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LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 28 February 2006

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[1] Ind from 17 September 2004
ALP from 10 November 2005

[2] Ind from 7 April 2005

[3] Ind Lib from 30 November 2005

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Tuesday, 28 February 2006

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Aged care: elder abuse

Hon. ANDREA COOTE (Monash) — My question is for the Minister for Aged Care, Mr Jennings. The minister stated in a media release in May 2005 that the elder abuse prevention project would deliver systems and processes to protect any elderly citizens who may be subject to abuse. Last week we learnt of a horrendous sexual abuse incident in a Victorian aged care home. I ask the minister exactly what systems and processes he has put in place to protect the vulnerable women who have been sexually abused, as reported last week.

Mr GAVIN JENNINGS (Minister for Aged Care) — I join with all members of the Victorian community in expressing my outrage at any incidents that are proven before the courts and proven to the families and other loved ones of any member of our community who has been abused or physically assaulted in any situation within Victoria. Regardless of whether they are living in residential aged care, in their own homes or in some form of accommodation where they are in the care of others, it is absolutely outrageous that anybody should abuse older members of our community. I would expect that the full force of the law should apply to anybody who is found guilty of such a heinous crime.

It is my hope for the loved ones of the relative who subsequently passed away and whose case drew attention to this issue in the media last week that some sense of justice can be achieved through the criminal justice system in the state of Victoria. Overwhelmingly that is the jurisdiction and that is the standing of the criminal code in Victoria that should protect all citizens, regardless of their age and circumstance, from such an event.

There has been a range of issues relating to the accountability and reporting mechanisms that may apply within particular regimes of care or residential circumstance. I am very happy to embark upon productive consideration with the federal minister about ways in which that could be achieved so that all residents and their loved ones can have confidence in the way in which they will be protected from abuse and in fact have some confidence that there is appropriate recourse if abuse is actually demonstrated to have occurred.

I have made that clear to my federal counterpart, the Minister for Ageing, Santo Santoro. On a number of occasions in the last week since the issue rose to prominence I have discussed with the federal minister the way in which we can work in a collaborative fashion right across the nation to ensure a greater degree of confidence and certainty within residential aged care, within the prism of those services that are accredited and licensed within the federal Aged Care Act. We are absolutely determined to find procedures and mechanisms that will provide that confidence.

The member is aware that there was a review undertaken by Barney Cooney and a range of other stakeholders right across the Victorian community during the course of 2005 to ascertain ways in which we could provide a degree of confidence for people regardless of their circumstances — all of those members of our community over the age of 60, of which there are nearly a million. Indeed, by the end of this year, as Mr Forwood knows, there will be close to a million, and he will be contributing to that number.

The aim of Barney Cooney's review was to try to ascertain ways in which we can empower people — the way in which we could respond to their care needs, the way in which we could develop networks of support services, whether through community legal centres, the financial ombudsman, the auspices of Victoria Police, or through a variety of other support services that come into contact with older people — and the way in which we provide that rigour in the future.

We are acutely aware that the scope of that review, covering a million people, means that that review was broader than perhaps the urgent issue that actually drew prominence to itself last week in terms of a physical abuse within a residential aged care setting. In that context I am very happy to work with the relevant federal minister towards ways in which we can provide for confidence in the future.

Supplementary question

Hon. ANDREA COOTE (Monash) — Mandatory reporting of elder abuse would have prevented this tragedy from happening. I ask the minister why the Bracks government does not immediately implement mandatory reporting of elder abuse.

Mr GAVIN JENNINGS (Minister for Aged Care) — Let me share the concern of the member rather than actually trying to make this a political issue. Let me share the member's concern about the

wellbeing of all members of the Victorian community, particularly seniors who may be vulnerable. In that spirit of sharing the concern let me repeat that I am absolutely determined to play my role to ensure that procedures are improved, the care support network is improved and the full force of the law in relation to the criminal code applies.

I say that because I am seeking common ground. The assumption that mandatory reporting in itself would prevent anything is a flawed assumption. Indeed, we need to consider the care system and we need to consider the empowerment of elder members of the community. The Prime Minister recognised that there are no simple solutions and that there needs to be an integrated and comprehensive response to this issue rather than a simplistic response.

Commonwealth Games: William Barak Bridge

Ms ROMANES (Melbourne) — My question is to the Minister for Commonwealth Games. During the Melbourne 2006 Commonwealth Games much activity, such as Festival Melbourne 2006, will take place in and around Federation Square and Birrarung Marr. I ask the minister to advise the house of what the Bracks government has done to assist pedestrian flow and safe access from what is now considered the centre of Melbourne to the main sport and entertainment precinct.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — We are just over two weeks away from the biggest event ever held in this state — the biggest sporting event, the biggest festival and the biggest cultural event ever. We will see 4500 athletes from 71 nations right across the commonwealth here celebrating the Commonwealth Games together — a great gathering of those from across the commonwealth, a great gathering of those from around the nation and a great gathering of those from around the state. Of course, much of the focus will be on central Melbourne.

Given that we have spectacular stadiums located close to the heart of the city, we have to be conscious that we have to manage the pedestrian flows between Federation Square, Birrarung Marr and those spectacular stadiums. One of the highlights of the building program is the William Barak Bridge. While not in the same realm as the Melbourne Cricket Ground, delivered by Labor governments, the William Barak Bridge will bring significant benefit not only at games time but well beyond the games, because it adds significant value to that precinct located in the heart of the city. It will assist people arriving at Flinders Street station, moving through Birrarung Marr and along the Yarra River to those magnificent stadiums. They will be assisted to enjoy the fact that we have such magnificent stadiums basically in the heart of the city.

This bridge is 545 metres long — just a little statistic I knew the opposition would be interested in — but what is particularly impressive, and I was down there with my colleague Mr Jennings today opening this, is the public artwork, which is quite spectacular. Entitled *Proximities — Local Histories/Global Entanglements*, it was created by three renowned Australian artists: Sonia Leber, David Chesworth and Simeon Nelson.

The great thing about this public artwork is that the sounds of commonwealth voices are located along the bridge so that as you move along the bridge you get to hear the voices and are reminded not only at Commonwealth Games time but beyond the games of the voices of the commonwealth. These voices, described as a soundscape, will also be part of the artwork. It is basically a totem representing the commonwealth inscribed on both sides of the bridge, and I suspect it will become a tourist attraction in its own right for those who move through that precinct.

It is a fantastic celebration of the commonwealth, and as thousands of overseas visitors begin to arrive over the next few weeks not only will they see the best stadiums in the world and not only will they see the best athletes in the world, they will see the best festival and some of the best public art in the world.

I also congratulate those associated with the precinct development, with the bridge and with the artwork as we look forward to not only the benefits of the games but the benefits the games will bring to Victoria, making Victoria a better place to live.

Aged care: elder abuse

Hon. ANDREA COOTE (Monash) — My question is to the Minister for Aged Care, Mr Jennings. The minister stated in a media release dated 20 May 2005 that the elder abuse prevention project's main objective was to 'ensure appropriate elder abuse information and education strategies are in place'. Why has this program been delayed, and when will the minister finally implement an education program?

Mr GAVIN JENNINGS (Minister for Aged Care) — That is a legitimate question because the intention of the review undertaken by Barney Cooney was to present us with advice on the best way to provide for that empowerment and the education of both older members of the community and members of

the general community about the rights and obligations they have to treat others with care and respect as well as to arm older members of the community with information to ensure that they can provide for themselves, given that the vast majority of seniors want to live fiercely independent lives. They do not want to be patronised or treated as children; they want to be respected for the attributes and capacities they have.

In response to the report, which was delivered to me in December last year, I made an announcement — the member might have a press release from the time — indicating that the government would digest the recommendations of the report, 11 major recommendations of which were clearly flagged at that point in time.

Hon. Andrea Coote — It is March tomorrow.

Mr GAVIN JENNINGS — I clearly flagged at that time that the government would consider the recommendations and implement them — this is the primary point — in the context of the budget, because they would require future allocation of resources and support from the government. That was flagged in December, and it is my position now.

I can assure the member, other members of the house and the community that we have been extremely diligent within the aged care branch of the Department of Human Services in trying to upgrade the existing protocols to encourage the service sector to provide that degree of support to the older members of the community. That work is ongoing and will be able to support any initiative that comes through the funding I am anticipating in the budget, which is released in May. Clearly by May at the latest there will be a suite of measures designed to support this important work, consistent with the commitments I have made to the community and all stakeholders who have been involved in this review.

Supplementary question

Hon. ANDREA COOTE (Monash) — How does the minister envisage an education program preventing tragedies such as those reported last week involving the sexual abuse of several elderly women in a nursing home?

Mr GAVIN JENNINGS (Minister for Aged Care) — I think the critical issue for anyone who looks at that tragic circumstance is the recognition that there was a systems failure and probably a personnel failure in relation to reporting within the existing regulatory regime for residential aged care and the criminal code. Fundamentally, there was a witness who saw an alleged crime who did not come forward with that evidence either through the course of the complaints procedures or, more importantly, to the police. That is a monumental failure in their capacity. It may well have been that they were not sufficiently well trained to identify, first of all, the dangerous behaviour but also, very significantly, the change in the behaviour of the victim. The change in the behaviour of the victim was an obvious sign that something should have happened.

The PRESIDENT — Order! The minister's time has expired.

Housing: security systems

Ms CARBINES (Geelong) — Can the Minister for Housing inform the house of initiatives undertaken by the Bracks government to ensure families feel safe in their homes?

Ms BROAD (Minister for Housing) — I thank the member for her very important question. The Bracks government believes every Victorian deserves a decent and safe place to live. I am pleased to inform the house that almost 900 families will be safer in their homes thanks to a security upgrade program on housing estate towers in Prahran, St Kilda and Windsor.

Last Wednesday I was very pleased to join my parliamentary colleague, the member for Prahran in the other place, Tony Lupton, to lodge a new swipe-card security system at two high-rise public housing towers in King Street, Prahran. Older residents at the Prahran flats told us that they had concerns about their safety, and as a result we have installed these brand-new security systems. We have also rolled out these security systems across other public housing towers in the area to boost security right across the suburbs. These measures have cut crime and increased peace of mind at other public housing estates in Melbourne, and I fully expect to see similar results in Prahran, St Kilda and Windsor.

The Bracks government is investing $1.5 million in this security upgrade program so that these tenants can feel safer in their homes. That investment in upgrading security continues the Bracks government's high levels of investment in improving and upgrading social housing infrastructure across Victoria. In its first five years in office the Bracks government has spent $1.23 billion on improvements and upgrades. That is $444 million more than was spent in the previous five years under the Liberal government — just to give an idea of who has got their priorities right.

The new security measures to be rolled out include not only a swipe-card system but also intercom systems and closed-circuit television systems to record security incidents inside and outside buildings. These features have already been installed at the King Street precinct, which consists of two 12-storey towers, housing 226 older people. Work on the 415 homes in Union Street, Inkerman Street and Malvern Road will commence next year, and work will commence on 252 homes in Surrey Road and Simmons Street in 2008.

Tony Lupton and I were very pleased to present the first of the King Street tenants with their new security cards, allowing them to operate the improved system and making them feel much safer and more secure in their own homes. I am very pleased that we have been able to respond to the concerns of public housing tenants in this way. They now know that their voices are heard and that the government is delivering greater safety and security in response. The Bracks government is getting on with the job of continuing to make Victoria a safer and better place to live, work and raise a family.

Liquor: Bendigo licence

Hon. D. K. DRUM (North Western) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. Under section 22(2) of the Liquor Control Reform Act 1998 the minister may or may not grant approval for the issuing of a liquor licence, depending on whether a premises is in a tourist area. My question to the minister is: what areas of Victoria are deemed by the minister not to be in a tourist area?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Given that I probably know what the supplementary question is going to be, I will refer to an article that was in the *Bendigo Advertiser* yesterday because I am sure that that is the matter referred to by Mr Drum and I also want to make clear what the arrangements are in relation to liquor licensing.

Where a premises is deemed to be a convenience store, the director of liquor licensing is obliged to reject any licence applications. However, in certain circumstances the director may seek to approve such a licence, and one of those reasons could be that it is a tourist destination. The director will then seek my approval as minister to that application. In relation to a rejection, I note those rejections. I do not approve them because the act is quite clear that they should be rejected. The matter that Mr Drum has raised relates to Happy Jack's and the issue of an on-the-premises licence and a package liquor licence.

An honourable member interjected.

Hon. M. R. THOMSON — That's right. I am good at that. In relation to that matter, the director deemed that it is a convenience store and that the licence should be rejected. I have since had correspondence from the Minister for Agriculture in the other place, Mr Bob Cameron, in relation to this matter asking me to investigate it, and I am currently undertaking inquiries in relation to that request. But let me make it very clear that, the director having indicated this is a convenience store and deemed that the licence should be rejected, I will not change those recommendations. I accept the recommendations of the director. The member should read the act.

Supplementary question

Hon. D. K. DRUM (North Western) — I appreciate the minister's response — and she was talking about the Happy Jack's store at Lockwood South. It is worth noting that 400 visitors a day attend that store, which is in the middle of the Victorian goldfields and on the edge of the Heathcote wine district. It is also fully endorsed by Tourism Victoria and features in its brochures. It is also fully endorsed by Bendigo Tourism as a tourism destination. Under section 22(2) the minister has the power to approve a liquor licence provided she is also convinced there is not another adequate facility within a reasonable distance. First of all, why has the minister refused this application, and secondly, will she grant this proprietor a hearing so that he may better put his case?

The PRESIDENT — Order! The honourable member is well aware that when asking a supplementary question he may ask only one and not two questions. I remind the member of the standing orders and rules of the house.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I indicated, I have since received correspondence from the Minister for Agriculture in the other place, Mr Bob Cameron, and we are undertaking further investigations.

However, I want to raise a matter that is of some concern to me — that is, the photograph that appeared in yesterday's *Bendigo Advertiser* showing Mr Hamilton in front of bottles of wine. I do not know whether the picture showed the premises on which Mr Hamilton is applying for a licence, whether the bottles are there for decoration or whether he is currently selling alcohol, but I hope Mr Hamilton is

abiding by the law in relation to the selling of alcohol. I will be undertaking a serious investigation at the request of Mr Cameron, but I suggest it would be wise for Mr Hamilton to abide by the law.

The PRESIDENT — Order! The minister's time has expired.

Minerals and petroleum: occupational health and safety

Hon. S. M. NGUYEN (Melbourne West) — My question is to the Minister for Resources. Can the minister advise the house of any recent initiatives the Bracks government has undertaken to improve mine safety in Victoria?

