responsible legislation to be introduced across every state to ensure it is consistent in each state and that in the future cases where an individual who is under a community treatment order absconds interstate, they are able to be apprehended, provided with the treatment they need urgently, but then are packed off back to their own state. One of the main reasons for that is that our own state health system is always under so much pressure. If we are seen as a mecca for people who may be unhappy with the services they are receiving interstate, we will have more strain and stress on our mental health system, our prison system and every other system, because these people will come from interstate. We will not be able to send them back to their state of

origin, and we will have to bear the cost of their treatment.

The bill changes the levels of supervision for leave. The supervision requirements will only be reduced if the safety of the person and the community will not be endangered.

The bill also makes it clear that absconders from interstate can be detained, supervised and treated, and transferred back to their state of origin. The bill also provides for discharge back to the place of detention for security patients after being treated during an acute phase of illness or a psychotic episode.

As I mentioned before, many of the patients at Thomas Embling are known as security patients. These are individuals who have been through the court system and convicted of an offence or found under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, as the act's title suggests, unfit to stand trial. They serve out their sentence in prison but with additional assistance and services provided to ensure that they have options of rehabilitation for their criminal acts and also have the opportunity to be treated for the mental illness from which they suffer.

The bill before us makes some minor consequential amendments to the four acts I mentioned at the commencement of my speech, and finetunes the operation of the 1997 act as a result of the review by the Department of Justice.

As I said at the outset of my contribution, it is important that legislation is not only responsive to where we are in the community, but also that we have the opportunity as parliamentarians to finetune it as necessary to make sure it is performing the role it was designed for in our community.

There are many areas of concern under the current regime, and hopefully they will be tightened up for the benefit of all Victorians, including the security and forensic patients that the bill is designed to assist, and also for authorities at Thomas Embling and other psychiatric institutions in providing greater tools or assistance for them to carry on their jobs properly.

There have been difficulties with leave being granted. We all have a right to feel safe in our own state, we have a right to feel safe in our homes, and parents and loved ones of people with mental illness have a right to expect that when the state is the primary caregiver for individuals, their loved ones will be afforded the best opportunity for rehabilitation and will be protected from themselves and from harming themselves, as required.

The types of leave that are available from Thomas Embling and other institutions include overnight leave, supervised residential leave, supported accommodation leave and community housing transition leave. I am referring to a paper from Jim Poulter, who has provided some background on how the system should work in practice.

He suggests overnight leave be required for a maximum of three nights a week and should continue the building of family relationships and test out the options or the opportunities for success for these individuals to be reintegrated into their families. The leave should be approved by the forensic leave panel and would have to be very closely monitored. Supervised residential leave would allow individuals to be transferred to their own accommodation on a trial basis and to a service that provides 24-hour care but in a community setting rather than an institutional setting. It would be required on a 7-day-a-week basis for a maximum approval period of three months. Again that would be assessed by the forensic leave panel.

Supported accommodation leave is a step down into the community and would allow the individual to have assistance provided to them and on-call evening support if they need it. It gives them the best opportunity to be independent and to see how their coping skills are in a monitored environment.

Community housing transition leave would be for people who are not returning to live with their families but are going back independently into the community. That is the final process of community transition for an individual who has been treated in a psychiatric facility.

I refer to the perusal of the bill by the Scrutiny of Acts and Regulations Committee (SARC), on which I had the pleasure of serving for six years until late last year. It noted a number of concerns and wrote to the Attorney-General seeking his qualification of and explanations for the concerns raised by that committee. By the time the opposition had been briefed on the bill by the department and by the time the bill was introduced into the lower house and subsequently debated, SARC had still not received a response from the Attorney-General.

It makes it very difficult for SARC under its terms of reference to make recommendations on a bill to members of Parliament if ministers do not respond in time or do not respond at all. That makes it doubly difficult for honourable members who need to determine whether the bill should be supported,

rejected or amended. The committee's *Alert Digest* No. 1 of 2001 raised concerns about the lack of an appeal mechanism to the Mental Health Review Board of Victoria. Also, concerns were expressed about some anomalies that were in the initial bill in the other place. A number of amendments were made in that place prior to the bill coming to this house.

I also note that, despite a significant number of amendments having been made in the other place, when the second-reading speech on the bill was given yesterday in this place the government had not amended the second-reading speech accordingly. I commend my colleague the Honourable Ron Best for realising that the second-reading speech had not been changed to reflect the amendments, resulting in a fresh second-reading speech needing to be delivered today.

That is the second time that I am aware of with a health bill that a problem with a second-reading speech has been evident. I seek the support of the minister and the government to ensure that if amendments are made in the lower house we in the upper house are given the opportunity to hear a corrected, relevant and updated version of the second-reading speech so that we can debate the bill with the appropriate information on hand at all times.

As I said earlier, the opposition supports the bill. It makes important amendments to four acts and it aims to strengthen the provisions for leave for individuals, both security and forensic patients, suffering from psychiatric illnesses. I commend the bill to the house.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to speak in support of the bill. Also, I thank the Liberal Party and the National Party for their support of the bill.

The amending bill is needed to update the Mental Health Act 1986 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 because five years after the 1997 legislation was passed the community regards that as being important. The bill adopts the recommendations of the review panel chaired by Justice Vincent, who has been deeply involved in working with the Victorian Institute of Forensic Mental Health.

It is important that the bill is passed because the community must be protected by the government from the risk created by some of the people involved in criminal activities. Under the Mental Health Act the government is empowered to look after those people. Some cannot be sent to prison because of their mental illnesses. They must be kept in hospital, where we can make sure they are subjected to high levels of supervision and are properly looked after. It is necessary to ensure that they are under the supervision of government programs.

From time to time we see bad news on television or in newspapers. Some people do not know what they are doing; they kill others and break the law because they are ill. We cannot let them outside, and we have to lock them up. Because of their mental illness they have to be kept in hospital. They have to be well supervised by hospital staff.

The community must ensure that they are not left free, but are subject to the law. Everything about those offenders has to be carefully assessed by the courts. Through our system we can monitor programs and go to every single patient. It can take a long time to assess those people and see how they are improving and how they cope with being confined to hospital. It is not a short-term process, as it takes a few years for patients to go through the procedures put in place by the Department of Human Services.

The program has a number of sections, such as a custody supervision order. At the moment there are about 30 patients in hospital under this scheme. They are under the care of the Department of Human Services. After their hospitalisation they can have extended leave for 12 months or they can transfer from one program to another through custody supervision orders that retain persons in approved mental health services or residential services.

Another type of supervision order is a custodial supervision order where a grant of extended leave is provided to enable the person to live in the community for a period of up to 12 months. Under this order, after being processed by the department and by a judge, a person can go out and live in the community with their parents or with other family members or they can live in special accommodation that is available to them. In order to guard against the risk of danger to members of the community, persons granted this type of leave must be well monitored by staff of the Department of Human Services.

The third type of supervision order is a non-custodial supervision order, which enables persons to reside in the community while receiving counselling or treatment. This type of order is designed to help people who need access to more counselling services or rehabilitation programs or to special treatment. The access to treatment that these people need must be balanced against the risk they may pose to the

community. There have been some problems in the past in that regard, and this legislation gives the government more power to protect the community.

When people the subject of these custodial orders appear before the court they are represented by their lawyers, who are often from Victoria Legal Aid, as many cannot afford to pay expensive lawyers. The Department of Human Services is also involved because it is the body that has the day-to-day responsibility for people subject to custodial supervision orders. The Attorney-General and the Director of Public Prosecutions also have a role to play at these court hearings. They are concerned with the legal rights of patients and the Department of Human Services is concerned with the welfare of patients and can speak on their behalf. If a patient who is the subject of a supervision order has a good record he or she can apply for a non-custodial supervision order and receive better treatment in a community program.

The Thomas Embling Hospital in Yarra Bend, Fairfield, is a 100-bed secure facility that looks after mentally ill patients. We are talking about a small number of patients at this facility, but it is important to ensure that its services are being monitored by the Minister for Health and his department.

A review panel chaired by Justice Frank Vincent and consisting of the Correctional Services Commissioner, the Chief Psychiatrist and the assistant commissioner of police delivered a report on 1 June 2001 and made many recommendations to the minister following the absconding from escorted leave by Mr Neville Garden at Southbank in March 2001. He was a sentenced prisoner transferred to Thomas Embling Hospital for psychiatric treatment as a security patient. The government accepted the panel's recommendations. Apart from amendments to the Sentencing Act 1991, which will be considered in the light of the sentencing review currently under way, the bill implements the review's recommendations.

We use different terms to describe patients. A security patient is a person who has been convicted of an offence and who has transferred to an approved mental health service for treatment or has been detained in an approved mental health service by way of sentence.

One of the bill's key amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act will give the Attorney-General the right to represent the community's interests in various proceedings under the act, because the Attorney-General has to ensure the safety of the community. Another key amendment will extend the hours during which the forensic leave panel may grant day leave to persons subject to custodial supervision orders from the current hours of 7.30 a.m. to 7.30 p.m. to the proposed hours of 6.00 a.m. to 9.00 p.m., which will provide longer hours. Another key amendment will clarify that the forensic leave panel can grant a maximum of three nights of overnight leave in a seven-day period.

In conclusion, I believe the bill should be adopted and I thank the National Party and the Liberal Party for their support.

The bill was introduced to protect the interests of the community. The department has consulted many groups and community organisations and met legal bodies to ensure everyone had the opportunity to contribute. Many members of the community who are involved in this matter have had a say in the process. I commend the bill to the house.

Hon. R. A. BEST (North Western) — On behalf of the National Party it gives me pleasure to advise the house that the National Party will support the legislation. The purpose of the bill is to amend the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Control of Weapons Act 1990, the Intellectually Disabled Persons' Services Act 1986 and the Mental Health Act 1986 with respect to security patients and persons subject to supervision. The National Party has consulted widely on the legislation and has received advice from a number of groups including the Mental Illness Fellowship of Victoria, the Mental Health Research Institute of Victoria, Mental Health Australia, the Law Institute of Victoria, and the Wodonga Regional Health Service. So we have received a substantial amount of feedback before coming to a decision about the issues before the house tonight.

As I said, the National Party will not oppose the bill. In fact, I believe the bill provides real balance between the care and welfare of patients and community safety. The bill is based on two reviews. The first is a review of the operations of the Crimes (Mental Impairment and Unfitness to be Tried) Act by the Department of Justice. After more than three years of hearings the government has identified areas where it believes it can improve the operation of the act. I welcome that. Ms Luckins also acknowledged that after three years of operation of a new act introduced in 1997 there is an opportunity for refinement so we will not contest that.

The second review that was undertaken was of the leave arrangements for patients at the Thomas Embling Hospital, a review that was chaired by Justice Vincent. As most honourable members would be aware, the Thomas Embling Hospital is a secure hospital for people with a mental illness. The review followed the absconding of a security patient while he was on escorted day leave, and what we have today are the recommendations of Justice Vincent's review being picked up and implemented in the bill.