Hon. T. C. THEOPHANOUS (Minister for Resources) — I can advise the house that last week I launched an independent inquiry into the regulation of occupational health and safety in Victoria's resources industries. Members would know that while the Victorian WorkCover Authority looks after almost all industry in this state covered by the Occupational Health and Safety Act, the Department of Primary Industries is responsible for safety regulation for the mining and onshore petroleum industries in Victoria under an agreement with WorkCover. I announced that we would review these occupational health and safety arrangements in the Victorian mining, quarrying and petroleum industries to promote continuous improvement in health and safety because we think health and safety should be a no. 1 priority, and it certainly is for this government.

I have appointed a former minister responsible for WorkCover, Neil Pope, to undertake this inquiry. I am very pleased that he has accepted the offer to do so, because Neil Pope is committed to the occupational health and safety of workers in this state. His job will be to investigate and report on the performance of Victoria's mining, quarrying and petroleum industries and to take submissions. The inquiry will also consider the effectiveness of the Department of Primary Industries as an occupational health and safety regulator, the likely advantages and disadvantages of the Victorian WorkCover Authority assuming occupational health and safety regulation in this sector, the synergies with the other regulatory responsibilities of the Department of Primary Industries and national developments in mine safety.

Can I say that we on this side of the house are very keen to make sure that we have done everything that is humanly impossible to ensure the safety of workers in this state. Whether you go right back to the regional occupational health and safety legislation or the continuous improvements to that legislation, this is a project of Labor; it has never been a project of our opponents. It has always been our project to look after the safety of workers in this state, and this is in addition to that. The only project I can see by those on the other side for anybody's safety is looking after the health and safety of their leader, Robert Doyle. He is about the only person whose safety they are interested in.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I want to correct myself. Not everybody on the other side is interested in his occupational health and safety.

This is an important issue, and it just shows the absolute stupidity of members on the other side that they would criticise appointing somebody with the experience of Neil Pope to do a report of this type. I notice that the former spokesperson on WorkCover, Mr Forwood, would support such a proposition. He is nodding his head that this is a good idea, and I wish that some other members on the other side had half his sense.

Olympic Park: redevelopment

Hon. B. N. ATKINSON (Koonung) — I wish to address a question to the Minister for Sport and Recreation, the Honourable Justin Madden. I note that in an *Age* article of November 2004, following the announcement of the then $100 million redevelopment of Olympic Park, the minister is reported as saying that any revamped Olympic Park would include an athletics venue capable of staging a major athletics meeting. I ask the minister if he still plans to retain an athletics venue at Olympic Park and, if so, why he is spending more than $100 000 on a consultant with a brief to investigate the relocation of athletics to a new site away from the Olympic Park precinct.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's question in relation to sport and recreation in Victoria. I am very pleased he has asked the question in relation to the redevelopment of Olympic Park because one of the great jewels in the crown of this state is having such tremendous stadiums and facilities within walking distance of the city, as I mentioned before in my answer in relation to the William Barak Bridge. This is the difference between what Melbourne and many other cities around the world offer.

An outcome of the Commonwealth Games will be revamped — renewed— world-class stadiums located

on the edge of the city. But we also have to consider their viability and the cost to be borne by users. We want to make sure that any development around any sports facilities are viable in the long term — not only commercially viable for those who manage and operate them, which makes good commercial sense, but also viable for the sports that use them.

It is important that the sports that use these facilities do not carry the burden of trying to fund them to the point where they cannot reinvest the revenue they generate into grassroots development in this state. When the opposition was in government it was committed to making sports facilities financially viable, and that is why we have such great sports facilities in this state. Governments of both persuasions have invested strongly in these facilities; hence we have a fantastic sporting culture in the state — whether in terms of events or of people turning out and filling stadium seats.

We are pursuing a study in relation to Olympic Park and the way in which athletics organisations will form their facility into the future. Do they need to build a huge edifice that will be a burden at the grassroots level, particularly when they have school carnivals, or do they need something less imposing but more accessible to school carnivals, weekend events and parents who have to bring their youngsters to these events? We are making a contrast through the study to find out what is in the interests of Athletics Victoria and Athletics Australia, so they can also make some strategic decisions as to where they want to be in the future. We are working with these organisations to make sure that whatever form and shape the athletics stadium takes, it will be great not only great for those big events but also for grassroots participation well into the future.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I thank the minister for his answer. It went part of the way to addressing some of the issues, and I accept what he said in that regard. I wonder if the minister could now assure the house, the Victorian athletics association and indeed Athletics Australia that a new athletics venue will be in place in the same 2008 time frame that is envisaged for the now $120 million-plus rectangular stadium and other redevelopment works in the Olympic Park precinct.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Again, I welcome the member's question and his interest in these issues. We will be doing an array of things at the Olympic Park precinct. One of those, of course, is building the new rectangular pitch stadium, which we anticipate will be used by soccer, rugby and Rugby League. If there is one missing element to our sporting infrastructure in terms of events it is that rectangular pitch stadium, which will complement its use with a capacity of about 20 000 to 25 000 people — that sort of order. If there are bigger crowds they can make a go of it at Telstra Dome, but it is important that we have a smaller facility for those users. An enormous amount of work will be done in formulating that. We will be pleased to work with Athletics Victoria and Athletics Australia so the outcome is one that they — —

The PRESIDENT — Order! The minister's time has expired.

Melbourne convention centre: progress

Mr SCHEFFER (Monash) — My question is to the Minister for Major Projects. Can the minister inform the house of recent developments in the linking of Southbank to the Docklands and the creation of a first-class venue for hosting conventions and showcasing Victoria?

Mr LENDERS (Minister for Major Projects) — I thank Mr Scheffer for his question and his ongoing interest in the linking of Southbank to the Docklands and in making Victoria's economy better and stronger. I had great pleasure in being with the Premier and the Minister for Tourism last week to announce the successful tenderer for the Melbourne convention centre development. I was delighted for a number of reasons. Firstly, this $1 billion redevelopment of the lower Yarra's southern banks will complete this urban renewal, which will be one of the biggest urban renewal programs in Australia — the biggest urban renewal program other than the Docklands itself, which is developing over a long period of time.

This will see a 5000-seat convention centre with a 6-star energy rating — the only convention centre in Australia to have a 6-star rating. It will also see a 5-star Hilton hotel, an office and residential tower, a riverside promenade, a premium brand homemaker retail complex and investment in public space, including the revitalisation of the Melbourne Maritime Museum. This will do a range of things in this area, but in doing so it will create 2500 ongoing jobs and a further 1000 jobs in the construction phase.

The Bracks government takes enormous pride in this happening because of what it does not just for Melbourne but for the whole of Victoria. As my colleague the Minister for Tourism in the other place

will wax eloquently on, each of the foreign tourists who come to a convention not only spends more than an average tourist but most of them bring partners, most of them go out to regional Victoria to sample our tourist events and most of them come back later on for another visit because they have tasted Victoria and want to see some more of this state. This is a great economic stimulus for the state of Victoria.

Business events are already bringing more than $1.2 billion into our economy, and we are talking about the convention centre alone bringing close to $200 million a year into our economy, let alone the commercial add-ons to the convention centre, which will bring in a lot more than that. This builds on what the government is doing in boosting the growth of this state by investing heavily in infrastructure, something that, sadly, our predecessors neglected.

Honourable members interjecting.

Mr LENDERS — I take up Mr Vogels's interjection of 'Rubbish' and Mrs Coote's interjection of 'Not true'. I challenge them to match up on any ledger the feeble efforts of the Kennett government, which were uncosted, went over time and ballooned out. I can go through a number, such as the Commonwealth Games and Federation Square, which were commissioned without even a basic business case.

Honourable members interjecting.

Mr LENDERS — No wonder Peter Costello weeps; no wonder former Treasurer Alan Stockdale weeps at what has become the legacy of the Victorian Liberal Party. But this government has been building $2 billion worth of investment each year since it has been in government, more than double the effort of the Kennett government. In addition we have a pipeline of a further $2.5 billion a year to add to the growth of this state.

This government is leading the way on investment in infrastructure, leading the way on these projects, because we know that if this state is to go forward we need to continue to have a higher economic growth rate than the rest of the country and higher population growth than the rest of the country — for the first time in 40 years. I invite Mr Forwood to consider this. It is a bit strange that this quarter of the country is doing so well when the Howard government governs the whole country and particularly when you have a federal Treasurer, Peter Costello, who has sold out to his Sydney-centric mates. What we have here is investment in this state to continue growth and jobs for the whole state to make Victoria a better place to live, work, invest and raise a family.

Hazardous waste: Nowingi

Hon. D. McL. DAVIS (East Yarra) — My question without notice is to the Minister for Finance. I refer to the Bracks government's proposed toxic waste dump at Hattah-Nowingi, near Mildura, and the submission made by the South Australian government, which states:

> Given the South Australian community and economy's reliance on the River Murray, this state cannot support the establishment of a facility that poses a risk to the River Murray. The potential threat to the water supply of major metropolitan and rural regions and the threat to regional economies posed by water contamination is too great.

I ask the minister: what is your government's response to the South Australian government's position?

Mr LENDERS (Minister for Major Projects) — In courtesy to the house, I will take the question, which was addressed to me as finance minister, in my capacity as major projects minister, but I would urge Mr Davis to pay a little bit more attention to detail on these issues, because he has been in this place longer than I have and probably ought to know at least which portfolio the Hattah-Nowingi site falls under.

I welcome his question. The member for Mildura in the other place, Mr Savage, has had an interest in this for a long time. Mr Bishop is a new convert, with a fair amount of passion, in this place. And I welcome finally a spokesman for the Liberal Party who actually has some interest in this, although in his position as shadow environment minister I also urge him to occasionally cast his mind to where he sees the future of manufacturing going in this state when he is a Johnny-come-lately to the bandwagon of Nowingi adding his view — he is a gentleman who, I might add, could not even be bothered to put in a public submission — —

Honourable members interjecting.

Mr LENDERS — Yes, he is holding up a document, but it is not one he put in, although 1800 members of the public put theirs in by the deadline. So I certainly urge Mr Davis to pay a bit more attention rather than having a political stunt — —

Honourable members interjecting.

Mr LENDERS — I take up Mr Forwood's interjection. Mr Forwood, as a good, loyal member of the parliamentary Liberal Party, will know that his

leader in this house has been in Nowingi making comments but forgot to put in a submission; he will know that his colleague Ms Lovell, who purports to be a member for this area and has visited several times, has forgotten to put in a submission; and he will know that his no. 2 candidate for northern Victoria, the no. 3 candidate for northern Victoria — —

Honourable members interjecting.

The PRESIDENT — Order! The minister, through the Chair.

Mr LENDERS — Through you, President, I would certainly invite members of the parliamentary Liberal Party who purport to have an interest in the Nowingi issue to at least put their money where their mouths are. I welcome the fact that Mr Davis is waving a piece of paper. I hope he has actually given a copy of it to Planning Panels Victoria, because he certainly did not lodge one by the time of the public deadline.

I will go into the issue about the views of the South Australian government or others. First and foremost the issue for me, as a Victorian minister, is the interests of those many members of the Sunraysia community who have expressed concerns as to what the long-term containment facility may mean for their region. That is our first and foremost concern. In response to that, as time has gone by and with the environment effects statement (EES) process occurring, we have now asked for and commissioned more than 24 reports to deal with the issues raised.

Hon. Bill Forwood — So what?

Mr LENDERS — Mr Forwood says 'So what?' Clearly he has forgotten about being Mr Kennett's jackboot chair of the Public Accounts and Estimates Committee when there was a mixture of executive and parliamentary roles. He has forgotten about that, he has forgotten about process and he has forgotten what an EES is meant to be. Under the Bracks government an EES is a process where we actually go out to seek information — —

Honourable members interjecting.

Hon. D. McL. Davis — On a point of order, President, the minister has now used 3 of his 4 allotted minutes, and he has not yet discussed my key point, which is the government's response to the South Australian government statement.

The PRESIDENT — Order! The honourable member knows that on a point of order a member does not ask their question again, they raise a point of order. I do not uphold the point of order, and I ask the minister to continue with his response.

Mr LENDERS — The material issue concerns the EES process — and this answers Mr David Davis's, or Mr Green Davis's question — that we have seen here. As a Victorian I say unashamedly that when issues are raised by the Victorian communities around Nowingi, by the South Australian community or by the New South Wales community — we answer those as well — we firstly get scientific information in response. Many of the issues raised in the South Australian government submission had also been raised by members of the Sunraysia community a lot earlier. A lot of the specific reports that were tabled in the first stage of the EES process deal with those. In particular the issues of risk to the food bowl and contamination of the Murray River were addressed by specific reports. I would urge Mr David Davis to read the submissions, as a start, and then come back and ask a few questions based on what he has read.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — You can see, President, how sensitive the government is to these points, how it has dropped the ball in this matter and how at odds government members are with their South Australian counterparts. I would at least give credit to the South Australian government and the Liberal opposition and others in South Australia for holding this government to account and for fighting for their communities — as this Liberal Party in Victoria has done too. Will the minister indicate to the house whether the environment effects statement panel will, after its directions hearing, take formal evidence prior to the South Australian election?

Mr LENDERS (Minister for Major Projects) — First and foremost I will set the record straight after Mr David Davis's pontificating in this place. Unlike the Victorian Liberal Party, which could not get its act together to put a single submission in, The Nationals member in the Rann government in South Australia, Karlene Maywald, and John Hill, the relevant South Australian Labor minister, actually put submissions into the EES process when they were asked for them, so Mr Davis comes in here without a shred of credibility to clothe him. He is like the emperor with no clothes whatsoever when he comes in here and pontificates. The Liberals had shown no interest in this process at all until they thought The Nationals and Russell Savage, the member for Mildura in the other place, had gazumped them politically — and then Mr Davis showed a late interest.

What I would say to Mr Davis is that Planning Panels Victoria sets the timing of its hearings. Planning Panels Victoria is obviously acutely sensitive to the stress being experienced in the Mildura community at this particular moment so it will make the call as to the timing — —

The PRESIDENT — Order! The minister's time has expired.

Information and communications technology: broadband access

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Information and Communication Technology. Can the minister please advise what the Bracks government is doing to monitor the broadband needs of Victorians, and what benefit this information provides?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for his question. I know he is very interested in access to broadband among country communities. The Bracks government is recognised as Australia's leader in broadband initiatives through its development of a comprehensive strategy under the Victorian broadband framework.