As I said, I welcome the opportunity to contribute to the debate, which raises the important issues of mental health care within our communities. It also addresses how we deal with many of those unfortunate people who find themselves either directly or indirectly affected by this curse of a disease. A former colleague of mine in the National Party, John McGrath, was instrumental in making members of the National Party more aware of the issues associated with mental illness. As a result of the illness of one of his family members he, together with the then honourable member for Melbourne in the other place, Neil Cole, have had a profound impact on the way in which the Parliament of Victoria now looks at mental health issues. The work done by John McGrath and Neil Cole should be acknowledged because they really brought to the attention of many honourable members the real and difficult issues associated with dealing with mental illness.

Mental illness comes in various forms, and it was not until I went to a mental health web site that I became aware of some of the many types of mental illness and the complicated forms they take. While there are main headings such as anxiety disorder, there is a range of other streams such as obsessive-compulsive disorder, social phobia and generalised anxiety disorder. Under the heading of childhood disorders there is attention deficit disorder — which many parents would associate with at various times — conduct disorder and separation anxiety disorder. There are cognitive disorders such as delirium, dementia and Alzheimer's disease. There are eating disorders, which unfortunately I have first-hand experience of, and I know other honourable members have been exposed to this debilitating cruel disease that particularly afflicts young women but also effects a percentage of young men. There are mood disorders, personality disorders, schizophrenia and other psychotic disorders and substance-related disorders.

Many people within our community are affected by one or more of these disorders, and it is particularly distressing for the families of those unfortunate sufferers. Regrettably the very nature of these diseases causes enormous stress and pressure for many families within our communities. Most of us would be aware of a family member, a neighbour or even a friend who has been affected in some way. Through my personal experience I know of many sad stories associated with these sufferers and their families.

It was only two weeks ago that, along with hundreds of other people from Bendigo, I attended the funeral of an outstanding young man. The Honourable Bill Forwood also attended. Unfortunately it was a suicide, and I raise it because of the eulogy given by the mother and father at the funeral. It was quite an incredible performance, to stand before a congregation and explain the depths of despair and the problems associated with caring for the son while he went through a most excruciating mental illness.

The father of this young boy explained to the many young friends who were there that it was not their fault, they were not responsible. He told them about the problems associated with the young man's fight against his disease. It was one of the most impressive and touching funerals I have been to. I admire enormously the way those parents stood before the congregation and expressed their love and their appreciation of the 20 years their son had given them, but also talked about the difficulties he had in his later years in dealing with his disease. It was unfortunate that the disease finally got the better of him.

The Forensic Health Legislation (Amendment) Bill makes important changes to the Mental Health Act and the Crimes (Mental Impairment and Unfitness to be Tried) Act. As we have heard, the bill is based on two reviews. The first was by the justice department. The second was by Justice Vincent, which was particularly associated with the leave arrangements for patients at the Thomas Embling Hospital, and that is the issue to which I wish to address the majority of my remarks tonight. The review followed the absconding of a patient while on leave.

As all honourable members are aware and other honourable members have alluded to, Justice Vincent made a number of recommendations, and they have been picked up in the bill. I also refer briefly to the 1990 legislation that led to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and the establishment of a range of orders created under that legislation. Those orders are both custodial and non-custodial in form and are primarily aimed at

rehabilitating people while protecting the community. There are also provisions in the act that require notice to be given to victims and their families. As a result of the changes in the bill, those reporting provisions will be expanded.

The bill also deals with notices to victims and family members under 18 years of age, for whom notice will go to either parents or guardians. However, where that is inappropriate they will go to other persons as the court decides. One matter that strikes me about notice is the question of why some victims would want to be notified of where an offender is. I am sure many of those people, because of what they have faced at the trial, would want to be rid of the experience and move on. I cannot imagine that they are perturbed or concerned about where an offender will be after the trial.

The second-reading speech provides a broad explanation of the changes proposed by the bill and the difference between forensic patients under the Crimes (Mental Impairment and Unfitness to be Tried) Act, and security patients under the Mental Health Act. It is on that basis that I would like to lead into what has been one of the saddest cases I have tried to resolve on behalf of a constituent. The person I am referring to is currently on an involuntary leave order and was paroled directly from the Thomas Embling Hospital, so the case is relevant to the bill before us today. It highlights some of the weaknesses of the system and identifies some of the areas this and future governments need to address to ensure sufficient patient care and safety nets are available for people when they go into custody.

The PRESIDENT — Order! The time has arrived for this house to meet with the Assembly in the Assembly chamber to elect a member for appointment to the Victorian Health Promotion Foundation.

Debate interrupted.

Sitting suspended 6.08 p.m. until 8.02 p.m.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The PRESIDENT — Order! I have to report that this house met with the Legislative Assembly this day to elect a member of Parliament to the Victorian Health Promotion Foundation, and that the Honourable Gerald Barry Ashman, MLC, was elected to the foundation for a three-year term commencing 23 May 2002.

FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed.

Hon. R. A. BEST (North Western) — Before the joint sitting of Parliament to elect the Honourable Gerald Ashman to the Victorian Health Promotion Foundation, of which I am a member — and I congratulate him on his election — I was referring to an issue that related to a young prisoner and the circumstances since he has been paroled that saw him on an involuntary leave order.

This has been a particularly distressing circumstance for the family of this young man. For some time the family had identified and monitored his mental problem, but he also became involved in drugs and eventually was sent to prison. Later I shall refer to what I call a triple whammy because unfortunately within our system there are few programs that provide the assistance, rehabilitation and care required for this young man.

It is also of particular concern that finally, through enormous efforts of the family and with assistance from me, the young man who was sentenced to Ararat prison found himself requiring treatment at the Thomas Embling Hospital. The family went through enormous pain and difficulty with the system — I shall refer to it as the system — and the government, particularly as a result of the disappointing performance of the Minister for Corrections, who was approached on many occasions not only by me but by the family.

The young fellow's name is Aaron McCorriston of Bendigo. On 23 February 2001 I wrote to the Minister for Corrections, stating:

> Mr Neil McCorriston, the father of Aaron McCorriston who is currently serving a prison sentence at Ararat, has contacted me expressing grave concern for his son. He is extremely anxious that his son receive immediate and ongoing psychiatric care, counselling and relapse prevention from drugs and alcohol.
>
> Information I have received from Mr McCorriston is as follows:
>
> Aaron was arrested in March 1999 and was placed in custody.
> He was transferred to the Melbourne Assessment Prison prior to his incarceration at Port Phillip Prison.

> He was bailed in July 1999 to his parents, however he was sentenced to two and a half years before parole for aggravated burglary and intentionally causing serious injury in March 1999.
> He was then transferred to Barwon Prison, subsequently transferred to Port Phillip Prison and finally to Ararat in April 2001.
>
> It is my understanding from Mr McCorriston that during the time Aaron has spent in prison he has suffered from varying forms of psychosis but has only received spasmodic and incomplete care due to current prison policy that inmates can only see a psychiatrist after referral from a psychiatric nurse.

It goes on to say:

> Aaron's father advises me that his son urgently requires access to a psychiatrist and the acute assessment unit at Melbourne Assessment Prison.

That was an issue where I wrote to the minister in February of 2001. I received a letter on 16 March 2001 from Penny Armytage, the Correctional Services Commissioner in the Department of Justice. It is unfortunate that the minister flick-passed this issue. Although I wrote to the minister, it was Penny Armytage who wrote to me and said:

> The Honourable André Haermeyer has asked me to thank you for your letter dated 23 February 2001 concerning the psychiatric care of Mr Aaron McCorriston.
>
> On reception to the Melbourne Assessment Prison in April and December this year Mr McCorriston was assessed by a multidisciplinary reception team including psychiatric staff in relation to his placement in the prison system. This would have involved an assessment of his mental health status.
>
> In December last year following an incident Mr McCorriston was returned to the metropolitan assessment prison for a psychiatric assessment in the acute assessment unit. Mr McCorriston was subsequently assessed and it was determined that his current presentation did not warrant further interventions or reclassification to a specialist facility.

The letter concludes:

> I have made inquiries to prison management at Ararat concerning Mr McCorriston's current welfare at this time and confirm there is no pressing issues requiring his return to Melbourne.

Not only has the minister flick-passed the issue, but the department is now defending the fact that this boy has been assessed twice. I find it interesting in that having been assessed once he is being brought back again and reassessed and the department still believes there is no reason for him to receive treatment anywhere else other than within the prison system at Ararat, where there is no psychiatrist.

I raised the issue during the adjournment debate in the Legislative Council on 20 March 2001 because the answer I received from Penny Armytage did not address the issues I had raised. I said I believed this was a cover-up. On that occasion I said that it was with sadness that I raised the issue because I was recently contacted by a compassionate loving father, Neil McCorriston, who told me that his son had what he described as a triple whammy — drugs, a mental health disability and incarceration.

In the adjournment debate of 20 March 2001 I am reported in *Hansard* as having said:

> I wrote to Minister Haermeyer but have not yet received a response.
>
> Mr McCorriston requested I raise the issue in Parliament in an effort to seek assistance for his son, who is currently serving a prison sentence in Ararat. Mr McCorriston was anxious that his son receive immediate and ongoing psychiatric care, counselling and relapse prevention.
>
> …
>
> During all the time Aaron has been in prison he has suffered from varying forms of psychosis but has received only spasmodic and incomplete care …

I further stated that if Aaron is to take his place in the community in 18 months he will need help.

I raised that issue in March 2001. One of the things that struck me about this case is the strength of will within the family. Not only has Aaron's father, Neil, been a fierce advocate on his behalf and has never failed to stop pressuring the government and the system for assistance, his uncle Tom van Wunnik also became a fierce advocate and letter writer when it became too much for the family and someone else was needed to carry the cross and cause on behalf of this young man who is obviously very ill and trapped in a prison system that will not recognise his illness and the fact that he needs care.

Mr van Wunnik wrote to Penny Armytage, the Correctional Services Commissioner, after I had raised the matter in Parliament. His letter states:

> We have received a copy of a letter dated 16 March sent to Ron Best, MP, in relation to Aaron McCorriston. We have a number of concerns about information in your letter that we would like clarified.

He goes on to talk about the problem being created with other family members because of the stresses with the current and past problems with Aaron, and refers to the phone calls made to Ms Armytage and other persons in the Department of Human Services and Corrections regarding the help required. The letter states:

> It appears that no-one is prepared to sort out the problems and find a solution to the problems that are in the prison system for drugs-related crimes … Something has to be done, as the high number of cases of reoffenders would have to show it's easier to bring them back to the court system and let taxpayers foot a much greater bill. Surely it would be far cheaper and far more practical to sort out correct treatment for drug-related prisoners, rather to release them back into society and have them reoffend on the way home, and back in the courts a few months later.