One of the initiatives under the framework is our spend and demand reports, which I have talked about before in this place. These Bracks government-commissioned reports are freely available. They provide invaluable information to telecommunications companies, councils and the broader community as well as government on the spend and demand requirements right across Victoria. The Bracks government has made that intellectual property freely available to governments across Australia. As a matter of fact, a number of state governments are looking at commissioning similar reports.

The great shame is that the federal government is not doing any of this — the government responsible for telecommunications provision and regulation is not doing this. In fact it is even worse: the federal government has failed to heed the warnings in the reports that have been done. Figures from the latest spend and demand report, which I released yesterday, indicate that the number of Victorians wanting access to broadband but unable to get it has more than doubled since 2003. Last October, on behalf of the Bracks government, I presented a report on the higher bandwidth incentive scheme model which indicated that it was not a successful model and that it needed total revamping. These latest figures give proof to that and show that in Victoria there is potentially a looming infrastructure crisis for regional and country Victoria.

We urge the Howard government to concentrate on this issue — to concentrate on the provision of proper broadband to country communities — not on flogging Telstra for the highest possible price. Victoria is prepared to continue to be collaborative with the federal government and other state governments and will continue to be proactive on this issue. We have made a submission to the federal government's Connect Australia broadband initiative review. We have made a number of constructive suggestions which we hope the federal government will take up. It is now time for the Howard government to make those responses and work positively to provide real broadband infrastructure to our country and regional communities.

We hope the Howard government answers the call and works with the state to provide that necessary response to people in country Victoria and stops failing those people in country Victoria. The one thing that country Victorians can count on is that the Bracks government will continue to deliver for those in regional Victoria.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 899, 2830, 2833, 3377, 4205, 4595, 4830, 4944, 5019, 5024–33, 5252, 5271, 5298, 5314, 5402, 5429, 5487–90, 5496, 5502, 5528, 5531, 5665, 5716–19, 5724, 5730, 5756, 5759, 5761, 5915, 5954–57, 5963, 5981–83, 5985, 5990, 5991, 5993, 6077, 6204–08, 6213, 6219, 6245, 6249, 6284, 6285, 6294, 6431–34, 6439, 6445, 6471, 6474, 6477, 6554, 6619, 6637, 6638, 6664, 6794, 6832–35, 6840, 6846, 6854, 6872, 6875, 6897–6914, 6916–23, 6949–68, 7023, 7028, 7080–83, 7088, 7089, 7120, 7123, 7127, 7146–61, 7164–71, 7280, 7288–99, 7307, 7313, 7317, 7321–34, 7378.

MEMBERS STATEMENTS

Lara Secondary College: update

Hon. J. A. VOGELS (Western) — Prior to the last state election the Victorian Labor Party promised the people of Lara a 7–12 stand-alone secondary school. The school was built to cater for a long-term enrolment of 450 students, even though the community continually told the education department that this figure was way below the community needs.

The department refused to listen or was hamstrung due to a lack of funding from the Bracks government. The school opened in 2002 and currently has approximately 550 students in years 7 to 10. The projected enrolment for the college is now 800-plus students. This figure is expected to go higher as more land is being developed in Lara, particularly the 780 new house blocks recently announced by Binsella developers. Community efforts to have more permanent facilities erected have fallen on deaf ears, with the education department continually claiming that the extra numbers will be catered for in portable classrooms. The Labor government has so far failed to commit to more permanent facilities and has told us there are no funds available in the short term.

I ask what the government is doing with the $33 million in extra taxes it is collecting each and every day. Any threat to the future success of the school would have a negative impact on the educational needs of the students in Lara, who have greatly benefited from having a local secondary college to attend. Let me assure the people of Lara that a Liberal government will ensure that the educational needs of students in Victoria will be addressed by providing them with permanent facilities, especially in growth areas like Lara.

Herald Sun: report

Mr PULLEN (Higinbotham) — I rise to condemn that publication known as the *Herald Sun*. I take particular issue with the 17 February edition. A report on page 18, under the heading 'Games seats free for MPs', says:

> Opposition major projects spokeswoman Louise Asher was the only politician to give full details of her corporate invitations, saying she would attend an athletics event as a guest of Tabcorp.

I emailed one of the journalists, Tanya Giles, on 30 January advising her that I would not be attending any corporate event, but naturally there was no mention of that. Page 21 of the same edition shows that 80.5 per cent of people voted no to the Voteline question, 'Should Victoria have a toxic waste dump?'. Of course they would answer in that way to such a loaded question. If the question asked were, 'If we do not develop a new waste containment facility, how do we dispose of this waste rather than just leaving it all over the state', the answer would be the opposite.

Worst of all, page 20 shows the responses of five good people who were asked the leading vox pop question, 'What is your view of the government's plan to put homeless people up in motels during the Commonwealth Games?'. Naturally they disagreed with it. The reason the government booked the motel rooms was to ensure there was sufficient room for the homeless during the games period as most motel rooms will be booked out by visitors, which the *Herald Sun* could easily have found out and probably knew anyway. Every night through its agencies the government provides homeless people with accommodation, much of it in motel rooms.

It is about time the *Herald Sun* stopped its muckraking. It need not worry about contacting my office for a comment, because I will tell it to get lost!

Aged care: privacy legislation

Hon. ANDREA COOTE (Monash) — I ask the government to clarify the point at which privacy overrides being caring and concerned for a neighbour. I cite an extraordinary case in an excellent retirement complex in my electorate. The people who reside there have mostly been professionals in their working lives as well as community leaders and contributors. It is in their make-up to be concerned about their neighbours. In a letter I received they say:

> … there was a recent incident when a resident was removed from the village after an assessment by medical practitioners …
>
> Because the secrecy engendered by the fear of breaching the privacy legislation, management were unable to inform any residents of this action even though many were friends and concerned about the wellbeing of the resident concerned.
>
> Although undoubtedly the management acted in good faith and in accordance with the contract of residence, many of the residents were worried because of the secrecy involved. The resident involved had no family capable or interested enough to act as her advocate — had she needed one. She did however have some good friends who would have acted in this role had they been informed or involved.
>
> The whole incident left a very unpleasant feeling among many residents and brought back to some of them memories of secret acts in a police state.

It is quite astonishing to think that this can be happening and can be taken to such an extreme. The issues raised in the letter from this resident are absolutely correct. We must make quite certain that regulations reflect the views of our community. I charge all of us to ask: what is community coming to? Are we being regulated out of being caring neighbours?

Mildura: road tragedy

Hon. B. W. BISHOP (North Western) — Sadly I bring to the house the tragic events of Saturday, 18 February, at Cardross near Mildura, where a car struck a group of teenagers resulting in six deaths and numerous injuries. One young man is still in a critical

condition. It is beyond comprehension how such a thing could happen. We all extend our sympathies to the families and the wider community.

The young people killed were all students, and as a result the four colleges in the area — Mildura Senior College, Red Cliffs Secondary College, Irymple Secondary College and Chaffey Secondary College — are all intimately linked by this unspeakable tragedy. Mildura Senior College was used as a temporary crisis centre, where members of the community came together to support one another after the accident. The whole area has been shattered by this tragedy, and as it is a close-knit community, everyone is affected. That said, this community will unite. Its members will support and comfort each other in this time of loss and sadness.

I commend the Victorian government for its compassion and for providing funding that ensured counselling was available to those who needed it. This is a life-changing event for the victims' families and friends, the witnesses and the wider community. Together they will pull through this adversity and remain united and supportive for each other.

Outer Eastern Local Learning and Employment Network: First Stop program

Hon. H. E. BUCKINGHAM (Koonung) — I have recently received a presentation from Fiona Purcell, executive manager of the Outer Eastern Local Learning and Employment Network, and Trevor Bayley, the coordinator of a fantastic service called First Stop. First Stop is a free service which helps young people who may otherwise fall through the cracks of the conventional school, training and employment system make decisions about further education, training and employment pathways.

The Outer Eastern Local Learning and Employment Network services the municipalities of Knox, Maroondah and Yarra Ranges, and First Stop is its flagship service. First Stop is located at the Croydon campus of Swinburne TAFE, which is an ideal co-location of services. Outreach services are also provided in Knox and Yarra Ranges on an alternate weekly basis at the municipal youth information centres. Young people accessing the service have individual counselling available to them as well as a wide range of printed and online information, a jobs board, industry displays, information sessions and help with aspects of successful job hunting, such as résumé writing. Visits to the centre by parents, careers counsellors, youth workers and anyone else interested in assisting young people to get into training and work are also encouraged so that they too have a better understanding of the range of the education, training and career options available.

Local learning and employment networks are extremely successful in improving the education, training and employment outcomes for young people at risk. I congratulate the Outer Eastern Local Learning and Employment Network on the excellence and success of the First Stop program and the other services it offers.

Bushfires: Grampians

Hon. DAVID KOCH (Western) — Last Tuesday I, along with several of my colleagues and the Speaker of the federal Parliament, joined a working bee to help replace fencing destroyed in the Grampians fire. We rolled up our sleeves to help bring farms back to working order under the direction of the Victorian Farmers Federation's Ararat branch. This was hard, arduous and often dirty work that needed doing. Our efforts focused on the properties of Cr Rod Marshall and Mr Tim Nailor, which took the full brunt of the fire as it escaped the national park near Moyston.

We were able to see at first hand how devastating this fire was. The angst and frustration of those who were burnt out was evident and, as we worked along the boundary fences bordering the national park, we saw evidence of the wilful destruction of native fauna. The Bracks government only masquerades as a manager of our environment. There is little doubt that this government has shown itself to be an environmental vandal. The ministerial task force should bury the quick-fix, cheque book mentality and focus on greater resourcing and amend legislation to ensure better management practice. The task force must listen to local advice instead of preaching to affected communities, as happened recently at Dunkeld. My thanks to those who participated in the working bee, and I challenge the local member for Ripon, Joe Helper from the other place, and his colleagues to offer similar support.

Gippsland Disability Resource Council: business awards

Hon. J. G. HILTON (Western Port) — Earlier this month I was very pleased to accept an invitation from the Gippsland Disability Resource Council to be present at the announcement of the award for Good Access is Good Business at Wonthaggi. The award recognises businesses that either employ people with a disability or provide good physical access for people with a disability, and businesses that have provided good customer services to people with a disability.

Speakers were Jill Manton and Antony Nicholls from Access Audits Australia. Antony, who is himself wheelchair confined, spoke of his personal experiences and he was inspirational in telling the audience how businesses could improve their bottom line by providing access to people with a disability. Awarded for employing people with a disability were the George Bass Hotel and the Whistlestop Bakery. Dawn King, who is the operator of Phillip Island Wheelers Rest, laid down a challenge to the Bass Coast shire by asking it to commit itself to achieving the goal of making Phillip Island the most successful tourist destination, not only in Victoria but in Australia, for people with a disability. It was a tremendous event and I congratulate all concerned.

Rebecca Helwig

Hon. W. R. BAXTER (North Eastern) — I want to pay tribute today to Mrs Rebecca Helwig, who tragically lost her life as a Country Fire Authority (CFA) volunteer whilst fighting a grass fire at Barnawartha on 17 February. It was my sad duty yesterday, along with the Minister for Police and Emergency Services and the member for Benambra in another place and 500 to 600 other mourners to attend Mrs Helwig's funeral in Wodonga at the Lutheran Church. It was a very moving service indeed. It paid tribute to Mrs Helwig's sterling qualities and to her outstanding contribution to the community, and in a small way we were able to offer some sympathy to her grieving husband, Shayne, and her three teenage sons. Mrs Helwig lost her life in the line of duty while protecting the community and no-one can give more than that.

I also want to note the extraordinary angst and trauma that this tragedy has caused to the members of the Barnawartha CFA brigade, a small brigade in a small but growing country community. These sorts of things you hear about, but no-one expects they are going to happen to you. I could tell from the look on their faces yesterday that the brigade members have been seriously affected by this, and I think our sympathy and support needs to go to them all.

Member for South Barwon: comments

Hon. BILL FORWOOD (Templestowe) — Like all MPs I was inundated late last week by emails from all around the world concerning home schooling. I am sure, like most MPs, I dealt with them appropriately. I was horrified therefore to receive the following email from Ms Carrie Roberts of the United States of America:

> Dear members of Parliament,
>
> This is the email of your esteemed fellow Parliament member, Mr Michael Crutchfield, to a politely voiced response to an urgent international request for assistance from the parents of Victoria. The people of your own country are the ones who contacted Homeschool Legal Defence, requesting international assistance from home schoolers in the United States … I am certain that I will not judge every member of the Victorian Parliament by the actions and words of one man, so please do not judge us by the same token.
>
> Yes, Mr Crutchfield, I do certainly know where Australia is located.

Mr Crutchfield's email to Ms Roberts headed 'Re: Australia' and dated Friday, 24 February, states:

> I am surprised you know where it is? Fix your problems like that evil Bush.

This type of response is typical of the arrogant and out-of-touch behaviour of this government. I call on the Premier to immediately instruct Mr Crutchfield to apologise to Ms Roberts and to any other people he may also have insulted.

Latrobe: multicultural and safe community agreements

Hon. KAYE DARVENIZA (Melbourne West) — I want to let the house know how delighted I was to attend, along with my parliamentary colleague in the other place, the member for Morwell, Brendan Jenkins, the Latrobe City Safe Community celebration in Morwell last Tuesday. The community event was organised by Latrobe City Council and marked the signing of two key documents: the first was the *Multicultural Victoria Community Accord* and the second was a recommitment by the Latrobe community as a World Health Organisation safe community.

The multicultural community accord is a statement of commitment to the principles of community harmony and respect — principles balancing cultural identity with the need to respect and recognise the beliefs of others. The safe community recommitment supports the sharing and exchange of important information in community safety, including advocacy, injury prevention and community safe issues.

I want to take this opportunity to congratulate the Latrobe City Council along with the Latrobe community for being leaders in recognising these two very important issues and making a commitment. I understand that it is the first rural and regional council to make a commitment to multiculturalism through the signing of the accord, and I also congratulate them on their recommitment and signing of the safe community agreement.

North Central Catchment Management Authority: river health program

Ms CARBINES (Geelong) — Recently I had the pleasure of visiting Glenlyon to announce on behalf of the North Central Catchment Management Authority the successful bidders in the north-central river tender program. Under this program 38 land-holders in the north central catchment area will be paid to improve the health of waterways and native riverbank vegetation on their properties. Some $400 000 has been provided for the program under the National Action Plan for Salinity and Water Quality. Over the next five years 170 hectares in the Loddon and Lower Avoca catchments will be steadily improved as the successful landowners undertake their agreed work.

I was very pleased to meet some of the successful land-holders, including Terry and Caroline Bellair, Ida Leslie, John Cable, Jill Teschendorf and Peter and Margaret Richardson. They were all very committed to improving the vegetation zones along the river and the flood plains and delighted to be receiving the necessary financial support to do so.

I congratulate Dr Ian McBean, chair of the North Central Catchment Management Authority, board members and Gavan Hanlon, chief executive officer, for this innovative approach to improving the health of rivers in their catchment and look forward to seeing the results.

Commonwealth Games: public transport

Ms ROMANES (Melbourne) — This morning I had the opportunity to join the Minister for Transport in another place, Mr Batchelor, and comedian Peter Moon at Flinders Street station to help Metlink get the message out to regular public transport users about the need to prepare themselves for the Commonwealth Games. There will be 30 000 additional train, tram and bus services during the games, and we know that Melbourne has lots of experience in providing transport for major events such as those held at the Melbourne Cricket Ground or the tennis centre. Nonetheless, the games will be the biggest event Melbourne has ever hosted and will take place over a total period of 12 days, and the pressure will therefore be on our public transport system.

The public transport network will carry an additional 2 million spectators over 12 days as well as regular commuters, hence the message: plan ahead; avoid peak times; allow extra travel time; buy your ticket before travelling; and be patient. Other members, like me, will have already found that constituents have been making inquiries about the impact of the games on traffic and transport and about some of the road closures and changes. I remind members that more information about the games and their effect on transport can be found at metlinkmelbourne.com.au

RU486: availability

Hon. C. D. HIRSH (Silvan) — I rise today to congratulate Senators Lyn Allison of the Democrats, Fiona Nash of The Nationals, Judith Troeth of the Liberal Party and Claire Moore of the Australian Labor Party for sponsoring the bill to remove the abortion drug RU486, mifepristone, from the jurisdiction of the federal health minister to that of the Therapeutic Goods Administration, which is far better qualified to decide on its safety and efficacy for Australians.

I also congratulate the Australian Parliament on passing the bill. However, here in Victoria we still have unfinished business. While abortion is legal under common law due to Justice Menhennit's ruling in 1969, there is still an anomaly in Victoria, with abortion still being included in sections 10, 64 and 65 of the Crimes Act. It is time for Victoria to remove this anomaly and to ensure that Victorian women have access to safe, medically performed abortion.

PETITIONS

Disability services: accommodation

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the state government act immediately to resolve a shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north-east Victoria (7 signatures).

Laid on table.

Disability services: language disorder program

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the state government immediately reinstate the severe language disorder funding program thereby improving Victorian children with autism, Asperger's syndrome and other language disorders access to quality speech pathology (10 signatures).

Laid on table.

Hazardous waste: Nowingi

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic place facility in the Mildura region (96 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 2 of 2006, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to Section 18 of the Act (twenty-eight papers).

Essential Services Commission — Final Report on the Review of Accident Towing and Storage Fees, November 2005.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 16 February 2006, pursuant to section 7(4).

Legal Profession Act 2004 — Practitioner Remuneration Order, 31 January 2006.

Office of the Victorian Privacy Commissioner — Report of an Investigation into the Office of Police Integrity, February 2006.

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

Brimbank Planning Scheme — Amendment C85.

Buloke Planning Scheme — Amendment C11.

Frankston Planning Scheme — Amendment C36.

Gannawarra Planning Scheme — Amendment C13.

Greater Shepparton Planning Scheme — Amendment C63.

Hume Planning Scheme — Amendment C76.

Latrobe Planning Scheme — Amendment C34.

Macedon Ranges Planning Scheme — Amendment C48.

Maroondah Planning Scheme — Amendment C48.

Moira Planning Scheme — Amendment C24, Part 1.

Nillumbik Planning Scheme — Amendment C43.

Stonnington Planning Scheme — Amendment C53.

Strathbogie Planning Scheme — Amendment C20.

Surf Coast Planning Scheme — Amendment C28.

Whitehorse Planning Scheme — Amendment C63.

Statutory Rules under the following Acts of Parliament:

Mineral Resources Development Act 1990 — No. 8.

Racing Act 1958 — No. 11.

Transport Act 1983 — Nos. 9 and 10.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 8, 10 and 11.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004 — section 37 (except paragraph (b)) — 1 March 2006 *(Gazette No. G8, 23 February 2006).*

Prisoners (Interstate Transfer) (Amendment) Act 2005 — section 7(1) — 23 February 2006 *(Gazette No. G8, 23 February 2006).*

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Part 4 and section 35 — 10 February 2006 *(Gazette No. G6, 9 February 2006).*

CORRECTION OF BILL TITLES

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move, by leave:

That where a bill has passed through both houses and any title of the bill includes a reference to a calendar year earlier than that in which passage of a bill was completed, the Clerk of the Parliaments be empowered to altar the calendar year reference in the bill title and any corresponding reference within the bill itself to accord with the year in which its passage was completed.

Motion agreed to.

CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Hon. M. R. Thomson.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This government is working hard to reduce family violence. Around this time last year, I introduced the Magistrates' Court (Family Violence) Bill to Parliament. That bill brought some significant improvements to the way our justice system deals with family violence, including the introduction of the specialist family violence division of the Magistrates' Court at Heidelberg and Ballarat, and court-ordered counselling for men who use violence towards family members.

This year, the government announced a commitment of $35.1 million over four years to reform family violence services in Victoria and deliver a new approach to the problem. The Victorian Law Reform Commission's final report on the Crimes (Family Violence) Act 1987 and the philosophy that underpins our approach to family violence is also due in December 2005.

The Victorian Law Reform Commission's final report will be a crucial guide to our approach to family violence in the future. In the meantime, there is an immediate effective change that can be made to improve the protection of Victorians from family violence. This bill provides for that change by introducing a new holding power for police in family violence situations.

The Victorian Law Reform Commission's interim report on this matter was tabled in Parliament on 15 September 2005. Its recommendations form the basis of this bill. The police holding power in the bill is designed to bridge a current gap in protection that exists in the legal and police response to family violence. The gap lies between the time when police attend a family violence incident and the time when the police are able to provide the next step in protection either by service of an intervention order or execution of a warrant, and by putting other practical measures for protection in place.

The bill allows police, after they attend a family violence incident, to direct the person who has allegedly used violence to remain, or go to and remain, at a place stated by the police member. The holding power will be available when police intend to seek an intervention order on behalf of the aggrieved family member and they also believe, on reasonable grounds, that it is necessary to ensure the protection of the aggrieved family member or their property.

The holding power will keep the aggrieved family member safe while the police seek an intervention order for them and serve it upon the defendant, or obtain and execute a warrant upon them. The holding power will also allow other measures for protection to be put in place such as changes to locks, a mobile phone or the relocation of family members to a safer place, if that is what they choose. This will also, in some circumstances, reduce the need for non-violent family members to leave the family home.

If a person fails to comply with the initial direction, police will have the power to apprehend and detain the person. Escape from this detention may result in a charge for escape from lawful detention, as is provided for under section 49E of the Summary Offences Act 1966.

The holding power is important for the safety of people who have been exposed to family violence, but it is also a civil form of detention without criminal charge. Therefore, the bill has some protections for the rights of people who are held under the power such as:

police must notify people held under the power of the consequences that may flow if they fail to comply;

police will not be able to interview and question people held under the power;

the holding power will not prevent the court from hearing from the defendant on the intervention order complaint;

the person held will have the usual rights of communication with a friend, relative or legal practitioner while detained; and

the holding power can only be exercised for a maximum of 6 hours, or 10 hours in exceptional circumstances after application to a court.

Currently, certain classes of people held in detention or interviewed by police are afforded access to particular third persons. People who identify themselves as Aboriginal or Torres Strait Islander are allowed access to a community justice panel representative. People who have a cognitive impairment are granted access to an independent third person, which may be a friend, relative or trained independent third person. This is currently provided by administrative arrangement and will be provided in the same manner where these people are detained under the new family violence holding power.

Last year Victoria Police introduced the code of practice for the investigation of family violence, showing its commitment to providing the most effective response to family violence. I would like to take this opportunity to commend Victoria Police for its efforts. The police holding power in this bill is another step this government is taking in its determination to protect people from family violence and hold those responsible to account.

I commend the bill to the house

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

LIQUOR CONTROL REFORM (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The liquor industry in Victoria generates substantial economic and social benefits to the state, and the number and diversity of licensed outlets enhances Victoria's reputation as a lively and cosmopolitan place to live. However, the regulatory framework must balance the need to provide the community with reasonable access to alcohol whilst at the same time minimising the adverse amenity and social impacts that can flow from its misuse.

In order to fulfil the above objectives, the bill before the house will improve the capacity of the regulatory framework to enhance amenity and community safety.

The major amendments which are designed to address antisocial and violent behaviour in and around licensed premises are as follows.

Firstly, the bill provides the director of liquor licensing with the power to make, vary or revoke late-hour entry declarations for an area or locality. Whilst the current legal framework provides the director with the ability to restrict late-hour entry in an area via the general condition-making powers in the act, the bill facilitates this by providing a specific power to declare an area. This will enhance the transparency of the current process. The director is also provided with a power to place conditions upon late-hour entry declarations for a locality to take account of local circumstances, and the relevant provisions also provide for specified premises to be exempted from the operation of late-hour entry declarations for an area or locality to exempt those licensed premises not linked with amenity or antisocial behaviour problems.

Late-hour entry declarations are an operational response designed to tackle amenity issues associated with unruly patron behaviour, such as violence, property damage, vandalism and other antisocial behaviour in the early hours of the morning in relation to specified licensed venues. The essential feature of late-hour entry declarations is that they prohibit entry to a licensed premises by patrons after a designated time. Patrons inside the licensed premise at the designated late-hour entry time are free to stay on until closing time or leave at any other time, but they cannot return nor can new patrons enter from a designated time.

The new power will reduce the amount of time it takes to address amenity and antisocial behaviour problems in local communities, which will in turn generate savings to the community through reduced crime costs, health care costs and costs to Victoria Police and the director of liquor licensing in negotiating with licensees.

Importantly the decision of the director in these circumstances is subject to VCAT review to ensure that this power is used judiciously and affected licensees are afforded an avenue of appeal.

Secondly, the bill provides for regulations to be made setting minimum recording standards for surveillance equipment in licensed premises. This will ensure that investigations into serious offences in or around licensed premises are not hampered by substandard image quality.

To further support the responsible service of alcohol in licensed premises, the bill also defines intoxication for the purposes of the act and requires the director of liquor licensing to issue guidelines for determining indications of intoxication as well as specifying circumstances when a person is not taken to be intoxicated for the purposes of the act.

Recently a video store successfully applied for a liquor licence and more may do so. However, video stores are frequented on a regular basis by minors and in such circumstances, minors can be inappropriately exposed to alcohol. To address this issue, the bill requires premises within a class of prescribed premises to require the approval of the minister before it can be licensed to supply liquor. This is because there may be special circumstances where it may be appropriate to licence certain premises to sell liquor. This will enable the regulatory framework to respond appropriately in the future, should a situation arise requiring a similar response.

The bill ensures that disqualification orders issued by the liquor licensing commission under the former Liquor Control Act 1987 can be treated as if they were VCAT orders, and non-compliance with such orders constitutes an offence, or contempt of the tribunal under the VCAT act 1998.

In so doing, it will ensure the integrity of the licensing framework by excluding the involvement of unsuitable individuals in the licensed industry.

In order that liquor confiscated as a result of the proceeds of crime can be sold at the highest possible price, the bill exempts the assistant director, asset confiscation operations, from the operation of the act. Otherwise, asset confiscation operations would be required to pay annual licence fees.

The bill also repeals subsection 37(b) of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004, which amends schedule 3 of the Liquor Control Reform Act 1998. This section has not been proclaimed to commence. It required applicants for new liquor licences in dry areas, or applicants seeking the relocation of an existing licence to a dry area, to pay the reasonable expenses incurred by the electoral commissioner in conducting a poll to determine whether a liquor licence should be granted in, or an existing licence relocated to, the dry area.

In summary, the bill will promote amenity and community safety in and around licensed premises, thereby enhancing the reputation of the liquor industry for the benefit of all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Hon. W. A. LOVELL (North Eastern).

Debate adjourned until next day.

TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL

Second reading

For **Mr LENDERS** (Minister for Finance)**,** Hon. M. R. Thomson (Minister for Consumer Affairs) — I move:

That, pursuant to sessional order 34, the second-reading speech, except for the statement under section (85)(5) of the Constitution Act 1975, be incorporated into *Hansard.*

I acknowledge that there were amendments to the bill in the other house, and I alert the house to those changes. Those amendments are of five types: aligning the Victorian bill with a number of changes proposed by the Senate inquiry and adopted by the federal Parliament, taking account of the acts passed by other state parliaments, taking account of the recommendations of the parliamentary Scrutiny of Acts and Regulations Committee, the need to make practical amendments to the Corrections Act 1986 and the Children and Young Persons Act 1989 to allow for persons under a preventative detention order to be detained in prisons or juvenile justice facilities, and to make technical amendments to ensure the effective operation of the preventative detention provisions in the special police powers provisions.

Motion agreed to.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to amend the Terrorism (Community Protection) Act 2003 to assist Victoria in meeting the challenge posed by terrorist threats.

Honourable members will be aware that a special meeting of the Council of Australian Governments on counter-terrorism was held on 27 September 2005. It agreed to the introduction of nationwide counter-terrorism initiatives. Last year the commonwealth government introduced counter-terrorism laws into the commonwealth Parliament to implement that agreement. The commonwealth laws include a control orders mechanism to restrict the activity of people who pose a terrorist risk and to enable the preventative detention of persons for up to 48 hours to prevent a terrorist act or preserve evidence of a terrorist act.

Prior to the COAG agreement, the Victorian government released a statement titled 'Protecting our community: attacking the causes of terrorism'. That statement announced that Victoria would only enact and support counter-terrorism laws that:

are based on evidence that they were needed;

are effective against terrorism;

contain safeguards against abuse;

are subject to judicial review; and

are subject to a legislative sunset.

COAG endorsed these guiding principles for the development of the commonwealth counter-terrorism laws. This bill conforms to those principles. Under that national agreement, the states and territories agreed to introduce legislation to enable the preventative detention of persons for up to 14 days (to complement the commonwealth laws) and enact stop, search and seize powers for police in public places.

This bill will deliver these commitments and improves the covert search warrants provisions in the Terrorism (Community Protection) Act 2003 announced prior to the COAG meeting.

It is important, at the outset, to indicate that the government acknowledges the concerns raised that counter-terrorism laws may infringe civil liberties. Our community has a strong respect for individual civil liberties and the traditional doctrines and processes that guarantee those liberties in Victoria. It is important to recognise the nature of the challenge that terrorism poses.