The letter to Ms Armytage points out the mistakes in the information she set out in her letter to me. Mr van Wunnick's letter tries to correct the record with Ms Armytage. It states further:

> You state in your letter 'on reception to the MAP in April and December this year' by this I would presume that should be 'last year'. You also make comment re an incident last December. It intrigues the family as to what is referred to, as the only incident we are aware of occurred in October at Port Phillip. The reason that Aaron was sent to MAP for assessment was that the medical staff at Ararat Prison felt that he required psychiatric assessment by a psychiatrist and not assessment by just medical staff.
>
> Your comments as to the inquiries to Ararat Prison concerning Aaron's current welfare are puzzling to say the least. We have spoken with senior management and no-one can recall any conversation with anyone from your department regarding Aaron at any time in March 2001 …

He then asks her to check the records. His letter further states:

> I presume that you obtained your information from Aaron's individual management file or PIMS, but as far as I know medical staff do not make entries on these files, and medical files are not accessible to sentence management systems without the prisoner's authority.
>
> What we as a concerned family are asking is what can be done for prisoners like Aaron and others who are in the system but have nowhere to turn to now or when they are released back into society. Surely something must be done for their and everyone's welfare.

It follows up on the issue I raised in Parliament by a letter written on 29 March. Honourable members can understand and identify from that letter the frustrating issues being confronted by the family. They do not always have information as to what is going on at the time with this boy who is in the care of the corrections system. On 9 May 2001 Ms Armytage wrote to Tom van Wunnik in these terms:

> I write to you in response to your correspondence dated 1 May 2001 in relation to previous correspondence regarding Mr Aaron McCorriston sent to this office on 29 March 2001.

In the meantime a further letter was sent seeking explanations about what happened to this young man. Ms Armytage apologised that the correspondence has not been responded to. She states:

> The Office of the Correctional Services Commissioner will investigate the concerns raised in your correspondence of 29 March 2001.

Finally, on 24 May, two months after I raised this issue on the adjournment debate in this place, the Minister for Corrections responded to me in regard to the issues I raised regarding the welfare and care and treatment of this young man within the corrections system. The letter states:

> I am writing in relation to a matter you raised in the Legislative Council on 20 March 2001 concerning Mr Aaron McCorriston.
>
> You also raised this matter in your letter of 25 February 2001, in response to which you were provided with information from the Correctional Services Commissioner.

The minister acknowledges that he flick passed the issue. The letter further states:

> This indicated that Mr McCorriston was assessed by a multidisciplinary reception team, including psychiatric staff in relation to his prison placement in April and December 1999 at the Melbourne Assessment Prison.
>
> In December last year following an incident at Ararat prison Mr McCorriston was returned to the Metropolitan Assessment Prison for psychiatric assessment in the acute assessment unit. Mr McCorriston was subsequently assessed and it was determined that his current presentation did not warrant further intervention or reclassification to a specialist facility.

The specialist facility we were trying for was Thomas Embling Hospital. Clearly the family identified that the boy had a problem. It was also identified in the medical records that the father obtained under freedom of information from the department. It had been diarised since the incarceration of his son. Before his son was incarcerated his father was of the opinion, correctly so, that he needed help. The letter further states:

> In relation to your inquires concerning current policies relating to psychiatric referrals, I advise that Ararat Prison does not employ a psychiatrist. However, prisoners at Ararat prison have access to psychiatric nurses and general practitioners …

The letter concludes:

> I am advised that there are currently no pressing issues that require Mr McCorriston's return to Melbourne.

The minister has taken the word of the bureaucrats and has not bothered to inquire personally into this issue even though he has been inundated with

representations, not just from me but from members of the family. It is a disgrace. The minister is lazy and he is exposed as not caring about people within his portfolio responsibilities. He is not concerned about the people he has under his control. Most importantly, while this Labor government always says that it has a sincere social conscience, when it comes to looking after people who are legitimately assessed as being ill and having a mental problem it does not care. The laziness of this minister has been absolutely exposed.

Having received that response I forwarded it on to the family, and that was when Tom van Wunnik again contacted the minister on 18 June — so we have gone from February to June with a barrage of correspondence and representation. The letter to the minister states:.

> I sent you a copy of a letter written to Penny Armytage on 29 March 2001 for which a response was requested, it now being 18 June 2001 some 11 weeks later, and no response has been received from yourself or your department. An acknowledgment was received from Penny Armytage on 19 May stating that further information will be provided after her investigations but again no formal response to date.

It is absolutely disgraceful! Eleven weeks after being written to, with a family still facing distress and all the emotional problems associated with having their son with a mental condition incarcerated, the minister is so lazy that he will not even respond to a letter. The letter goes on to say:

> I have attached copies of letters, which were sent to you, and Penny Armytage, which were responses received by Ron Best, MP, (please note the similarities) and copies of the original letters and acknowledgments from Penny Armytage …

So we have a family that is on the political and bureaucratic merry-go-round. As an update on Aaron McCorriston, the family organised a private psychiatric assessment by Dr Michael Maloney of Pine Lodge clinic in Dandenong on 16 May who stated that Aaron required proper psychiatric treatment. He then had discussions with Ruth Fine and as a result of these Aaron was moved from Ararat to the Melbourne Assessment Prison on 30 May. On 7 June Aaron was moved to Thomas Embling Hospital, where he is currently having treatment. It is an absolute disgrace that the family has had to go out and seek private psychiatric care to confirm what it knew and the department and the minister denied. The letter concludes:

> His father and I have a meeting on 21 June at 10.00 a.m. with the director of sentence management unit, Dennis Roach. Seeing as I have not received a response to my letter maybe you or one of your senior staff would like to be in attendance so that this problem can be sorted out once and for all, so it will not occur to others as it has to Aaron.

As far as I am concerned that is a disgraceful admission that the system has failed — that all the time that this boy has been in the care of the state the minister has turned a blind eye to his mental health problems, the bureaucracy has turned a blind eye to his mental health problems and the family have had to seek private assessment from a psychiatrist to ensure that in less than 12 months, as it was in this case — I think it is now down to about 9 months — this person may be fit to be tried and paroled and after rehabilitation to take his place back in the system.

Mr McCorriston provided me with a couple of points regarding the notes he had taken at the meeting with Dennis Roach. They say:

> This meeting was organised to discuss (with) the department of corrections proper treatment for Aaron.
>
> Dennis stated that the department had been slack in replying to written communication that had been sent to Penny Armytage, with cc for response to André Haermeyer on 29 March 2001. An acknowledgment was sent from Penny Armytage on 9 May 2001 but after having sent two reminders, and a phone call from R. Bradley from the Correctional Services Commissioner's office, was received on 16 May —

so it was within the department and being shuffled from desk to desk —

> after faxing another request. A further reminder was sent to André Haermeyer on 18 June with a cc to the Premier S. Bracks, a request was made to André as he had not replied to communications that he or staff members might like to attend the meeting, and an email was sent to Penny Armytage on the 18th as well. Dennis Roach stated at the conclusion of the meeting that the minister sent his apologies that he could not attend.

Now I accept that ministers are busy and I do not for one moment say that ministers should attend every meeting like this, but the disgraceful way the family has been treated in this case should have required someone from either the minister's office or the departmental office to be there. One of the undertakings Dennis Roach gave was that after that meeting he would write and confirm the conclusions and what had been agreed to by the parties at that meeting. He wrote on 28 June 2001 to Mr Neil McCorriston. The letter from Dennis Roach, director, sentence management unit, states:

> At our meeting on Thursday, 21 June 2001, I agreed to write to confirm my proposed action with regard to the management of your son Aaron.
>
> Firstly, as discussed at our meeting, please accept my apologies for the delay in responding to correspondence from yourself and Tom regarding Aaron's management. Notwithstanding these issues, I am pleased that Aaron is now placed at Thomas Embling Hospital and is receiving appropriate medical and psychiatric care.
>
> I will liaise with the Thomas Embling management in order to be kept informed of Aaron's progress and particularly to be informed of the plans in respect to his return to the prison system.
>
> As discussed, it is important for me to be advised well in advance of his return in order that consideration of his placement within the prison system is considered. I agreed at our meeting that when I have been informed of Aaron's return I will then advise you of my intentions regarding his placement.
>
> Additionally, as Aaron will be due for parole consideration in January 2002, I also agreed that I will commence discussions with the director, community correctional services, so that the issue in respect to his management particularly the medical concerns are well known in advance to the CCS officers who …. at some point in the future will be responsible for preparing a report to the Adult Parole Board.
>
> I trust that the above adequately confirms the major outcomes of our discussion last week.

It goes on to say:

> Should there be any further matters …. please … contact me.

Mr President, that is one of the most disgraceful cases of inadequate assessment, care and handling of somebody with a mental disorder within our prison systems. This legislation is aimed at looking at the provisions under the Mental Health Act that assist patient care and leave arrangements.

There is some good news out of this story, and that is that Aaron was finally paroled on 25 January. As I said, he is on an involuntary leave order, but he was paroled from Thomas Embling Hospital which in itself is an admission by people within the system that his mental illness was of such magnitude that he needed extensive care and treatment in that he was not returned to the prison system and paroled from one of the state prisons. But what did this minister do? Not very much.

I would just like to bring the house up to date on where this young man is. I spoke to his father today. He is an amazing parent, an amazing father and a wonderful example to his son, not only of persistence but of love and compassion. He still urges me to continue the cause for Aaron. As far as he is concerned whilst Aaron was paroled or given leave back to the Bendigo Community Correctional Service they found the department very supportive. Aaron, his father and Pastor Bob Romeo — an outstanding man of the cloth in Bendigo and a wonderful resource whom this family has relied on for help and assistance — attended the corrections service in Bendigo to work out how Aaron was going to take his place back in family care. The nice thing is that the staff of the Bendigo corrections service have been extremely supportive because they are aware of past mistakes. They are very apologetic, and in Neil McCorriston's own words are 'absolutely bending over backwards' to help this young man.

Aaron's case falls within the range of assistance from the old CAT or crisis assessment teams, which are now called mobile support teams. He is only receiving one visit per week, when his medication is provided, but the problem for the mobile support teams is that they are under enormous pressure. They have enormous workloads, and I understand for every worker within the team there are something like 14 patients. One of the major problems is that while Aaron was released on 21 January 2002, he still has not seen a psychiatrist. He was prescribed and provided with medication, but his involuntary legal order is due for review on 9 April. So all the issues associated with Aaron's illness, such as counselling and being able to talk his problems through, still have not been addressed, and he really does need help. This is where I urge the department, and seek assistance from the government, to ensure that the support services required by these patients who are returned to the community for rehabilitation be supported with adequate resources, funding and programs.

I understand the medication Aaron is on is quite dangerous. Unfortunately he is experiencing some side effects. He is having seizures and has crashed on a couple of occasions, so the family cannot leave him alone. There has to be constant care and assistance from the family. Yet he is one of the lucky ones because unless he had his family as his support mechanism I fear he would be like so many cases in the system at the moment, where because there are insufficient support mechanisms people reoffend and go back into the system. Aaron has seen a medical practitioner but not a psychiatrist. The medical practitioner told him his medication would take about 18 months to get him right. I am looking forward to the appointment in April when he can be reassessed because I think some refinements on his medication may be required. But he is a very sick young lad who

still needs care and treatment. His family is supporting him with an extraordinary amount of care but he also needs counselling and medication to assist his recovery.

This legislation is about two types of prisoners. While other speakers have referred to the circumstances which forensic patients are exposed to, the issue I have raised is something that really needs to be addressed. We set up a system and this legislation is aimed at making amendments which look at leave provisions. Unquestionably there is difficulty within the system, first in being assessed and in getting the level of access to assessment that is required by patients. There is also the issue of when psychiatrists are not in residence or available to jails, how many people fall through the system?

Over the last 12 to 15 months that I have been exposed to this area I have met some wonderful people throughout this exercise who have been an enormous support. They have spoken off the record, and whilst they should not have passed on the information they have been able to encourage me to continue seeking assistance for this young lad. I have absolutely nothing but praise for the family and their fight and determination, particularly Neil McCorriston for what he has been able to achieve for his son. However, the issue remains: there are people in the bureaucracy who find it easier to push circumstances aside. It is particularly damning when we have a minister who is lazy. The family has been exposed to enormous stress both emotionally and physically, but the minister still does not care. If he cared he would not only respond to letters but he would look at the way his department was behaving.

I was very impressed by the professionalism of those involved in the briefing we had from the department — Laura Payne, Isabel, Alison and Tass Mousaferiadis. I acknowledge the very professional way in which they briefed Hugh Delahunty and me on the bill. But we have a circumstance where the system has been exposed because of the holes in it. Unless a minister of the Crown is prepared to pursue the issues vigorously to ensure that the gaps — such as this one where people unfortunately even after 12 months of being in the prison system cannot get assessment and do not receive a response from the minister — are closed something is terribly wrong with our system and needs correcting. The minister must get off his butt and start to take responsibility for his ministerial portfolio. After all, he does get a 75 per cent loading. In this case he has done nothing to justify the money he is paid as a minister.

There are a number of people in our community, as I said, who have mental problems. It is a distressing and debilitating issue for many families. As I said, in a very minor way when compared to Mr McCorriston my family has been exposed to a similar issue. However, we have been fortunate; many families have not. It is up to the government and its so-called social conscience to ensure that those in most need are cared for and looked after.

I am aware that there needs to be a balance in the system, that not only is care required for the treatment and wellbeing of these patients but community safety is also an issue. The community must feel safe and confident that all the checks and balances that are appropriate for the care and treatment of these people and the way in which they are housed are in place. It is a very difficult area — I accept that — and I understand that speakers on both sides of the house support the bill.

The bill in itself provides an opportunity for the government to go a little bit further in addressing the problems I have raised tonight. However, I have pleasure in supporting the bill and look forward to its passage.

Hon. R. F. SMITH (Chelsea) — It gives me pleasure to follow that heartfelt and genuine contribution from the Honourable Ron Best. I rise to support the Forensic Health Legislation (Amendment) Bill. I will start by saying that as I understand it, in her contribution the Honourable Maree Luckins stated that this bill allowed for leave provisions suggested by Mr Jim Poulter, who is a social worker at the Thomas Embling Hospital. While I appreciate that this may have been a genuine mistake on her part, and I certainly will be the first to admit it if I have it wrong, I believe she stated that the bill gives effect to the provisions suggested by Mr Jim Poulter, whereas in fact the bill does not do that. I hope that clarifies that matter.

This bill contains amendments that implement the recommendations of the review panel chaired by Justice Vincent. That panel considered, amongst other things, leave arrangements for patients at the Victorian Institute of Forensic Mental Health and a review of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. The Vincent review was the government's response to the events of almost 12 months ago when Mr Neville Garden absconded from escorted leave in the precincts of Southbank. That caused alarm in the general community. People were quite disturbed at what

transpired over a few days until he was apprehended et cetera. As I say, the bill takes into account what happened that day and amends the leave provisions.

While at the time he absconded Mr Garden was what might be termed a mental health prisoner, at the time of sentencing he was not. He was transferred to the Thomas Embling Hospital some time after he was first incarcerated for his crime. During his time there he was able to take escorted leave, and on one occasion at Southbank, as I said, he did the proverbial runner. As a result of that the review panel was required to consider leave arrangements at the Victorian Institute of Forensic Mental Health. Members of the panel included, as well as the chairman, Justice Vincent, a correctional services commissioner, the Chief Psychiatrist and an assistant commissioner of police. The panel delivered its report to the government on 1 June 2001.

The government acted expeditiously following Mr Garden's escape. The public was alarmed. He was apprehended quite soon afterwards, and I believe in this bill we have now allayed the fears of the public and reduced the chances of that situation recurring, not just for Mr Garden but for anyone.

In November 2001 the department was aware that Mr Claude Gabriel, who had been detained under the Queensland Mental Health Act 1974, was residing in Victoria in breach of his leave conditions. At that time there was no power to apprehend, detain or indeed treat Mr Gabriel in Victoria. When that became public knowledge there was much concern and angst among Victorians, particularly given the nature of the crime Mr Gabriel had been detained for, and I must say I shared the public's concern in that matter, as all of us would have done.

The government, through this bill, is determined to address the deficiencies that existed at that time. Key amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act of 1997 include clarification that a person found not guilty because of mental impairment in a Magistrates Court must be discharged. Historically, this has always been the case. This amendment clarifies that matter. The bill also requires courts to specify a commencement date for nominal terms when making a supervision order, taking into account the time already served.

Clearly, in the light of Mr Garden's and Mr Gabriel's absconding and the difficulties in apprehending Mr Garden or returning Mr Gabriel to an interstate institution, the current act needed to be amended. The government has done that in this bill, and I believe it has already been stated that the bill has cross-party support. We are all pleased about that. The bill addresses the public concern that continues to exist about people being able to abscond while either serving sentences or being treated for mental illness, particularly when they have committed some particular crime.

In essence, we can now, as a result of this bill, apprehend any individual who has escaped from an interstate mental health facility and return or treat, as necessary, those individuals. We can recover by other mechanisms, if necessary, escapees from Victoria who are residing interstate. This is a huge improvement on the conditions that prevailed previously.

The bill is clearly in the public interest. It is needed to protect the public. There has been wide consultation. I read the list of departments, individuals and institutions that have been consulted on this matter, and it is quite extensive — so extensive that I am not going to elaborate on them all. Suffice it to say that there has been wide and unanimous support for this bill, and on that basis I commend the bill to the house.

Hon. P. A. KATSAMBANIS (Monash) — I rise to speak on this bill and to record once again the Liberal Party opposition's support for the proposed legislation. The bill deals with an extraordinarily difficult part of our community and our system of government. It deals with the place in our public services where the mental health system collides with the correctional services system. It is an extraordinarily sensitive and difficult area, and it is an area that for a long, long time the public of Victoria in the main wanted to ignore and forget about.

It is interesting that almost a century ago it was people like Thomas Embling who led the world in opening up what happened in the area of acute mental health care, particularly in the elements where it collided with the correctional services system. It took almost 100 years for a bill such as the bill we passed in this place in 1997 — the Crimes (Mental Impairment and Unfitness to be Tried) Bill — to come into being, which essentially ended the arbitrary system of confining someone to institutionalisation at the Governor's pleasure and sent a very strong message to the community that the primary concern of this area of our health system and our legal system was the treatment and rehabilitation of individuals rather than their incarceration.

It was a long time coming, it was something that in the end had bipartisan support, it was something that as legislators we should all be proud of, and it was a fitting tribute to someone like Thomas Embling, who was a pioneer in so many ways a century ago at the turn of the previous century and who was so enlightened as to have taken steps that even 100 years later were seen as being rather radical. If I could add a semblance of light-heartedness to this very difficult topic, it is interesting that Thomas Embling was the honourable member for Collingwood in the other place, and I should put on record that anyone who has anything do with Collingwood is a pretty good person in my opinion!

To return to the serious matter at hand, the opposition supports this bill, but there are a couple of issues I want to highlight in the spirit of cooperation and bipartisanship to make sure that we get the best possible outcomes for the care of people who are tangled up in this system.

The first issue I want to raise relates to clause 25, which substitutes proposed new section 54 and inserts proposed sections 54A and 54B in the Crimes (Mental Impairment and Unfitness to be Tried) Act. Those provisions deal with the granting of on-ground and limited off-ground leave, and it seems to me that although the provisions are a good idea, when you read them you see that they are extraordinarily inflexible. They are the sorts of provisions that spell out in very much black-letter law all the things that need to be satisfied.

This is a difficult area where black-letter law often does not provide the best outcomes, and as we know — as much as we try to be responsive to communities' needs — black-letter legislation passed in this place is sometimes not the most flexible or easily changed legislation. As I am one who wants to preserve the integrity of the legislative process, it is pretty rare for me to come to this place and argue that we should move to subordinate legislation where primary legislation can do the work. This is one area where the flexibility provided in forms of subordinate legislation — be they regulations, orders in council or even codes of practice from extraordinarily well-informed professionals who work in the area — could well have provided the flexibility that I do not necessarily believe a legislative regime will provide.

I submit this, as I said, in a spirit of cooperation to make sure that we get the best possible outcomes for the people who are caught up in this system and whose situation is often exacerbated when they try to deal with complex legal issues which are not of their making but which seem to tie them up. I trust that when these provisions are implemented the government and the bureaucrats will assess how well they are working and that if they are not working well we will come back and look at a more flexible system in the future.

I want to point out a couple of other issues, and one is in relation to the changes to section 51 of the Mental Health Act proposed by clause 41 of this bill. Clause 41 changes the person who makes the decision on leave applications made under the Mental Health Act from the Chief Psychiatrist to the Secretary of the Department of Justice. That in itself is a fairly radical step from an administration perspective. It changes the balance of power from the Department of Human Services to the Department of Justice. It picks up recommendations made by Justice Frank Vincent in his report, but unfortunately it also removes the right to appeal that has existed in these decisions for a long time. Previously, where the Chief Psychiatrist made a decision an affected person or their representative had a right of appeal to the Mental Health Review Board of Victoria. Under these proposed changes to section 51 of the Mental Health Act that right of appeal will be removed.