The consequences of terrorist acts place police under great pressure to intervene earlier to prevent a terrorist act with less knowledge than they would have had using traditional policing methods. In our society, individual liberties must always be balanced against the needs of the community, in particular community safety. We already have laws that restrict individual liberty for the benefit of the community. This bill strikes that balance between empowering police to undertake their functions for the benefit of the community without unnecessarily interfering with personal freedoms.

Victoria is a multicultural, multifaith community with a proud tradition of tolerance and diversity, and Victoria is determined to remain a tolerant and diverse community.

After COAG and before the commonwealth bill was introduced, Victoria and the other jurisdictions negotiated the inclusion of various safeguards into the commonwealth bill. These safeguards included the ability to seek a review of the merits of a control order or preventative detention order by the court.

The premier introduced this bill into the Legislative Assembly on 15 November last year to lie over until this year to allow for further consultation and debate. That additional period of scrutiny enabled the issues raised in the Senate report on the commonwealth's bill and the review of the Scrutiny of Acts and Regulations Committee to be considered and included, where relevant.

Issues raised by the community since the bill was introduced have also been taken into account. The legislation has been

amended, as far as possible, to address these concerns and still ensure that the legislation remains an effective tool to counter terrorism.

The bill incorporates house amendments made in the Legislative Assembly that:

> align the Victorian bill with a number of changes proposed by the senate inquiry with respect to the commonwealth bill and adopted by the federal Parliament;
>
> take account of the acts passed by other state parliaments;
>
> take account of the recommendations of the Scrutiny of Acts and Parliamentary Committee for scrutiny of acts and regulations;
>
> make practical amendments to the Corrections Act 1986 and the Children and Young Persons Act 1989 to allow for persons under a preventative detention order to be detained in prisons or juvenile justice facilities; and
>
> make technical amendments to ensure the effective operation of the preventative detention provisions and the special police powers provisions.

The bill, with these amendments, strikes a balance between equipping our law enforcement agencies with the appropriate tools they need to prevent and respond to a terrorist attack whilst providing oversight of those powers. The government understands that there will always be differing views as to what this balance should be. However, the new security environment in Australia and around the world means that we must now deal with legislation that would not have been thought necessary five years ago.

The bill contains substantial safeguards to prevent these special powers being abused. Importantly, the government has also announced that it will be implementing a charter of rights and responsibilities which will be the first legislative recognition of human rights at a state level in Australia. The charter will provide additional assurances that the new anti-terror laws will comply with our international obligations.

I now turn to the substance of the bill.

Preventative detention provisions

The bill enables the preventative detention of persons for up to 14 days in the extreme case where that detention is necessary to prevent a terrorist act or preserve evidence of a terrorist act. The terrorist act must be imminent — that is, expected to occur some time in the next 14 days. Where the order is to preserve evidence, the terrorist act must have occurred within the last 28 days. Safeguards in the bill prevent multiple applications being made against an individual, allow a detained person access to a lawyer and prevent them from being mistreated, or questioned other than to confirm their identity.

The detention may be accompanied by an order prohibiting the detained person from having contact with a specified person that is required for security reasons. That restriction will not prevent the detained person from contacting a lawyer or complaining about their detention and treatment to the Ombudsman. As a minimum requirement, the detained person may also contact their parents or a family member. The bill allows the court to order additional contact with family members, including visits to the detained person where that is appropriate.

The bill departs from the commonwealth preventative detention laws by giving only the Supreme Court the power to make or revoke a preventative detention order. When the court determines an application for an order, it will undertake a full examination of the merits of the order and may either confirm or vary the order or declare it void. To ensure that the detained person has the full benefit of that review, the court can order Victoria Legal Aid to provide legal representation. Separate to that review, the detained person can seek leave of the court to obtain a review of a preventative detention order at any time. The bill also specifically allows the detained person to be visited by their lawyer. It also enables the family member contacted by the detained person to discuss the case with the detainee's lawyer.

These differences from the commonwealth bill, with additional safeguards, are necessary because under state law preventative detention can be up to 14 days. The maximum detention under a preventative detention order under the commonwealth legislation is 48 hours.

Detention of persons under preventative detention orders, including juveniles

The house amendments to the bill included numerous amendments to ensure that persons aged under 18 years will be detained in a juvenile justice facility rather than an adult prison, unless a court finds there are compelling reasons not to do so. The detention of juveniles under a preventative detention order in a juvenile justice facility requires appropriate security arrangements for visitors to these centres. There is no existing power, for example, to search a visitor to a juvenile detention centre.

Young people detained under preventative detention orders in juvenile justice facilities potentially represent a high risk. But it would be anomalous to apply these security arrangements only to visitors of persons under a preventative detention order when the facility could potentially also accommodate persons charged with, or sentenced for, terrorist offences or other serious crimes. The bill, therefore applies new security measures to all visitors at juvenile justice facilities.

These measures include the power to require visitors to give their identity, the purpose of their visit and their relationship to the detainee. Searches may be conducted if there are reasonable grounds to believe that a visitor is carrying a prohibited item. Strip-searches are not allowed.

Stop, search and seize powers

The bill includes the power to authorise police to exercise special powers in limited circumstances. These provisions are modelled on the Terrorism (Police Powers) Act 2002 in New South Wales. An important difference in this bill, however, is the necessity to satisfy the Supreme Court that the special powers are necessary before an authorisation will be granted.

The authorisation will be limited to persons or vehicles of a particular description or over a specified geographic area. These powers will enable police to demand identification, stop and search people and vehicles, direct persons to leave or remain in an area specified in the authorisation, seize things

connected with a terrorist act and cordon areas to improve their ability to prevent or respond to a terrorist act.

Schedule 1 in the bill has been amended in response to concerns regarding the power to search persons, particularly searches of children aged 10 years and over and strip-searches. Strict requirements are imposed to safeguard the interests of children being searched.

The circumstances that allow an authorisation of special powers are when it is necessary:

> to secure an event or gathering of prominent persons that may be the target of a terrorist act and police resources cannot ensure the security of the event or persons attending it;
>
> to prevent a terrorist act that will occur within the next 14 days; and
>
> to recover from a terrorist act that has occurred and reduce the threat to public safety, apprehend those responsible and preserve evidence relating to the attack.

In each of these instances an application must be made to the Supreme Court for an authorisation of powers. The court must be satisfied that the grounds for granting the authorisation are established. Where a terrorist act is imminent or has occurred, these urgent circumstances enable an interim authorisation to be given by the Chief Commissioner of Police. The written approval of the premier is required for that authorisation. That interim authorisation must still be authorised by the court within 24 hours.

A separate mechanism is proposed for the authorisation of powers to protect infrastructure assets or networks such as public transport networks. This authorisation can be made by order in council over any land or premises where infrastructure assets or networks are located. If the Premier, the Chief Commissioner of Police and the minister responsible for the infrastructure agree that:

> the infrastructure assets or networks are vulnerable to a terrorist act, and
>
> an authorisation of special powers is necessary to protect those assets or networks or people using them,

then a recommendation may be made to the Governor in Council. An order can only last 12 months but can be remade.

This order will also apply to vehicles travelling on the specified land such as trains and trams.

Covert search warrants

The current power of police to obtain covert search warrants does not allow a warrant unless the target is known and the terrorist act is imminent. This power is too limited. The bill extends the power to obtain a warrant to prevent the planning of a terrorist act at some time in the future or the prevention of an imminent terrorist act where the specific target is unknown.

These modest amendments are necessary to enable the police to counter terrorist activity and not greatly expand intrusive police powers over individuals.

Review and expiry

Consistent with the arrangements agreed between the commonwealth and the other jurisdictions, this bill will be included in COAG review of counter-terrorism legislation to be undertaken in 2008.

I also advise that all of these amendments are subject to a legislative sunset clause as a further safeguard.

These legislative amendments are not the only response to the threat posed by terrorism to the entire Australian community. These laws are just one of a number of nationwide initiatives including engagement with various communities to eliminate the causes of terrorist activity.

I commend the bill to the house.

Section 85 of the Constitution Act

Hon. M. R. THOMSON — I wish to make a statement under section 85(5) of the Constitution Act 1975.

Supreme Court limitation of jurisdiction

I wish to make the following statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by clause 10 of the bill. Clause 10 inserts a new section 39A into the Terrorism (Community Protection) Act 2003 which provides that it is the intention of section 21J of that act to alter or vary section 85 of the Constitution Act 1975.

Section 21J of the Terrorism (Community Protection) Act 2003 is inserted by clause 5 of this bill. Section 21J will prevent any interim authorisation of the use of special powers given by the Chief Commissioner of Police (or any decision of the Premier or of the Chief Commissioner of Police concerning that interim authorisation) being challenged or called into question before any court or tribunal.

The reason for limiting the jurisdiction of the Supreme Court is to prevent the necessary exercise of special powers being delayed or frustrated by court proceedings.

Incorporated speech continues:

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

CRIMES (SEXUAL OFFENCES) BILL

Second reading

Debate resumed from 9 February; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. W. R. BAXTER (North Eastern) — This legislation, as Mr Strong indicated on behalf of the opposition when the house last met, is generally supported and applauded by all sides of the house.

It deals largely with the very difficult issue of sexual offences, which by their very nature are attended by a good deal of angst and concern, to say nothing about injury, embarrassment and the like. Parliaments always have and always must be very conscious of those aspects when they are legislating. This is necessary to ensure that amendments, particularly to the Crimes Act for the more serious offences, but also to the Magistrates' Court Act and the Evidence Act, are well balanced and that we do not as legislators allow our abhorrence for the nature of some of these crimes to unduly influence us in such an emotional way that we introduce provisions that will create some difficulty or unfairness for defendants in getting a fair trial or in being able to mount a robust and sufficient defence.

When I initially went through this legislation I had some concerns that that might have been the case in this instance. To a degree I suppose my concerns were raised because the discussion taking place on this bill occurred at the time of the shocking murder of the two Irwin sisters who were constituents of mine, and not surprisingly some calls were being made for much heavier penalties to be imposed upon sexual offenders and for some sort of minimum sentence to be imposed.

I can understand why those calls were made, particularly in the light of such a heinous crime and the actions of the alleged perpetrator, Mr Watkins, who was subsequently shot whilst fleeing from police in Western Australia, but I am always very conscious that in such circumstances we must not fall into the trap of adopting a lynching mentality. When you get that sort of shocking crime, emotions naturally run very high and calls can be made for changes to the law which would seriously disadvantage future defendants, guilty or otherwise, in the courts and may also lead to our well-proven and well-recognised system of justice being undermined.

With some apprehension I have looked through this bill to satisfy myself that that is not the case. I do not believe it is the case, and I am comforted in that respect by the fact that the provisions largely arise out of recommendations by the Victorian Law Reform Commission in 2004 in its report on sexual offences law and procedure. As members of the house will know, the commission brought out an interim report, on which it received quite a few submissions. In the light of those submissions it revised some of its recommendations, and the government has taken up, as far as I can see, the bulk of the recommendations, although it has moderated some of them to varying degrees.

It is important that we make better provision for those who suffer from a cognitive impediment so that they are given greater protection than they have been in the past. It is also appropriate that we amend the Evidence Act in relation to the giving of evidence by some victims, particularly if they are children, in an open court in front of the accused. All the panoply that occurs in courts can be quite intimidating, and it is appropriate, given the modern technology that the community has at its disposal these days, as well as the courts and police force, that we make provision for such victims, and I support those provisions in the bill.

I also support the provisions in the bill that will prohibit an unrepresented defendant from cross-examining the victim. We have had some very unfortunate examples of this, and one not so long ago involved a constituent of mine. The accused intimidated, harassed and conducted a detailed and lengthy cross-examination of the victim for, as far as could be seen, so I am advised, no other purpose than causing the victim to suffer as much degradation, embarrassment, pain and stress as possible. It is quite right that we should be preventing unrepresented accused from using court processes, allegedly in the process of defending themselves, for the purpose of putting down the accuser. Therefore I think the provisions in this bill which prevent that are reasonable.

It is also reasonable that the rights of the accused to have the complainant properly cross-examined are protected in that the court will appoint, via Victoria Legal Aid, a legal practitioner, a barrister, to represent the defendant in circumstances where the victim is to be cross-examined. I note that there has been somewhat of a change from the interim report of the Victorian Law Reform Commission to the final report. The initial recommendation was that such a barrister would appear in court not directly representing the accused, but more as a friend of the court. It seems to me that the commission had a number of submissions put to it which suggested that was not appropriate. The commission has taken no weight of those comments and has now recommended — and I think rightly so —

that the legal aid-appointed barrister should represent the defendant. So I certainly support that part of the bill.

I have some concerns, and on behalf of the government Ms Mikakos might be able to allay my fears, as to why clause 5 inserts new section 37B headed 'Guiding principles' into the Crimes Act. I draw the attention of the house to that proposed section which states:

> It is the intention of Parliament that in interpreting and applying Subdivisions (8A) to (8G) —

and they are the sections which deal with sexual offences such as rape, indecent assault, incest and the like —

> courts are to have regard to the fact that —
>
> (a) there is a high incidence of sexual violence within society …

I am taking it at face value that there is. The Victorian Law Reform Commission said so and did some research which tended to back that up. So at this time we will take it that it is a correct assertion. Who knows whether it is going to be a correct assertion in 20 years time, but that claim is going to appear in our statutes. The bill continues:

> (b) sexual offences are significantly under-reported …

I think that is common knowledge and for understandable reasons. It continues:

> (c) a significant number of sexual offences are committed against women, children and other vulnerable persons including persons with a cognitive impairment …

It is accepted that that is the case. It continues:

> (d) sexual offenders are commonly known to their victims …

Generally that is understood to be so. It continues:

> (e) sexual offences often occur in circumstances where there is unlikely to be any physical signs of an offence having occurred.

It stands to reason that that is the case as well, so I do not criticise any of those points as such. But the question that crosses my mind is: why are we putting them into the Crimes Act and what inference is the court, and particularly the jury, to draw from the fact that those five matters, which to a degree are subjective even though they may be factual, have been included? There does not seem to me to be any indication in the bill guiding the courts as to what they are supposed to draw from the fact that Parliament is saying they should have regard to those facts.

What inferences are courts to draw? What regard are they to have? I have some concerns that inadvertently this could be detrimental to an accused because it seems to be the Parliament saying to the court, 'These are the facts'. The inference is that courts have to be tougher on an accused. Yet whether or not sexual offences are under-reported has nothing to do with a particular defendant before a court in a particular case. Whether sexual offenders are commonly known to their victims is similarly nothing to do with that particular case, and I have some doubts about what its outcome might be. An unintended outcome may develop from the insertion of section 37B, and I would appreciate some explanation of the rationale.