I understand that Justice Vincent recommended this in his report, but unfortunately I do not think the government has really made out its case as to why the right of appeal should be removed. We have already heard in debate that concerns about it have been expressed by organisations as diverse as the Law Institute of Victoria, the Health Services Commissioner and the mental health legal centre. Even the Scrutiny of Acts and Regulations Committee commented adversely on this aspect of the bill in its *Alert Digest* tabled in this place. It raised the issue that the removal of a right of appeal is very serious and something that a government needs to make a very strong case for.

I do not think it is good enough for the government to say that the right of appeal has been removed because the considered report of Justice Frank Vincent's committee recommended it. The government has an obligation to come into this place and actually put on record how it believes the rights, liberties and protections afforded to the people through the right of appeal process are still preserved in the new process without a right of appeal. I do not think it has made out that argument, and it stands condemned for that.

There are two other issues I want to focus on in brief, and one relates to the second-reading speeches. We had two second-reading speeches — one presented yesterday and one presented today — and that in itself is pretty novel. I was going to say it is unique, but I recall one other situation late last year where that happened. It indicates the government's sloppiness in preparing for Parliament. I could comment adversely on that for a long time, but I will let it stand on the record that the government had to correct the second-reading speech, which says it all about this government.

I turn to the content of the second-reading speech, in particular the content of the second second-reading speech — the one that was read in this place earlier today. In the previous Parliament I was a member of the Scrutiny of Acts and Regulations Committee, and we thought we had a little bit of power, but I have to say that the Scrutiny of Acts and Regulations Committee today has outdone itself. I have never before seen a government respond to the concerns of the Scrutiny of Acts and Regulations Committee in a second-reading speech. The usual procedure is that the government tables the bill, which is read a first time, and then moves for the second reading and gives the second-reading speech. The Scrutiny of Acts and Regulations Committee makes its comments after the second-reading speech has been delivered and then either in debate or by letter to the Scrutiny of Acts and Regulations Committee the government and the minister responsible respond to any concerns of the committee.

However, in this bizarre process we have gone through in the morphing of the second-reading speech from one place to the other, a series of paragraphs that directly respond to the concerns of the Scrutiny of Acts and Regulations Committee have been inserted into the second-reading speech. I do not necessarily think that is a bad thing, but it is an absolutely unique thing.

The second and more important issue is that one thing this government has not done in this new second-reading speech is adequately address the amendments that were made in the other place.

I thought the second-reading speech was pulled yesterday and we had a new second-reading speech today because it was clear that, although a whole series of government house amendments had been put through in the other place, they were not covered in the second-reading speech. If I read the speech closely I notice one paragraph that kind of alludes to it, headed 'Apprehension of Victorian patients who abscond interstate', and another headed 'Apprehension of interstate patients who abscond to Victoria', but they are really a rehash of paragraphs that appeared in the first second-reading speech rather than new paragraphs.

The government had the opportunity to remove the second-reading speech and get it right. It responded to the negative comments of the Scrutiny of Acts and Regulations Committee. I think that is a good and positive thing: put it on the record and increase the stature of the Scrutiny of Acts and Regulations Committee. However, the primary purpose of removing the second-reading speech and introducing a new one was to explain the amendments made at the house amendment stage in the other place. That has hardly been done.

There is only one other point I want to make about the legislation. It concerns the point I made about dealing with either patients who abscond from a mental health facility interstate and come to Victoria or, conversely, patients who abscond in Victoria and move interstate. We have had some recent examples of that occurring. It is a difficult situation. I must say that I have not been convinced by anyone from the government side as to why our current Mental Health Act provisions cannot be used. If we know the person is in Victoria we can simply pick up the person, examine them and then admit them as an involuntary patient under the Mental Health Act. I would have thought that was an obvious solution. If you knew someone was in Victoria and had absconded from a facility interstate, I would have thought our act covered the situation: we make the assessment that they need to be held involuntarily. As I said, that has not been properly explained to me, even though I understand the legislation is complex and that some lawyers might want to work around the edges of the legislation.

The government has introduced a new regime that it tells us will deal with that situation. I hope it does, but it relies on cooperation with other states. I read that the government seems to have reached some sort of agreement, I do not know whether it is at ministerial or departmental level, with the governments of New South Wales and Queensland to deal with these issues, but there are still a few governments to go — South Australia, Western Australia and Tasmania as well as the Northern Territory and the Australian Capital Territory.

I put it to the government, again in the spirit of cooperation and bipartisanship to make sure we have the best possible regime in this very difficult area,

that although it seems to have been dealt with at a Department of Human Services level and a health level, this is an area that should be examined at a Department of Justice level through the Standing Committee of Attorneys-General. It is clear that we need template legislation across Australia. We need all the jurisdictions in Australia to look at the fact that it is a reality that people abscond and move interstate, and in order to deal with it adequately it is not good enough to have some sort of quiet agreement with New South Wales and Queensland and think we have solved it. We should sit down at a national level and come up with a solution.

In the meantime, the government is taking a good step, and the Liberal Party supports it. With those few words I again put on record that this is a difficult area of the law. So far we seem to have a bipartisan approach, and I hope we continue to do so and that the primary intention of the bill is fulfilled in practice, and if it is not that the government will act quickly to come back here and again in cooperation with all sides of the political spectrum fix up any holes left in the legislation after the bill is passed.

Motion agreed to.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

That this bill be now read a third time.

In so doing I thank honourable members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Adjournment

Hon. M. M. GOULD (Minister for Education Services) — I move:

That the Council, at its rising, adjourn until Tuesday, 16 April.

Motion agreed to.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Education Services) — I move:

That the house do now adjourn.

I wish to make the following statement: the ministers are not prepared to participate in the abuse of the parliamentary process that happened on the adjournment last night, and consistent with the Senate practice the opposition is so keen to introduce in this house, there will be one minister at the adjournment table to take note of all matters. Other ministers are using the time productively, turning things around, and I will take notes, as occurs in the Senate and the Legislative Assembly.

Hazardous waste: Dandenong

Hon. N. B. LUCAS (Eumemmerring) — I wish to raise a matter with, I assume, the only minister here tonight, the Minister for Education Services, for the Minister for Major Projects in the other place. It relates to the hazardous waste issue in Dandenong. I wish to raise with the new Minister for Major Projects in the other place the matter of the offensive industry zone, where there are two proposals for hazardous waste treatment sites.

I am aware that the area where the Dandenong offensive industry zone is located is prone to flooding. One of my constituents raised this issue with me. In 1934 the Bangholme area was 8 feet under water. A levee bank was built along the Dandenong Creek and along the top of that levee bank is a path with a sign that says, ‘Stay clear when the levee path is flooded’. To me that means that water is going to flood over the levee bank. Certainly if the water floods over the levee the offensive industry zone will be flooded. The titles to some properties to the south actually indicate that there is the possibility of sheet flooding in the area.

I do not know who has done work on this, but I would guess that the former State Rivers and Water Supply Commission, the former Dandenong Valley Authority, the former Melbourne and Metropolitan Board of Works and Melbourne Water would have had some involvement with this in the past.

The facts now are that with climate change occurring around the world there is a possibility of harder levels of rainfall. A conference in Hobart recently referred to the fact that within the next 20 to 50 years the world will experience weather events for which

there is no precedent. An article about the conference states:

> This is driving us into situations where the rain falls a lot harder, but in fewer events, making extremes of flooding increasingly likely.

There is a very real possibility of those two soil treatment sites going under water. I therefore ask the minister to ensure that no decision is taken to locate a soil treatment plant on either of the Dandenong proposed sites, both of which could be subject to flooding.

Disability services: vehicle modification

Hon. ANDREW BRIDESON (Waverley) — I raise with the Minister for Education Services for the Minister for Community Services in another place an issue concerning motor vehicle modifications for families of children with a disability. I raise the issue on behalf of the Association for Children with a Disability, which is located in Orrong Road, Armadale.

The current cost of a typical vehicle modification for a child with severe physical disabilities is very high and is generally outside the realm of the normal household budget. For many families this presents enormous difficulties because it is impossible for them to fund the modification of their vehicles. If families want to modify their vehicle they have either to take out an additional bank loan or go cap in hand to community organisations such as Rotary to plead for the money necessary to modify vehicles. Often this can be a demeaning process for those people.

A lot of families who do not have the means to get funding have to give up and it restricts their movements when they want to go on outings and so on. I ask the Minister for Community Services to consider the situation for those needy families. Is there anything she can do to help them?

Wattle steam tug

Hon. ANDREA COOTE (Monash) — My question to the Minister for Education Services for the Minister for Tourism in another place concerns a little tug called the *Wattle*. The *Wattle* is a steam tug built in Sydney at the Cockatoo Dockyard in 1933 which served its operating life with the Royal Australian Navy performing tasks such as berthing ships and towing targets for gunnery practices.

The *Wattle* is now located in Melbourne, and one of my constituents is very involved with this little boat. A group of enthusiasts is doing it up and has it in great working condition. I might add that instead of being able to just start it up and take it out on a cruise, it takes you 2 hours to get the whole thing started and on its way! It is one of the four remaining steamers still surviving in Australian waters and as such is a colourful and important part of maritime heritage and has been classified by the National Trust of Australia.

The tug operates charters during the months from October through until May. It advertises tours around Melbourne Docklands on its web site. The problem is that it has an identity crisis. It needs additional funding but does not know whether it is to be classified as a tourist or a heritage boat. Would the minister clarify whether the *Wattle* is to be treated as a tourist boat or a heritage boat? Where should its owners seek funding?

Kardinia Park, Geelong

Hon. I. J. COVER (Geelong) — I raise a matter for the Minister for Sport and Recreation — —

An Honourable Member — The absent minister for sport!

Hon. I. J. COVER — The absent Minister for Sport and Recreation. It is a tragedy, on the eve of the start of the Australian Football League season — a competition which he graced with such distinction in more than 300 games — that he is not here tonight to join me in wishing all AFL players, clubs and their supporters all the best for the season ahead.

In particular I wish the Geelong Football Club all the best for the season ahead and in particular congratulate Gary Ablett, Jr, on his debut selection for Geelong for the match on Saturday versus Essendon. As a Geelong supporter I must say that Gary Ablett, Sr, provided much enjoyment for Geelong supporters throughout his career, and I trust that Gary Ablett, Jr, will be able to follow in his father's footsteps — to some degree, if not to the same degree as his father — in his career of great distinction.

Geelong Football Club is an integral part of the Geelong community and has been since it was formed in 1859, just one year after the Melbourne Football Club, which is the oldest football club in the world. The Geelong Football Club wishes to remain an important part of the Geelong community and has been working hard in recent years to reduce its debt from $8 million to now less than $2 million. It is

being assisted this year by eight home games being played in Geelong as opposed to seven last year.

It is the club's desire to remain part of the Geelong community, and is an important and integral part of the community. It has been developing a master plan for the upgrade of the Kardinia Park football ground and environs, which also house netball, swimming and cricket facilities, including the Geelong Cricket Club, of which I am proud to say that I am the no. 1 ticket holder. Sadly, the Geelong Cricket Club under the presidency of David Kelly and the captaincy of Jason Bakker only just missed the finals this year, having had their setbacks with injury to a number of players, including former shield player Clinton Peake.