In terms of a very minor technical point — bearing in mind that in amendments to legislation we so often get down to removing colons, commas and full stops — there seems to be a pair of inverted commas in new section 37B which are superfluous to the punctuation of that paragraph.

The Nationals are concerned to ensure that innocent people are given a fair go in our courts. We are similarly concerned that defendants are given a fair go and, as always, that there is a balance between the two. There is no doubt at all that in times past the balance has not been right in the area of sexual offences and has been tilted against the victim in favour of the defendant because the level of proof required seemed to be such that it was very hard to secure a conviction. There has been some opportunity for defendants to give the victims a very rough time in court proceedings for no obvious advantage to anyone other than to demean the victim. So it is appropriate that these things be looked at.

The Victorian Law Reform Commission has done an outstanding job. It spent three years on this reference from the Attorney-General. It is a report of some magnitude — some 500-plus pages. It makes very cogent reading, and as a member of Parliament I am prepared to place a lot of store on what the Victorian Law Reform Commission says and recommends, and I commend the government for taking up those recommendations by and large. But it is one of these very emotive issues that concern me from time to time. Parliaments must be very careful to maintain the right balance. We did not have it in the past. I think we have it about right now.

This bill adds to that balance. However, I sound a warning that judging from some of the comments I have heard in the community and read in the media there is grave danger that pressures are rising which are going to tip the balance the other way in the future, and

I think legislators need to guard against that very carefully indeed. We have a greater responsibility than playing to the gallery on what happens to be an issue which is being driven by a particular incident. No matter how horrendous that incident was we have a greater duty than that. This bill is right, but we need to be forever on our guard.

Ms MIKAKOS (Jika Jika) — I am pleased to rise and speak in support of the bill. The debate began in the last sitting week. It is a bill which is very important in protecting the rights and safety of the most vulnerable members of our society particularly against sexual abuse, which is one of the most abhorrent types of crimes that can be perpetrated on a victim. I am very pleased that during the course of this debate all political parties have indicated their strong and clear support for the bill.

The Bracks government has already taken a number of steps to protect vulnerable members of our community, in particular to protect children through the monitoring of convicted sex offenders via a sex offenders register, and also through restricting the eligibility for employment in particular professions that involve close contact with children. The law must continue to evolve. It must take into account new technologies as they emerge, such as the Internet, which have provided new avenues for sexual predators and paedophiles to approach children.

The bill seeks to make it easier for children and those people with cognitive impairment to give evidence in sexual offence cases. It also seeks to widen procuring and soliciting offences to capture predators and paedophiles stalking children through the Internet and through email. Unfortunately it is the case that victims of sexual assault are the least likely to report a crime to police. The reasons for this are complex but are related to the perception of an unresponsive criminal justice system where they have had to relive their experiences in the courtroom. The government has of course taken on board such concerns.

The Attorney-General in the other place, Rob Hulls, asked the Victorian Law Reform Commission back in 2001 to investigate these issues and ways that the criminal justice system could be changed to ease the experience of those traumatised by sexual assault whilst ensuring that those responsible were appropriately brought to justice.

The Honourable Bill Baxter in his contribution to the debate congratulated the Victorian Law Reform Commission on its work, and I want to do likewise. The fact that we have the support of all political parties for this bill is in large part reflective of the very high esteem in which parliamentarians hold the Victorian Law Reform Commission because of the work it does, the diligent way in which it examines the law and the very measured way it recommends changes.

I also want to acknowledge the work of Professor Marcia Neave, who has been the chairperson of the Victorian Law Reform Commission during approximately the last five years, to congratulate her and to wish her well on her appointment in the last couple of weeks to the Court of Appeal. Her shoes will be very difficult to fill, and I wish her well in her new role.

Many of the recommendations contained in the law reform commission's report have been included in this bill, but there is an acknowledgment by the government that legislation is only one part of the solution and that cultures and values are changing but need to change further. The law reform commission report recognises this, with approximately half its 200 or so recommendations relating to non-legislative changes particularly aimed at administrative and cultural change. These recommendations relate to issues such as improving legal education for judges, prosecutors and defence lawyers, more specialised handling of sexual assault cases and a charter of advocacy for lawyers.

The government has taken a number of steps in this respect already, in particular in relation to judicial education, through the establishment of the Judicial College of Victoria, which has a role of informing judicial officers on social developments and their potential impact on their work. I am pleased to say the college has already run workshops on child witnesses and sexual offence cases and is currently in the process of finalising a specialised sexual offences training package for judges.

Turning to the aspects of the commission's report that have been taken up in the bill and involve legislative change, I am particularly pleased that the bill makes a number of changes to make it easier for children and people with cognitive impairment to give evidence in court. No doubt members would be aware — and the law reform commission certainly noted — that trauma associated with sexual assault is compounded by experiences victims have in the criminal justice system and that the traditional adversarial approach often makes victims feel they are on trial rather than the perpetrators of the criminal act. In particular in the past an accused has been able to cross-examine their victim, and this has significantly compounded the trauma, leading to a victim feeling further intimidated by that experience.

It is of great regret that this approach has led to many crimes going unreported. We will never know the true extent of that, but the bill is intended to ensure that victims do not have to go through that level of trauma again in approaching the criminal justice system and seeking some redress. As I said, the bill is going to make it much easier for vulnerable members of our community to give evidence and help to minimise the associated trauma. A way of doing this is to allow prerecording of evidence to occur away from the courtroom before a trial commences, and through the use of closed-circuit television to enable a victim not to be physically present in the courtroom with the accused during the trial.

The bill also provides that a victim will not have to be repeatedly and aggressively cross-examined and may be able to provide evidence with a support person of their choice present. These types of measures will make it much easier for children to give evidence whilst at the same time ensuring their wellbeing throughout the trial procedure. They will facilitate the preservation of greater privacy and dignity during the criminal justice process. A self-represented person being tried for a sexual offence will be banned from cross-examining complainants, and a Victoria Legal Aid lawyer will be used in those circumstances.

I mentioned before that the bill makes a number of changes to criminal offences, in some degree due to changes in modern technology and in particular to the development of the Internet, email and mobile phones, which have enabled our society to communicate more easily than ever before. These days children as young as five are able to use the Internet and email, which can expose them to sexual predators, because identity is impossible to confirm over the Internet. What the bill seeks to do is merge the current procuring and soliciting offences into one offence which is specifically aimed at so-called electronic predators, and these types of provisions can apply no matter where the predator is located — here in Victoria or elsewhere.

The bill provides for reforms that will affect all sexual assault victims. It is important to note, as Mr Baxter has acknowledged, that clauses 5 and 27 of the bill incorporate some guiding principles into the Crimes Act and the Evidence Act respectively. These guiding principles are very important, because they reflect the findings in the Victorian Law Reform Commission report and the concern that the criminal justice system has not been as responsive as it should have been and has not protected victims of sexual assault, particularly children and people with cognitive impairments.

Mr Baxter expressed concern about how these guiding principles will be used in future court cases. It is important to recognise that courts, as they always can, will be able to interpret provisions as they see fit in any particular case. However, they will be required to take on board these guiding principles when interpreting the provisions relating to the protection of victims of sexual offences, deciding how they will be applied in the future and ensuring an appropriate balance between the needs of offenders and the need to protect victims so that they are not retraumatised during the criminal justice process. The guiding principles have been put into these two acts of Parliament quite deliberately to ensure that courts will take on board these concerns, which have been communicated from the community to the government via the law reform commission.

As I said at the outset, the bill is part of a broader approach of providing support for victims of crime. The Victims Support Agency currently provides assistance to those who have been victims of crime, including counselling and financial assistance through referrals and applications to the Victims of Crime Assistance Tribunal. I am very pleased that the Victims Support Agency and regional victims assistance and counselling services are currently consulting throughout Victoria on a proposed victims' charter, which will set out draft principles for the treatment of victims within the Victorian criminal justice system.

The government believes that victims deserve support and respect, but we also believe the perpetrators of crimes must receive appropriate punishment. We have always taken the view that sentencing should be left to the courts and not be subject to the whims of politics. I want to acknowledge the work undertaken by the Sentencing Advisory Council, which allows the community's views to be taken into account in the sentencing process on a permanent and informal basis. With those few words I commend the bill to the house and thank both the Opposition and The Nationals for supporting it.

Hon. ANDREA COOTE (Monash) — It seems it was some time ago that the lead speaker for the Liberal Party, the Honourable Chris Strong, gave a very eloquent speech on this bill, indicating that the Liberal Party would be supporting it. The issues inherent in this bill are concerning for all of us. I now have a new shadow portfolio responsibility — children. The concerns dealt with in this bill — the sexual abuse of children and the reporting of that in a court scenario — are extremely difficult. As a community we all welcome this bill and what it aims to do — that is, to make it easier for such children, who go through huge trauma during the court process.

It is salutary for all members in this chamber to reflect on the incidents that have taken place in this state in the last two weeks regarding another of my portfolio responsibilities — aged care. Although this bill adequately talks about people with cognitive impairment, I flag the issue of elder abuse, including sexual abuse. It is not dealt with at all in this bill. We should have a close look at the reporting of offences against senior and very vulnerable Victorians. I remind the chamber of the four elderly Victorians who were sexually abused by a carer in a nursing home, which is totally unacceptable. As a matter of urgency we need to put in place rules for mandatory reporting and other regulations to ensure that that never happens again. Hopefully this bill will enable people who are incapacitated and probably do not have the capacity to report or be a witness to make statements should they feel able to do so.

It is important to understand sexual abuse and put it into some context. A 1996 Australian Bureau of Statistics study found that one in four women and one in seven men experience some form of sexual abuse, not only from family members, by the time they are adults. A 1999 survey showed that only 38 per cent of those who experienced sexual assault reported it, and that those who did not report it did not do so because they were too young, wished to protect the offender or were worried that they would not be believed. These issues will be repeated when a child becomes a witness.

I have here a copy of an in-depth article written by Peter Ellingsen in the *Age* of 24 October 2004 which says:

> In most cases, however, sexual offences go unreported. Less than one in seven incest or molestation cases goes to prosecution. There is a difficulty getting evidence admissible in court, something that the law reform commission says should be addressed by allowing what children tell trusted adults to be taken seriously.

The important words in that paragraph are ‘trusted adults’. In any of the child sexual abuse cases, crimes that involves trusted adults are the most tragic of all.

The main provisions of this bill which I am particularly concerned with in my shadow portfolio are those areas that deal with witnesses who lack capacity having a right to give evidence at trial remotely, as well as giving evidence in chief by way of prerecorded videotape. They can have the person of their choosing present when they give evidence and are protected from inappropriate questions. This is admirable, and I am very pleased to see it.

I would like now to address some of the behind-the-scenes issues of what it takes before the child actually gets to that position, what has happened to this child who has experienced sexual abuse, usually by someone they have trusted, and what they will feel like when they actually get into that court. What will they feel like? How can we give them the protection they will need so that they do not have to go through the entire drama and relive what in most cases has been a horrendous experience?

I would like to read out some significant portions from that same *Age* article by Peter Ellingsen dated 24 October 2004. They relate to one incident in a family where the mother’s name was ‘Emily’. The article states:

> It was not a news flash or a phone call from police that propelled ‘Emily’ into the jagged world of child sex abuse. Like most parents who have to face their worst fears, the source was closer to home.
>
> So close, and so fragile, in fact, that Emily felt the blood drain from her body. Could this be true? Was her three-year-old son ‘Nathan’ saying that his genitals were sore because his father had interfered with him?
>
> ‘What does your father do to you?’, she asked. The boy dropped his pants and fondled his penis. Emily felt physically sick.
>
> What followed was a marathon of claims and court appearances. But when it was over, Nathan’s father would not be charged.

The article goes on to talk about what the scenario was and what the law protected then. But let us reflect upon what happened to this small child of three whose father had abused him and who had finally gone to his mother, or whose mother had noticed. His mother also noticed that Nathan was angry and aggressive and began to bite, whimper and sweat at night after seeing his father. A brain scan found nothing. Even when the boy disclosed sexual abuse by his father and had signs of it noted by a doctor and after reports were taken by police and the Department of Human Services, he was still able to go on seeing his father.

This is a child who has been repeatedly sent back to his abuser. It is very difficult in a family scenario to understand that people who are supposedly trustworthy could be abusing their children in this manner. This child, who as I have just quoted had to go through a court procedure, had to go through all of this situation. How is it that we can protect these sorts of children? I think the parameters in this bill will certainly help.

Once again let us try to reflect what it would be like for a child in the court scenario, which is difficult. We know that the courts have done a significant amount. I would have to put on record my praise for the current chief justice of the Family Court, Chief Justice Diana

Bryant, because the Family Court in this country has gone through some considerable changes to make it easier for children in particular, and others as well, to give evidence. The process itself is less traumatic for the child. For example, many judges do not wear wigs, many courts are conducted in camera and there are also video cameras. A whole range of actions have been instigated, and again I go back to the fundamentals in this bill that will enhance just that sort of modus operandi, and it is certainly to be praised.

In a very disturbing address to the UNIFEM Informs Seminar in November 2005, Dr Elspeth McInnes talked about what it would be like for a child sexual abuse witness in the court. We must remember that this bill is reflecting the reality: young children and damaged adults who need to be protected in every way possible come into our courts. I will read this paragraph from the address, which I have to say is quite disturbing:

> … I would ask you to think about who a young child experiencing abuse from their father would be most likely to confide in — would it be mum? A policeman? A lawyer? A child protection officer? Perhaps while you ponder this, consider how you would go at describing your last sexual activity in detail to a complete stranger. Think about how you would do this if you were four years old and the person you had sex with was your dad. Now think how it would be if you had been told by dad that you would never be believed and get into big trouble if you did tell. Now imagine that you have told, and the person you told tells your dad and sends you to live with your dad. This is what happens to children who experience incest and whose mothers try to protect their children …

That is important for us to understand. It is important for us to cast our minds back to being children and to think how on earth we would describe such sensitive issues. Anything we can do to help child witnesses in these types of horrendous issues is to be commended and applauded. Indeed, I have great pleasure in supporting this bill, and I hope there will be children in our state who will find it easier to go through this process as a result of this bill. I commend it to the house.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Crimes (Sexual Offences) Bill. I will not go through what the bill actually introduces, because a number of speakers have already done that. I just want to talk about the experience some people face when they have been sexually assaulted and the incredible stress and trauma they undergo which affects them emotionally and remains with them for the rest of their lives. For far too long the justice system in this state has made the victims of sexual assault feel as though they are the guilty ones. One of the things we particularly welcome about this bill is that it will make it a little easier for people, especially young people, to give evidence in cases of sexual assault.