As part of the master plan for Kardinia Park the club has valued the improvements at some $25 million and will be seeking $12.5 million from the state government to assist with redevelopment plans so that the football club remains in Geelong playing out of Kardinia Park. Will the minister give an indication whether he and his government are prepared to support the club's request for the $12.5 million towards the upgrade of Kardinia Park?

Dock Lake Reserve, Horsham

Hon. R. M. HALLAM (Western) — I raise an issue for the Minister for Environment and Conservation, through the Minister for Energy and Resources and, in her absence, the Minister for Education Services. I ask the minister to bring to the attention of her colleague the major hazard arising from the prolific growth of fairy grass across the many dry lake beds throughout country Victoria and in the Wimmera region in particular.

I assure the minister that despite its innocuous title, fairy grass has become a major environmental hazard. The volume of the drifts has to be seen to be believed. Given its combustibility the associated fire risk has caused enormous community concern, one which was graphically underscored by the fire which recently destroyed the Dock Lake Reserve clubrooms. The only good part of that story was that no lives were lost, but that was more good luck than anything else and can be attributed in part to the foresight of one particular Country Fire Authority volunteer, a Mr Robert Kelm.

The real concern is that councils and committees of management have been caught in the crossfire. On the one hand, they are held responsible for the management of the reserves, and on the other hand they are frustrated in that they are not allowed to manage due to the intervention and buck-passing of the various referral authorities, such as the Department of Natural Resources and Environment (DNRE), the Country Fire Authority, the Environment Protection Authority and the regional water and regional catchment management authorities.

To add insult to injury, they are presumed to blithely meet the additional costs incurred, and in some cases directly incurred as a result of the buck-passing. It is no wonder they have become totally frustrated. For instance, in one particular lake, Lake Natimuk, the Country Fire Authority said no to burning off; disking was not acceptable to DNRE and the catchment management; the application of weedicide was ruled out by DNRE; and grazing was not an alternative due to the risk of blue green algae. Slashing was the only option.

The committee of management, in this instance the Horsham Rural City Council, was presumed to simply meet the estimated cost of $20 000 from its annual budget, which is both unfair and unrealistic. Councils and committees of management need support from the Minister for Environment and Conservation rather than the veiled threats that are currently coming from the minister's office. I suggest that it is time the minister became directly involved in the search for a practical long-term solution to the many issues associated with public land management rather than simply pushing the onus and cost on to local government. Country communities deserve better.

Roads: speed limits

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I raise a matter with the Minister for Sport and Recreation for the attention of the Attorney-General. In the minister's absence, given that he has gone home, I raise it with the Minister for Education Services. I refer to this morning's headline in the *Herald Sun:* 'Speed trap, camera leeway to get tougher' concerning a proposal by Victoria Police to reduce the tolerances surrounding the use of speed cameras.

Traditionally police have imposed a 10 per cent tolerance so that in a 100-kilometre-an-hour zone drivers are not booked if they reach 110 kilometres an hour. In a 90-kilometre-an-hour zone they are not booked until they reach 99 kilometres an hour, and so on. That is consistent with the way speedometers in cars have been built.

Victoria Police announced that it will now impose a 3-kilometre-an-hour tolerance. Therefore anybody doing 103 kilometres an hour in a 100-kilometre-an-hour zone will be booked, and anyone doing 83 kilometres an hour in an 80-kilometre-an-hour zone will be booked. It is a significant reduction in the tolerance that police will allow. The significance is that speedometers in cars under Australian Design Rule 18 are only required to be constructed to a 10 per cent tolerance. The only requirement vehicle manufacturers have to make is that speedometers are 10 per cent accurate. When they indicate 100 kilometres an hour the vehicle could be doing 110 kilometres an hour and is within tolerance. However, with the Victoria Police proposal anyone driving a car indicating 100 kilometres an hour could be booked because the car is travelling faster, although the speedometer is only indicating 100 kilometres an hour and it is within the requirements of the design rules.

It is unfair and unreasonable to expect motorists to adhere to the tolerances when the equipment in their cars is only built to a 10 per cent tolerance, as has been the longstanding practice. This proposal strikes me as being a revenue-raising measure of the government. The *Herald Sun* article includes a table which shows that from 1997 to 2000 revenue from speed camera infringements is forecast to increase by $40 million a year to $100 million a year. It is a sizeable take of money for the government.

If the traffic operations group continues down this path it risks becoming a branch of the State Revenue Office rather than a branch of Victoria Police. It puts the standing of Victoria Police in the community, its reputation and the level of respect it enjoys with the community at risk if it pursues this option, which is a revenue-raising matter for the government. The scheme is unreasonable and unfair, and I ask the Attorney-General to investigate whether it is in breach of the principles of natural justice.

Rail: timber sleepers

Hon. P. R. HALL (Gippsland) — I raise with the Minister for Energy and Resources for the attention of the Minister for Transport the matter of timber railway sleepers. There are 1400 sleepers in a kilometre of railway track. This government has said it will be standardising 2000 kilometres of railway track in Victoria. Therefore, the standardisation project alone will require 2.8 million sleepers.

Standardisation is not a simple process. You cannot simply remove the dog spike and shift the rail to one side and then put the spike back. Replacing the spike will split the timber. As the sleepers have been down for some years and are completely dry they will require complete replacement when tracks are disturbed. You could use concrete sleepers which cost somewhere between $70 and $100 each. Even at the bottom end of $70 each, 2.8 million sleepers will cost $196 million, and that does not include having them laid.

Apart from the standardisation project, timber sleepers will be required for fast train track upgrades promised by the government as well as normal track maintenance. You cannot mix and match; you either have to have all timber sleepers or all concrete sleepers.

Mr Robert Broad of Maryborough is the last licensed sleeper cutter in Victoria. The only sleeper tender in Victoria comes from the box-ironbark forests of central Victoria. The government has already indicated that it has accepted the recommendations of the Environment Conservation Council (ECC) to establish box-ironbark national parks in Victoria. When and if it does Mr Broad will be out of a job and there will be no sleeper cutters left in Victoria. My question is a simple one: when and if this government proceeds with the ECC proposals where will Victoria's future supplier of timber sleepers come from?

Arthurs Seat: maze parking

Hon. B. C. BOARDMAN (Chelsea) — I would normally raise this issue for the attention of the Minister for Environment and Conservation through the Minister for Energy and Resources, but considering the stunt the government has pulled tonight, I raise this issue with the only minister of the Crown present in the chamber, the Minister for Education Services.

I place on the record how impractical the Minister for Environment and Conservation is. The matter I raise concerns the Arthurs Seat Maze, which is in Purves Road, Arthurs Seat. Opposite the maze is a block of vacant land, which is part of Seawinds Gardens, which is zoned as a national park. For some time the proprietors of the maze have been using this vacant block of land and paying Parks Victoria a considerable amount — I am not aware under what agreement — in excess of $1000 for the seasonal use of it as overflow parking space for visitors to the maze.

It should be placed firmly on the record that the maze is a successful business. It is an icon tourist attraction not just for the Mornington Peninsula, but for the whole of Victoria. All current parking is within planning provisions and, of course, because the maze is so popular there is a period when the existing car parking is not adequate for its customers. In utilising the overflow car parking available in the national park, with some irony the proprietors enlisted Country Fire Authority volunteers and paid them a donation to act as car park marshals.

The disappointing issue is that the proprietors have brought this to the attention of the minister previously and also the local ranger at Parks Victoria. They showed they were not interested in any flexibility or identifying how important this business is to the area. They have refused subsequent applications to use the overflow car parking.

What also makes this particular case disappointing is that on 11 March, the long weekend, a fire started in the paddock which resulted in the evacuation of the Arthurs Seat Maze. That meant a number of people at the premises had to be evacuated. Many of them were engaged in the hospitality facilities and left without paying. It is only since car parking has been disallowed in that area that the undergrowth has grown and become a fire hazard. That is why it caught fire on this day.

The minister should realise that her previous decision was completely idiotic and defied logic. I ask her to give consideration to the people who provide a good service and to keep this stretch of land in good condition. The maze benefits the area and also benefits the land itself. I ask that the decision be reviewed.

E-gaps program

Hon. P. A. KATSAMBANIS (Monash) — I would normally raise this question with the newly appointed Minister for Information and Communication Technology, but obviously she has decided she has more important things to do than attend the Parliament tonight for the adjournment debate. While the government is continuing this stunt and charade, I request the only minister at the table, the short-term Leader of the Government and Minister for Education Services, to pass it on to the minister, who obviously takes her responsibilities so seriously that she is not in the chamber to hear the question.

Yesterday the minister announced the second tranche of funding on the government's e-gaps program. Among her announcements she made the point that the funding would allow access by all members of communities to the facilities funded by the program. What safeguards and provisions will be taken to ensure that people who access the Internet through the e-gaps program, especially minors, are not able to access material that is inappropriate through these terminals to be established under the program? What provision has the government taken in its funding and implementation of the program to ensure that young children are not exposed to unsavoury and unnecessary and, often, illegal material, that can be available on the Internet?

Yarra Valley Water: business practices

Hon. W. I. SMITH (Silvan) — I raise through the Minister for Education Services an issue for the attention of the Treasurer. I am sure he is already aware of the issue regarding unfair competition concerning Yarra Valley Water. The minister has been approached on this issue before. I refer to the plumbing industry, representatives of which have written to me to raise an issue they believe involves unfair competition by Yarra Valley Water. I will give an example by reading from the letter forwarded to me. It states:

> Client rings plumber because of blocked drain.
>
> Plumber attends and puts drain cleaner down drain and discovers that the blockage is actually in the Yarra Valley Water main.
>
> Plumber contacts Yarra Valley Water gives details of where the blockage is, and is given approval to go ahead and clear it. Yarra Valley Water pay the plumber $120 for this service.
>
> Yarra Valley Water record the address, find the name of the plumber's client and send letter in an attempt to get any future plumbing or training jobs from this person.

I quote from a letter from Mr Peter Harford, managing director of Yarra Valley Water, which states:

> Dear customer,
>
> Recently you experienced a sewer blockage. We wish to advise that if a future blockage occurs on your property, you may now contact us directly to have it attended to.

The plumbing industry believes this is clear misuse of information and is unfair competition. I ask the Treasurer to investigate the issue.

Premier and Cabinet: helicopter manifest

Hon. D. McL. DAVIS (East Yarra) — I direct my question to the Minister for Education Services in her capacity as the representative of the Premier — —

Hon. G. K. Rich-Phillips interjected.