The experience that so many complainants of sexual assault have is that they are made to feel guilty. Because of their experience in the justice system it is more difficult for us to get other people to come forward, and thus we have a very low rate of disclosure of sexual assault. It is important when dealing with people in sexual assault situations to remember that both the victim and the accused are people and they both deserve to be treated with respect at the beginning and throughout the process.

I refer to the case of the two young women and the two St Kilda footballers. We saw the two young women being confronted by the press as they left the police station after making the complaint. There were cameras and reporters there. These two young women, who had come forward and made a complaint, had to go through that stress before even reaching the court. But also in that case we saw two young men being treated with complete disrespect. They were accused, they had not been convicted, and yet they were being tried in the media, and that was very wrong. Certainly we will not get people coming forward if that is the way they are treated. As I said, there was no respect for either the victims or the accused in that case.

I do not care whether people are Australian Football League players or whether they are butchers, bakers or builders: everyone should be treated the same. Certainly, had these two young women made a complaint against their local carpenter or their local plumber, it would not have been of such interest to the media and they would not have been confronted by cameras as they walked out of the police station, and the accused young men would not have been on the front pages of newspapers and all over the TV.

As I said, it is hard enough to get young women to come forward, but it is particularly hard in cases like this that are high profile. If these young women feel that they have to come up not only against the accused but also against the accused's football club, the club's supporters, the Australian Football League and the lawyers that come behind the AFL and the club, we will not get young women coming forward to report incidents, especially when they involve high-profile people. I think the media has a role to play in ensuring that both victims and accused are treated with respect throughout the process.

The other case I would like to talk about is the recent violent murders of the Irwin sisters, Colleen and Laura. Colleen and Laura are young women from my

electorate, and I can tell you that our community has been deeply affected by what has happened to the Irwin family. Words really fail to express what members of the community feel towards the Irwin family at the moment. I read some of the press articles yesterday and there was an article in the *Age* newspaper of Monday, 30 January, which highlighted to me how words fail to describe the horror of what has happened to these two young women.

Walter Healey, who I know and who is a neighbour of the Irwins, is quoted in the article as saying it is a terrible time for the family and that the family 'doesn't deserve this'. A policeman is quoted as saying that a 'nasty situation has occurred'. Whilst people are right in trying to express their feelings for the family, I think those sorts of comments just highlight how insufficient words are to really describe the horror of what happened to the Irwin family.

William John Watkins, the person who committed this horrific crime, had a history of violence, and we could go right back through his file to see the many incidents of violence that had been attributed to him. But what the community was really enraged about was that William John Watkins had served just two years for a previous rape and had then been let out into the community. The community expects that when people are convicted of these sorts of horrific crimes, the sentences do reflect the crimes. The community has a right to expect the government to be tougher on crimes.

I must say that I was particularly disappointed last year that the serious sex offenders monitoring legislation brought in monitoring of paedophiles but did not include monitoring of rapists. During the debate on that bill the Liberal Party tried to encourage the government to acknowledge that rapists were serious sex offenders, but that was not acknowledged by the government. The Liberal Party even went as far as introducing a private members bill that would have had people like William John Watkins being monitored whilst they were in the community, and I think that is something the government should seriously think about following the horrendous murders of Colleen and Laura Irwin.

When it was said in the media that the sentencing of this particular gentleman was not adequate and was not what the community expected, the Premier's response was a little bit disappointing. The Premier blamed the justice system and said it was an independent justice system and not the government that was responsible for the release of a convicted rapist. He went on to say that sentencing was a matter for the courts. Yes, that is true, but I think the Premier missed the point there. What the Premier missed is that it is up to the government, through this Parliament, to ensure that the justice system is given the framework to deal with criminals in a way that reflects the community's expectation and allows us to be tougher on crime and to prevent horrendous crimes like this happening in the future. I would encourage the government to go back and look at its serious sex offenders legislation and include rapists in that monitoring regime.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — By leave, I move:

That the bill be now read a third time.

The DEPUTY PRESIDENT — Order! The question is that, by leave, the bill be now read a third time, that the bill do pass, that the title of the bill be a bill to amend the Crimes (Family Violence) Act 1987 to provide police with holding powers in family violence situations and for other purposes, and that a message be sent to the Assembly acquainting them that the Council have agreed to the bill without amendment.

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The DEPUTY PRESIDENT — Order! The President has had the opportunity of examining this bill and is of the opinion that it is a private bill.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I move:

That this bill be dealt with as a public bill.

Motion agreed to.

Debate resumed from 9 February; motion of Ms BROAD (Minister for Local Government).

Hon. J. A. VOGELS (Western) — It is with pleasure that I begin the debate on the Prahran Mechanics' Institute (Amendment) Bill. This bill is to amend the Prahran Mechanics' Institute Act 1899 and for other purposes.

Mr Pullen — You would have been around then, John, wouldn't you?

Hon. J. A. VOGELS — No, I was not quite around in those days.

The Prahran Mechanics Institute (PMI) is the only mechanics institute in Victoria which is governed by an act of Parliament. Following the amalgamation of the cities of Prahran and Malvern in 1994 and the creation of the Stonnington City Council, the governing committee of the institute amended its rules through an order in council in 1995. However, the act was not amended to reflect those changes, a matter which this bill will rectify.

The bill will reorganise the membership of the governing committee to reflect the changes made to the rules in 1995. Currently the act provides for nine members to be on the board and the rules for seven members. When this legislation is passed, the PMI committee will be made up of seven members, one of whom will be appointed by the Stonnington City Council. A quorum will be four members. One of the most important aspects of the bill is that it will validate decisions made by the governing committee even though that committee was wrongly constituted at the time.

Mechanics institutes were basically the forerunners of our public libraries and adult education in Victoria. I well remember visiting the Terang Mechanics Institute in my youth when I was going to St Thomas's. In those days they were not free libraries because you had to pay a penny to hire a book. I think libraries and these mechanics institutes are a very important part of Victoria. It is fantastic that we have free public libraries. People who are not very wealthy cannot afford to go out and buy the latest books so these mechanics institutes and libraries, even though they were not free in those days, are very important. I remember starting off with the Famous Five and the Secret Seven and then I got onto Biggles and W. E. Johns. I read all the Biggles books — *Biggles Flies North* and *Biggles Flies South. Biggles Flies Again*, I think, was another one. Then I got onto westerns, and I remember reading *Shadow on the Trail* — I must have read it about five times, it is a fantastic novel. As the years went by I got a bit more serious and got into geography and Australian history, war stories et cetera. Libraries are a very important part of our education.

The mechanics institute movement began about 200 years ago in England, when the term 'mechanic' meant an artisan or a tradesman — a worker who had skills. I think it probably also had something to do with the industrial revolution taking place at the time and the fact that more and more machinery was coming out and doing jobs which had been done by hand. The mechanics institutes were educational facilities for working people to learn their trades, to learn how to work with machinery, to learn how to fix machinery et cetera. They played a very important role.

The institutes that remain today are basically known as libraries. To this end responsibility for the Prahran Mechanics' Institute Act was transferred from the Minister for Education and Training to the Minister for Local Government, Ms Broad, who is responsible for all other libraries in Victoria. I am not convinced that this was a smart move by the board when you look at the way the Bracks government is funding libraries.

Mr Pullen interjected.

Hon. J. A. VOGELS — Victoria has 43 public library corporations which service 251 branches. Twenty-two library corporations operate 31 mobile libraries which visit 563 sites, usually in isolated rural locations. I believe the Prahran Mechanics Institute will now struggle to get funding from the Bracks government to keep its lending library going. Stonnington City Council will need to dig deep into ratepayers pockets to make sure the institute has the recurrent funding and can buy the book stock et cetera it will need. I expect the Honourable Noel Pullen to fight hard for the library at Prahran to make sure it gets these services.

Across Victoria at the moment local government is funding about 80 per cent of the running of local libraries and the state government is putting in about 20 per cent. Twenty or 30 years ago it was about fifty-fifty, but it has slowly deteriorated and the state is putting in less and less. This has happened under all governments. Like the Kennett government, the Bracks government seems to me to be slowly handing more and more responsibility for the funding of libraries to local government. I think that is very unfair.

As I said before, free libraries are there for people who cannot afford to buy books, who cannot afford to upgrade their Internet services. They go to their free

public libraries to be provided with research and reference advice, to learn how to look up the Internet, how to look up reference guides et cetera. The staff at these libraries do a fantastic job of educating these people, many of whom are elderly. I know a lot of elderly citizens who go to their library and get on the Internet and with the assistance of the staff can travel the world and look at all sorts of things they never believed were possible. I think that is fantastic.

Public libraries are used by about 90 per cent of the population and are the most frequented buildings in Victoria. It is interesting. I am the opposition spokesman for local government, which includes libraries, but I did not realise until I started going to libraries how important they are. At one stage I sat outside a library reading the *Herald Sun* or the *Age* or something and watched a non-stop stream of people going in and out of the library. Most of them come out very happy — they have more books to read for the weekend or whatever.

The Liberal Party supports this bill. The Stonnington City Council and the people of the Prahran community want this bill to go through so we support the bill. However, I call on the Bracks government to match the Liberal Party's announcement that it will increase funding for public libraries from $30 million a year to $45 million a year if we win government, which is about a 50 per cent increase.

Hon. Andrea Coote — When?

Hon. J. A. VOGELS — When we win government later on this year. On behalf of the Liberal Party I reiterate that we support this bill. It is a very good bill.

Hon. B. W. BISHOP (North Western) — On behalf of The Nationals I have great pleasure in rising to speak on the Prahran Mechanics' Institute (Amendment) Bill. There is certainly a lot of history in the bill and in the Prahran Mechanics Institute. Some of that history started to come through when I looked at the notes at the front of the bill. We see that the Prahran Mechanics' Institute Act 1899 — some many years ago — provided for the incorporation of the Prahran Mechanics Institution and Circulating Library, 'the institute', as they called it, and for the establishment of a governing committee of nine members including the mayor of the City of Prahran and four persons elected by that municipal council. As we know, time has moved on. The City of Prahran and the City of Malvern were abolished in 1994 and replaced by the Stonnington City Council, and that is the reason this particular bill is before us today.

As I read through some of the notes I found even more history. I found that this is the only mechanics institute established under an act of Parliament. This is quite a rare occurrence and something the institute should be proud of. I have also noted that it celebrated its 150th anniversary just last year. Over the years the Prahran Mechanics Institute has done a great job. It has been a great community asset. No doubt, given that it has more than 350 members, it will continue to fulfil its role in the community for many years to come.

It is also interesting to note from my perspective that the Prahran Mechanics Institute has kept up with the original aims of mechanics institutes. To that end it now has a collection of local history, family history and genealogical items it has gathered over the years. I note it has a small lending library as well. One of the most interesting things it can do that I have read about is assist people to publish books about places, people and organisations in Victoria. That is a great asset, because a number of times people have come to me and said they had written a manuscript or a booklet of notes about things they had observed over the years — it might be a history of their family, a history of their local town, a history of Victoria, a history of Australia or a view they have — but that it was jolly difficult to get it published.

Certainly that assistance would be a tremendous asset and a great help to people. More and more people in our community do that, and to be able to put them together would be a great asset. In a way it reminds me of my mother. She was a great historian and used to tell the kids many stories. The pity of it all is that we did not write them down or tape-record them. If the opportunity were there for people to put things down or tape them and then publish them, it would preserve a great amount of the history of our communities.

When I read the amendments being put forward today they reminded me of the Mildura and District Genealogical Society, which now has its home at the Carnegie Centre in Deakin Avenue, Mildura. It is interesting to note that everyone in this sort of circumstance has started off in quite a small way. This Mildura group started in 1977, much later than the Prahran Mechanics Institute. Those who started it in Mildura got together to help each other research family histories, which is obviously becoming much more popular in our communities. Its first meeting had 15 people but more and more people became interested in researching their family trees. As the membership grew so did the wider range of interests in the Mildura organisation. Now we see there are more than 150 members — not as many as we have in the Prahran Mechanics Institute — and the number is still growing.

Its library is also growing. This quite interesting library has a lot of books and also some microfiche. People can go there to study the history of that area and of the many families there.

The Honourable John Vogels talked about libraries. The Carnegie Centre in Mildura was once Mildura's library. I can remember in the late 1990s — I think it was 1997 or 1998 — the Mildura Rural City Council built a new library. That is a great asset, and it performs particularly well. It is in the Deakin Centre, which is a little further along Deakin Avenue. As the Honourable John Vogels said, that new library is tremendously rich in information and people can go there to find out about almost anything. The genealogical society was asked by the Mildura Rural City Council to redevelop the Carnegie Centre, and of course it jumped at that opportunity — and it is now a very strong local history and genealogical resource centre. In fact the society moved in there in 1998 — very swiftly, I might add — when the new library was put together. I urge anyone who goes to Mildura to go along to the Carnegie Centre to see some of the history and, more than that, meet some of the dedicated Mildura people — as I am sure are the people in the Prahran Mechanics Institute — who help restore and retain our history by the volunteer work they do.

This is a very simple bill which puts in place the amendments necessary to meet the new circumstances of the Prahran Mechanics Institute. At the moment the act provides for nine members and the rules provide for seven. Until recently the Prahran Mechanics Institute had been operating with seven members, but this bill will set the governing committee membership at seven. One will be appointed by the Stonnington City Council, and the others will be elected by the members. As I read it, the term will be four years, the same as for Parliament. It also sets four members as a quorum, which is a majority of the members of that governing committee. These changes will provide a very strong structure for the Prahran Mechanics Institute into the future. The bill will provide for the proper governance of the institute. I wish the institute all the best for the future and the bill a speedy passage through the house.

Mr PULLEN (Higinbotham) — I rise to support the Prahran Mechanics' Institute (Amendment) Bill. It is good to see that the opposition and The Nationals are supporting this bill. It is a pretty simple bill of only five pages. I was disappointed by the comments of the Deputy Leader of the Opposition in the other place, who said, 'This is one of the better imports from Scotland; the other being the trade union movement, which we will not go into'. Obviously he was implying that it was not such a good import. I certainly think it was an excellent import for our state.

The purpose of the bill is to alter the composition of the governing committee of the Prahran Mechanics Institution and Circulating Library and to validate certain decisions by the governing committee of that institution. I want to pick up on a point made by Mr Vogels. He said it was a public library, but it is not a public library. A user must be a member of the Prahran Mechanics Institute. It is not a public library, and it is important that we make that point in the debate.