Hon. D. McL. DAVIS — Indeed I do not have any options. Fortunately on this occasion she is the correct minister. I direct her attention to a question on notice in which the government refused to provide details of a series of helicopter flights. I refer secondly to freedom of information (FOI) requests I submitted to the Department of Premier and Cabinet relating to a series of helicopter flights ordered by the government on 11 March 2000, 24 March 2000, 2 February 2001, 5 February 2001 and 13 February 2001.

I direct the minister's specific attention to a helicopter flight undertaken by Premier Bracks on 11 March 2000 from Melbourne to Thornton and then to Mountain Bay. I direct the minister's attention to the blacked-out passenger manifest listing who was on that flight. We know Premier Bracks was on the flight, but both in the question on notice and in the FOI request the Premier has refused to release details of the passengers on the flight.

I have information which suggests — but I am unable to confirm it — that the honourable member for Benalla in the other place, Ms Denise Allen, was a passenger on the flight. I want to know from the Premier, through the minister, if it was the honourable member for Benalla and whether there were other Labor Party officials, members of the state executive or other Labor Party campaign officials on the passenger list. If that is the case, why has the government chosen to suppress the passenger list both in answer to a question on notice to this house and in response to an FOI request?

Member for Central Highlands: postal address

Hon. E. G. STONEY (Central Highlands) — On 4 March this year I received a letter from the Department of Premier and Cabinet addressed to me, the member for Central Highlands Province, Post Office Box 226, Whittlesea, Victoria, 3757. I left Whittlesea in December 2000, and at least four times since then we have notified the Department of Premier and Cabinet about our change of address. Yet our mail continues to be addressed to Whittlesea. Several other government departments also continue to send mail to me at Whittlesea. What does an opposition member of Parliament have to do to have mail sent to the correct address?

Roads: Nunawading crossing

Hon. B. N. ATKINSON (Koonung) — I raise a matter for the Minister for Transport in another place, and I trust that the Minister for Education Services is capable of carrying all these messages to the respective ministers. The matter I wish to bring to the attention of the Minister for Transport is an application by the City of Whitehorse for a pedestrian crossing in Rooks Road, Nunawading, which would service the Nadrasca Centre, which has recently been established on a former post office site which historically was a migrant hostel.

Nadrasca is a very strong organisation in the Whitehorse community which supports disabled people and provides work experience as well as residential care and other services. I seek on behalf of the City of Whitehorse the favourable consideration of this pedestrian crossing application for Rooks Road to enable the people who are using the new Nadrasca facility to cross that road in safety. Rooks Road is a very significant collector road in the area. It is subject to a lot of industrial traffic, in particular, and is taking quite a bit of overload traffic from Springvale Road, a road that the state government has failed to address in terms of some amelioration of the traffic problems.

Rooks Road presents a significant problem to the people who use the Nadrasca facility. The council has already applied for the crossing through one of the Vicroads funding programs, and as I understand it all the local members support this particular application. I ask that the minister make a very quick decision to ensure that this grant is provided and the traffic problem is addressed in time for the crossing to be in place when the facility is fully utilised by the users of Nadrasca in the coming months.

Parks: Viewbank land

Hon. C. A. FURLETTI (Templestowe) — I direct my question to the only minister in the house, the Minister for Education Services, for referral to the Minister for Environment and Conservation. It relates to land in Viewbank. First let me say that we are experiencing in this house a situation for which this government needs to be condemned. I put on record that this is unique in the experience of this house. The petulance and immaturity of the

government, in particular its leadership, reflects very much on its capacity to do nothing and to be lazy with ministers not being here to accept their responsibility. Indeed they will, I suspect, be judged duly by the people of Victoria for what they have done this evening!

I return to my question, which relates to land on Seymour Road. I refer honourable members and the minister to *Melway* map 20, which shows that the land in question is currently owned privately and has a radio mast on it. One simple glance at map 20 in *Melway* will show that the land is positioned in the middle of the Yarra parklands. We have a government which is prepared to commit millions of dollars towards compensation and acquisition of new parklands, a government that is willing to spend $900 000 on relocating bats into the Ivanhoe area, yet there is privately owned land which screams out to be included in the Yarra flats parklands but which the government refuses to consider acquiring.

In fact the honourable member for Ivanhoe has indicated — I refer to the *Heidelberg Leader* of 19 March — that the state government cannot afford land; yet we have a government which is paying compensation, as it should appropriately do, to people affected by the creation of new box-ironbark parks and in the areas near coastal waters.

I urge the Minister for Environment and Conservation to seriously reconsider the position of the land on Seymour Road. As I indicated, it is very much in the interests of the people of my constituency to have a complete strip of parkland all the way through to Lower Plenty Road.

Gas: Gippsland pipeline

Hon. K. M. SMITH (South Eastern) — I address my question to the Minister for Energy and Resources, but she has not the courage to come in here! They talk about being an open, accountable and transparent government but they go and hide in their offices. The ministers will pay the price. There is a theory around that you do not get angry, you get even. I do not get angry, but I will get even for what ministers have done tonight; so just believe it. We will win: you wait!

I raise an issue that relates to the Bassgas project and the gas pipeline that will run through the Bass Coast and Cardinia shires. The townships of Wonthaggi, Phillip Island, San Remo and Inverloch do not have natural gas supplied to them. Because the pipeline will run from Kilcunda Beach through to Lang Lang I suggest that the minister take some action and speak to perhaps the Minister for State and Regional Development about providing rural and regional development infrastructure funds to Origin Energy to run a double pipeline in the main trench that runs between those towns. Even if the pipe is capped off for a short time, it could be connected up at some stage to supply gas to the people in the towns I mentioned. It would be a simple thing to do, and there is not a great deal of money involved. The main cost and time would be in setting up the easements for the pipeline and digging and backfilling the trench. Putting an extra pipe in will not involve a great deal of expense.

People in the Bass Coast shire have to buy bottled gas. One full 100-pound cylinder of gas costs about $78, and in winter people have to buy one a week to heat their houses. It is unfair, and this government should be thinking about doing something positive to assist the people in the shire.

The honourable member for Gippsland West, Susan Davies, has been the member down there for some time. She has done nothing in regard to this matter. She has been absolutely hopeless in the way she has represented the people. She has not raised this issue and does not care about the people in the Bass Coast Shire or in the new electorate of Bass. I ask the Minister for Education Services if she is capable of taking this matter to the Minister for State and Regional Development and the Minister for Energy and Resources to try to resolve it so that the people down there are serviced properly for the period of time that it will take the government to get that extra money for them. I ask the minister to do something positive for once in her life!

Schools: airconditioning

Hon. BILL FORWOOD (Templestowe) — I raise an issue for the Minister for Education Services. Luckily she is still here. I must say how disappointed I am with the stunt that has been pulled by the Labor Party — 150 years in this place and this is the first time ever the ministers have not appeared. It is very sad.

The issue I raise relates to a matter in the Western District. I have a letter from the Minister for Education Services addressed to Mr George Tibbles, honorary secretary of the Australian Labor Party, Casterton branch. It refers to some issues about the airconditioning of some schools — in particular, Balmoral Consolidated School, Balmoral High School, Casterton Primary School, Casterton

Secondary College, Coleraine Primary School, Merino Primary School and Wando Vale Primary School. The letter states:

> I am advised that it has been established that the following schools have a valid claim for incorporation into the department's airconditioning program.

Why the minister would be writing to the secretary of the Labor Party in Casterton I do not know quite know.

Hon. R. M. Hallam — Have a guess!

Hon. BILL FORWOOD — Thank you, Mr Hallam, I will have a guess.

But the point I really wish to make is that I wonder if the minister could advise the house why she has decided that among the schools which have valid claims is Wando Vale Primary School, when Wando Vale Primary School was closed by her government in 2000. One of the minister's first acts as Minister for Education Services was to approve an airconditioning system for a school that her government closed! She was bad as the Minister for Industrial Relations, but she is a darn sight worse as the Minister for Education Services. My question is: what is the minister going to do about it?

Monash: mayoral election

Hon. M. T. LUCKINS (Waverley) — I raise a matter with the Leader of the Government as the representative in this house of the Premier. On Wednesday, 20 March, I was advised by Cr Tom Morrissey that the mayoral election for the City of Monash scheduled for 26 March was brought forward to 19 March without explanation to the councillors. Cr Morrissey advised that he did not stand for the mayoralty because Cr Felicity Smith withdrew her support for the reasons I outlined in my adjournment speeches last Thursday and on Tuesday of this week.

Subsequent to the adjournment debates Cr Smith has provided a letter to the government disputing the statutory declarations incorporated with the leave of the Leader of the Government into *Hansard* last night.

The PRESIDENT — Order! Stop the clock.

Hon. M. M. Gould — On a point of order, Mr President, I seek clarification. The honourable member has referred this matter to the Premier, but she is talking about council elections. I want to inquire from the honourable member if she has the correct referral to the right minister or whether the matter should be referred to the Minister for Local Government in the other place.

The PRESIDENT — Order! It is up to the honourable member to nominate the minister to whom they wish the matter directed.

Hon. M. T. LUCKINS — I wish to place on the record that before the adjournment debates I had spoken at length personally to Cr Smith and confirmed that all the complaints contained in the tabled statutory declarations were true and correct. I spoke to Cr Smith three times yesterday, at 8.00 a.m. today and again this afternoon. I read over the phone to Cr Smith both statutory declarations, and she confirmed that these were accurate representations of the events leading up to and including the mayoral election in the City of Monash.

Most importantly, the statutory declarations which I incorporated are completely consistent with the letters Cr Smith wrote to Crs Tom Morrissey and Peter Vlahos on the day after the mayoral election. It is important that I include some paragraphs of this correspondence in my adjournment speech tonight. Today's letter by Cr Smith was not a statutory declaration but a statement. She has refused to provide a statutory declaration. On 20 March she wrote to Cr Vlahos and said:

> You must understand that I was heavily lobbied to support Geoff and I resisted right up until last night before dinner. The pressure just became too great. If there is any justice Howard —

her husband —

> was most unhappy with what I did.

In a letter to Cr Morrissey on the same date she said:

> Yesterday … I had a call that completely rattled me and then Geoff cornered me before dinner. I hope you understand that a number of ALP people were attacking me for supporting you over Geoff and it was wearing me down. That combination was enough to shake my resolve … I had to weigh up 26 years of party membership over sanctions that I may not be willing to wear.

I ask the Premier to make an apology to me for the statements he made falsely in the Assembly today.

Responses

Hon. M. M. GOULD (Minister for Education Services) — Mr President, the Honourable Neil Lucas has raised a matter for referral to the Minister for Major Projects in the other place with respect to Dandenong and the issue of an offensive industry

zone. I will refer that to the minister and ask him to respond in the usual manner.

The Honourable Andrew Brideson has raised a matter with the Minister for Community Services in the other place with respect to needy families with disabilities in the Armadale area. I will refer that to the minister to respond in the usual manner.

The Honourable Andrea Coote raised a matter for the Minister for Tourism in the other place with respect to the *Wattle* steam tug, which has an identity crisis according to the honourable member. There are only four remaining. I will refer that to the minister and he will respond to the honourable member in the usual manner.

The Honourable Ian Cover raised a matter with the Minister for Sport and Recreation seeking government financial assistance of $12.5 million for the Geelong Football Club. I will ask the minister to respond in the usual manner.

The Honourable Roger Hallam raised with the Minister for Environment and Conservation in the other place concerns about fairy grass drift. I will raise that with the minister and ask her to respond in the usual manner.

The Honourable Gordon Rich-Phillips raised a matter for the Attorney-General in the other place regarding speed camera tolerance. I will refer that to the Attorney-General and ask him to respond in the usual manner.

The Honourable Peter Hall raised a matter for the Minister for Transport in the other place with respect to timber railing standardisation and concerns that Robert Broad is the only person left who has the particular skill. I will raise that with the minister and ask him to respond to the issues raised by the honourable member in the usual manner.

The Honourable Cameron Boardman raised a matter with the Minister for Environment and Conservation in the other place about a block of land next door to the Arthurs Seat maze. He asked the minister to review the maintenance arrangements there, particularly as a recent fire has raised concern about the safety of people. I will pass that on to the minister and ask her to respond in the usual manner.

The Honourable Peter Katsambanis raised a matter with the Minister for Information, Communication and Technology about the e-gaps program and asked what safeguards the government has put in place to ensure that minors do not have access to improper material on the Internet through that program.

The Honourable Wendy Smith raised a matter for the Treasurer in the other place in respect to Yarra Valley Water's plumbing contracts and asked him to investigate some of the practices undertaken. I will ask the Treasurer to respond to the issues raised by the honourable member in the usual manner.

The Honourable David Davis raised a matter for the Premier with respect to FOI requests he has been unsuccessful with and questions on notice about the manifests of helicopter flights. I will pass that on to the Premier.

The Honourable Graeme Stoney raised a matter for, I think, the Premier, with respect to a letter he received from the Department of Premier and Cabinet that had the incorrect address on it. I will raise that and ask the Premier and others to take note of his change of address.

The Honourable Bruce Atkinson raised a matter for the Minister for Transport in another place relating to his concerns about Rooks Road in Nunawading and an application for a pedestrian crossing. He indicated that he believed all local members supported such an application. I will draw that to the minister's attention and ask him to respond in the usual manner.

The Honourable Carlo Furletti raised for the Minister for Environment and Conservation in another place a matter concerning a Seymour Road that is on *Melway* map 20. I will raise that with the minister and ask her to respond in the usual manner.

The Honourable Ken Smith raised a matter for the Minister for Energy and Resources concerning the Bassgas project. He sought assistance with having that project address the needs of the people of Wonthaggi, Phillip Island, San Remo and Inverloch, who do not have reticulated natural gas.

The Honourable Bill Forwood raised a matter with me concerning the school airconditioning program. That program was put in place by the previous government. It stipulates geographic locations for schools that are entitled to have airconditioning. I responded to George Tibbles's letter asking me what the government's position was on that.

The Honourable Maree Luckins raised a matter for the Premier seeking an apology, and I will refer that matter to the Premier.

The PRESIDENT — Order! The question is: that the house do now adjourn. Those of that opinion say aye, to the contrary no. I think the noes have it. Is a division called for?

Hon. Gavin Jennings — On a point of order, Mr President, it would be useful for you to provide the house with some guidance about the implications if such a division is called for, and indeed the direct consequences that may well lead to. The issue in dispute in the house this evening follows advice given by the Leader of the Government at the commencement of the adjournment debate this evening which clearly indicated to the house that the government was concerned about a number of matters and the behaviour of the house, particularly relating to parliamentary processes on the adjournment. She said that in response to that the government had determined that there were no standing orders or requirements of the house for all ministers to be in attendance and that because of government concerns that would not be the case this evening.

The Leader of the Government indicated to the chamber that this was not a permanent decision of the government, and in fact there was an opportunity for there to be consideration and reflection on the matter.

An Honourable Member — What is your point of order?

Hon. Gavin Jennings — I am providing the President with some assistance in dealing with these matters. On the consequences of a division being held tonight and the motion for the adjournment being lost, my understanding of the standing orders is that the house may have some difficulty in moving another adjournment motion during the current sittings. In fact, under standing order 99 the consequences of the action may be that this sitting day will not conclude for the remainder of the Parliament. That may well and truly be a very significant matter and way out of kilter with the action of the government this evening.

As a further matter, the net effect of the result of such a vote may well be that ministers of this chamber decide not to attend the ongoing permanent sitting of this sitting day, and then the President would be required to rule on whether the house could actually continue.

I would seek from you, Mr President, confirmation that if, as a result of a division, this motion were negatived, and as a consequence under standing order 99 this sitting day continued for the remainder of the sittings and subsequently there was no minister in the chamber, you would suspend that permanent sitting day.

Hon. Bill Forwood — On the point of order, Mr President, we are in uncharted waters tonight because of the unprecedented action of ministers of the Labor government for the first time in 150 years not attending the adjournment debate. I would say there is a very simple and easy way around the issue that has been raised by the Deputy Leader of the Government: if the ministers are prepared to come into the house and answer the adjournment issues in the normal way, then we can all go home.

We are obviously prepared to sit down and talk with the government about what happens in the future, but if the government is now genuinely looking for a way to resolve the impasse it has led us into by its unprecedented actions, I suggest the ministers be invited to join us in the chamber.

Hon. B. N. Atkinson — On the point of order, Mr President, I put it to you that the Deputy Leader of the Government raised no point of order in what he said in the house. In fact, he just sought to justify and explain what is really a fairly tawdry act by the government. There was absolutely no point of order. There is in fact no opportunity for him to raise any issue about the defeat of the adjournment motion, which is what the opposition would invite tonight in the face of this very tawdry act. There is no point of order at all. It is simply a flimsy explanation of a very poor act.

The PRESIDENT — Order! That cannot be a point of order on a point of order. We are debating a point of order. Anyone else on the point of order? No other speakers?

All I can do is to advise the house that if the motion is defeated, then the business of the house continues. We continue with government business, and if that is disposed of, presumably other business that can properly come forward.

Hon. T. C. Theophanous — On the same point of order, Mr President, you were asked to give some guidance to the house on the course of action you would adopt were there to be no minister present in the house and whether that would require you to suspend the sitting of the house. It would be useful for you to give guidance to the house in relation to

that question, which was asked of you by the Deputy Leader of the Government.

The PRESIDENT — Order! The long-held practice of the house is that the Legislative Council has traditionally required the attendance of at least one minister at all times. If a minister — and it has happened — slips outside and thinks they have just got their nose out the door but they go outside and it has been noted by the Chair, then the Chair suspends the proceedings. So if we had no minister in the house, the Chair would suspend the proceedings.

I propose to leave the chair and invite the party leaders to meet me in my chambers. I will resume the chair at the ringing of the bells.

Sitting suspended 10.01 p.m. until 10.38 p.m.

The PRESIDENT — Order! During the course of the suspension of the sitting there have been some productive and amicable discussions between the party leaders, and there will be further discussions.

Motion agreed to.

House adjourned 10.38 p.m. until Tuesday, 16 April.

Wednesday, 27 March 2002

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

Honourable members of both houses assembled at 6.17 p.m.

The Clerk — Before proceeding with the business of this joint sitting it will be necessary to appoint a President.

Mr BRACKS (Premier) — I move:

That the Honourable Alex Andrianopoulos, MP, Speaker of the Legislative Assembly, be appointed President of this joint sitting.

Dr NAPTHINE (Leader of the Opposition) — I second the motion.

Motion agreed to.

The PRESIDENT — Order! I thank honourable members for electing me as President of this meeting. I draw the attention of all honourable members to the extracts of the Tobacco Act 1987 which have been circulated. It will be noted that the various provisions require that the joint sitting be conducted in accordance with rules adopted for the purpose by members present at this sitting. The first procedure, therefore, will be the adoption of rules.

Mr BRACKS (Premier) — I desire to submit rules of procedure, which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

Dr NAPTHINE (Leader of the Opposition) — I second the motion.

Motion agreed to.

The PRESIDENT — Order! The rules having been adopted, I am now prepared to receive proposals from honourable members with regard to one member to be elected to the Victorian Health Promotion Foundation.

Mr BRACKS (Premier) — I propose:

That the Honourable Gerald Barry Ashman, JP, MLC, be elected to the Victorian Health Promotion Foundation.

I understand he is willing to accept the appointment if chosen.

Dr NAPTHINE (Leader of the Opposition) — I second the proposal.

The PRESIDENT — Order! Are there any other proposals?

As only one member has been proposed I declare the Honourable Gerald Barry Ashman, JP, MLC, to be elected as a member of the Victorian Health Promotion Foundation.

I thank honourable members for their attendance and declare the joint sitting closed.

Proceedings terminated 6.20 p.m.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 26 March 2002

Attorney-General: ministerial staff

2057. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): As at 30 May 2001, how many staff were employed by the Attorney-General — (i) in the Attorney-General's office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

As at 30 May 2001, no staff working in my office were on secondment from the Victorian Public Service.

Education: teachers — superannuation

2277. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): What is the total contribution made by the Government to the superannuation of teachers employed in Government schools by the Government in 1996–97, 1997–98, 1998–99, 1999–2000 and 2000–01 respectively, and what is the total number of teachers employed in Government schools on whose behalf these contributions were made in each of those financial years.

ANSWER:

I am informed as follows:

The superannuation payment by DEET is made on behalf of all DEET employees. This figure is available in the Annual Financial Reports.

Transport: public transport system — conductors

2511. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

(a) How many conductors have been employed on the public transport system since September 1999 for each private operator.

(b) How much money has the Government paid.

ANSWER:

(a) The conductor initiative was launched by the Minister for Transport in October 2000. Under the agreement MTram employs 55 conductors and Yarra Trams 45 conductors.

After October 2000 MTram and Yarra Trams undertook an extensive recruitment and training program and developed facilities to accommodate these new staff. As a result, conductors were progressively introduced onto the tram network in the first months of this year (2001). Other than as a result of staff turnover, required

conductor numbers have been maintained. MTram and Yarra Trams receive ongoing payments only for the conductors they employ so that, if there is a temporary reduction in numbers due to natural turnover, payments are reduced accordingly.

(b) From the start of the conductor initiative up to 30 November 2001, MTram has been paid $3.006m and Yarra Trams $2.359m (figures include GST).

Transport: Footscray station accident report

2699. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Why has the report into the Footscray station accident not been released, and when will the report be released.

ANSWER:

The Australian Transport Safety Bureau (ATSB) independently investigated the Footscray accident. The final report was received by the Department of Infrastructure (DoI) on 16 November 2001 and released on 18 December 2001.

MEMBERS INDEX