I go back to my first point about altering the composition of the governing committee. The 1899 act refers to the City of Prahran. The City of Prahran and the City of Malvern were amalgamated to form the City of Stonnington in 1994. In 1995 the Prahran Mechanics Institute made rules under section 5 of the 1899 act which reorganised the governing committee, reducing the council's representation from five to one, as requested by the Stonnington City Council. The rules also provide for four-year terms for those elected from the membership of the institute. The act also provides for annual elections for the members of the governing committee. That means that six members will be elected. Over the four-year period, first two will retire, then one will retire, then two will retire and then one will retire, so there will not be a complete clean-out of committee members at one time.

Hon. Andrea Coote interjected.

Mr PULLEN — There will be a few changes this time! The bill deals with a private institution which is governed by an act of Parliament, as Mr Bishop said. This is the only institute in Victoria that is governed in this way. I did not think I would be worried too much about this particular bill, but the issue was drawn to my attention by Peter Bergin, one of the residents of East Brighton in Higinbotham Province. Peter Bergin is a member of the Prahran Mechanics Institute which has more than 300 members throughout Victoria and Australia, and he wanted to talk to me about this particular bill and about the Prahran Mechanics Institute.

Mr Bergin was elected at an institute annual general meeting in 2003 to be the convenor of a lease task force which reported to a special meeting of the Prahran Mechanics Institute in November 2003. That unanimous report included a recommendation that:

> The committee review the latest rules made under the Prahran Mechanics' Institute Act 1899 (Vic), approved by the Governor in Council, and obtain the opinion of its solicitors as to whether some provisions may conflict with the … act.

Really it was Mr Bergin who got this whole thing rolling along, or that is what he told me, so I would accept that. The rules were then gazetted on 5 December 1995 by the Governor in Council under the name of the then Minister for Tertiary Education and Training, Haddon Storey, a former member of this chamber, who was a patron of the institute. This recommendation was not acted upon by the committee. The act requires that all rule changes are consistent with the act.

The validating clause in this bill that picks that up is in clause 8 which inserts section 15. It is Mr Bergin's view that this does not validate the wrongful acts performed by the committee. I do not want to go into what Mr Bergin said there, but I am of the opinion that it is impossible to turn the clock back, and it is therefore appropriate to provide a validation of the actions of the governing committee to the extent that they would be valid if the committee had been properly constituted.

At the request of the governing committee the bill amends the act to increase the quorum of committee members from three to four and this is to prevent decisions being made by a minority of committee members. The proposed amendments to the act were accepted at the annual general meeting of the institute on 27 April 2005. Like most members, I did not know much about mechanics institutes and it was good to hear Mr Vogels give us a little bit of the history. I am starting to learn how to use the Internet so I used that and came across information on the Prahran Mechanics Institute site. I will just put on the record — it was very well covered in the lower house — what this article says:

> Mechanics institutes are the forerunners of public libraries —

but this one is not a public library —

> and adult education in Australia. The mechanics institute movement began in 1799 when Dr George Birkbeck conducted a series of free lectures for the working men of Glasgow. The term 'mechanic' at that time meant artisan, tradesman or working man —

as Mr Vogels said —

> The definition may have become more specific during the industrial revolution when workers became increasingly associated with machinery.
>
> … The movement began in Victoria with the formation of the Melbourne Athenaeum in 1839 …
>
> Nearly every town in Victoria had a mechanics institute …Mechanics institutes gradually lost their pre-eminence, particularly after World War II. Today there are over 500 still operating in Victoria as halls and homes for local organisations.

Further information on this site states:

> In Prahran … the Reverend William Moss and some local residents took steps in April 1854 to set up a mechanics institute. The committee of management's first moves were to establish a library, institute a program of lectures and raise money by public subscription for a building. By 1856 the building in Chapel Street, near the corner of Greville Street, was declared open by the Governor, Sir Henry Barkly.

It is interesting to note that the government of the day provided a £1300 grant for that particular building.

This act, which came in originally in 1899 was introduced after 45 years of the institute's existence, because it had not been operating in the members' interests. In 1877 its membership had fallen to only 30, no committee meetings had been held for four years and the property had fallen into disrepair. This is all information provided to me by Mr Bergin. I took notes in the very enthralling interview I had with him. Indeed it was a shameful part of the institute's 152-year history. Historian J. B. Cooper referred to this period of the institute as the 'scandal in Prahran'. The institute recovered under the excellent leadership of secretary John Henry Furneaux. The institute was responsible for providing a technical school in Prahran for boys and girls. It generously built the school at 140 High Street, Windsor, in 1915, and the institute still owns that property today.

Mr Bishop covered very well the fact that the institute has a local history collection consisting mostly of published histories, some rare and some out of print. The collection includes histories of Victorian cities and towns, schools, churches, businesses, hospitals, clubs, bands, transport, crime, police, politics, war, mining, immigration, biographies and general histories of Victoria, as well as genealogy indexes such as births, deaths and marriages in Victoria on a CD-ROM.

I have a great deal of respect for Mr Bergin because he taught me so much about this. Mr Bergin is concerned that any future rule change will remain the right of the committee without involving the membership. However, I would like to add here that any changes to the rules have to be approved by the Governor in Council. I know that Mr Bergin will keep a watchful eye on the committee's rule changes and so on. I believe this bill updates the position of the Prahran Mechanics Institute and I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — I have great pleasure in speaking to this bill and, as the lead speaker for the Liberals has said, we will be supporting it. What great institutions the mechanics institutes were. How lucky we are that our forefathers actually thought about

placing them all around this state. I heard Mr Pullen say in his contribution that he is just getting used to the Internet, but can I recommend to him an excellent book that is in our library called *If the Walls Could Speak — A Social History of the Mechanics' Institutes of Victoria*.

It is an excellent book by Pam Baragwanath, and I recommended it to members because there were many mechanics institutes across Victoria. There are photographs and commentaries about a whole range of mechanics institutes, such as Collingwood, Corryong, Dandenong, Curdies River, Dalyston, Glenloth, Glengarry, Glenmaggie, Glenthompson, Heyfield — and the story goes on and on. I recommend that the member have a closer look, and perhaps after today's debate on this bill he might like to recommend the book to his friend, who I am sure will be very interested.

At the beginning of the book there is an excellent chapter by the renowned conservation architect Peter Lovell, who talks about the architectural side of the mechanics institutes. He says:

> While its origins lie in the temples of ancient Greece, the physical manifestation of the athenaeum or mechanics institute in nineteenth and twentieth century Australia was a far cry from such places. Using basic forms and little formal architecture, its focus was on functional shelter rather than the monuments of the ancients.
>
> The architecture of the mechanics institute was by and large the architecture of local communities. Unlike ecclesiastical architecture, it was not an architecture governed by principles or prejudice, but rather one which was in every sense functional and responsive to immediate needs and available resources. It was architecture which was largely generated without architects and, while perhaps not truly vernacular, was an architecture which relied upon local materials and skills.

It is the very people who built these buildings, the artisans and others involved, for whom these institutions were established. They were places for people to go to read, to have musical entertainment and to learn languages such as French. They truly were centres of culture in a time when it was difficult in Victoria to get access to such facilities.

Turning to the section about the Prahran Mechanics Institution and Circulating Library, one can see an interesting photographic record of the library and read a comprehensive history of how it was established. It was established in 1854 by the Reverend William Moss, who set out:

> … to discuss the 'propriety of establishing a mechanics institute in Prahran for the mental and moral improvement of its members —
>
> and providing rational amusements by means of, lectures, library, etc.'

I hope Mr Pullen's friend is very moral —

A piece of land adjoining the hotel was put aside, and with the assistance of a £1300 government grant and money raised by public subscription the institute was opened by the Governor, Sir Henry Barkly, in 1856. The library had originally been established in rented rooms, and a program of weekly lectures commenced.

A new library was erected in Prahran, which took away from the mechanics institute, and the mechanics institute went into decline in the latter part of the 19th century, which was a great pity. But in 1870 the institute decided to establish a school of art and design, which was to later become Swinburne University. For those who drive down High Street, Prahran, you can see that the mechanics institute is still there and is now an integral part of the university. It is a terrific building and it reflects what Peter Lovell said about how they were initially built. Next time members go past they should have a closer look at the building to see exactly how it was built, what it was built of and remember why it was built.

However, there was a time of controversy, and the institute went from bad to worse until its condition became a scandal in Prahran in the late 1800s and ratepayers were refused admittance to it. After two years of infighting the town clerk, a Mr Hinde, with the assistance of Sir Frederick Sargood, Mr Gray, MLA, and other concerned citizens persuaded the government of Victoria to pass act no. 1617:

> … to provide for the incorporation and government of the Prahran Mechanics Institute, 27 October 1899 … the powers of which were intended to resuscitate the almost dead institute into a living benefit to the citizens'.

The book states:

> The act enabled the new committee to take over the keys, property and stock from the secretary … and the deeds of the property from the manager of the National Bank.

There was a regrowth. Indeed, today is the culmination of the continuous use of that area and of the mechanics institute. Much has already been said today about the library and how important it was and continues to be in Prahran. We are proud of this organisation.

I spoke to the Stonnington City Council, which indicated that it is pleased about the bill, because over the past 18 months it has lobbied the government to have the act changed. During this time it has tried to get four different government departments to take responsibility for the bill, and finally the Department of

Victorian Communities picked up the issue, the consequence of which is the bill we have in front of us today.

In 1994 the legislation of the 1890s, which I read about a moment ago, was changed to neaten things up and to represent the changes that took place in the amalgamation of the Stonnington City Council between the City of Prahran and the City of Malvern. However, it failed to fully represent the new number of wards, and a change to the act was viewed as necessary because of the council's representation on the Prahran Mechanics Institute Board. It has now been changed to reflect the current situation in Stonnington and the new ward situation. The Stonnington City Council also give full acclaim to the bill and is pleased that the bill has been introduced.

I shall conclude with a comment about the libraries. We should remember why people in the 1800s went to the institutes after work — they went for cultural entertainment, for lectures and to try to improve their station. When we look at modern libraries today, with all the information that is in them, access via the Internet and via other electronic means, we can see how far they and the institutes have come. I shall finish with a quote from the book:

> The Prahran Mechanics Institute has a rich and fascinating social history. Founded in 1854 (a year before the municipality was proclaimed), it has developed with the city, and helped the city to develop, culturally and intellectually. The founders of the institute would not recognise the Prahran of today, and they would not recognise the modern institute library, with its computer catalogues and CD-ROM material. They would be familiar, however, with the institute's charter, which has barely changed since 1854:
>
> > … to provide a circulating and reference library; to organise and conduct educational classes, lectures, scientific or other instructive or recreative activities; and to encourage and facilitate historical and other educational research.
>
> The institute also continues a fine tradition of constantly searching for ways in which it might provide 'a further usefulness' to its members and the community.

I commend the bill, and I commend the Prahran Mechanics Institute.

Mr SCHEFFER (Monash) — I speak in support of the Prahran Mechanics' Institute (Amendment) Bill and in doing so congratulate the City of Stonnington, members of the institute's committee and the generations of general members for their work in maintaining and developing the institute for more than 150 years.

I also commend the work of the member for Prahran in the other place, Tony Lupton, and his great support and promotion of the very positive and sensible changes to the constitution of the institute which are contained in this bill.

The Prahran Mechanics Institute is very well known in the city of Stonnington, and the history of Prahran is closely tied to the history of the mechanics institute, the institute having been established a couple of years prior to the establishment of the Prahran City Council and it having been used as a Saturday afternoon meeting place of the council in its early years.

I enjoyed reading the contributions by members of the Legislative Assembly to the debate in that house and listening to the contributions of members in this chamber during the debate on the bill so far. I found their knowledge of the history of mechanics institutes both here and in the UK to be very informative. Members have recounted the genesis of the institute in Scotland, London and Manchester in the early decades of the 19th century and their subsequent establishment in Australia around 1830.

While the idea of the mechanics institutes was exported from the UK, a particular Australian type of institute emerged. The Prahran institute provided a local space for reading and adult education that enabled ordinary people of modest means to pool their resources so they could improve their understanding of society, the arts, politics, and civics and recreation in a formal setting. This style of adult education worked relatively well in a country that had a strong but fledgling democratic polity, a good standard of living, an energetic trade union movement, a powerful Labor Party that strengthened collectivism and governments which took an active role in providing economic and social infrastructure. These conditions made the mechanics institutes that were set up in Australia different from those established in Scotland and the UK.

E. P. Thompson in his classic book, *The Making of the English Working Class*, discusses the tensions that existed among the various mutual improvement societies that met all over England to acquire knowledge. Thompson said that the early history of the mechanics institutes, from the establishment of the London institute in 1823, is a story of ideological conflict. He said that the conflicts between the radicals and the clergy and professional men who sought to assist the institutes broke out over the question of financial independence and also over whether the institutes should debate political economy. Nothing I have seen suggests that such ideological disputes over political economy occupied the minds of the members

of the Prahran Mechanics Institute. The 1983 booklet, *Pioneer and Hardy Survivor*, put out by the institute, gives a list of the kinds of lectures that were offered in the 1850s. I sense the hand of the committee of management — the good Christian burghers of Prahran, who sought to provide 'respectable' and 'improving' pursuits concerning high literature and popular philosophy.

The success of the mechanics institutes in Australia and Victoria is in part due to the strength of the labour movement. The need for the struggle for ideas was not so urgent in Australia as it was in the UK, consequently a more pragmatic approach was taken and popular fiction and lectures better met the needs of more relaxed communities. Thousands of mechanics institutes were established across the country, and they provided adult education and recreational facilities in many towns and suburbs. The institutes provided new suburban developments such as Prahran with facilities for reading, intellectual improvement, community activity, recreation, and entertainment such as music and drama. So the Prahran Mechanics Institute is part of a long and interesting history. Today the institute plays an important role in the local community, mainly through its excellent library. It is the only mechanics institute that is governed by an act of Parliament. The act was passed in 1899 as part of an effort to resurrect the institute, which had fallen on bad times. The act created an incorporated body and ensured that all the assets and liabilities of the institute would be transferred to the new body.

The purposes of the bill before the house are to change the composition of the institute's governing committee and to make sure that decisions made by the committee and that were made outside the committee's previous powers are validated. The bill provides for seven members to comprise the committee — one to be appointed by Stonnington City Council and the remaining six to be elected by the members of the institute, which is inconsistent with the existing act. The conflict between the provisions of the previous legislation and the current practice were caused in part by the amalgamation of the cities of Malvern and Prahran. The new Stonnington City Council changed the rules relating to the composition of the governing committee, and the present amendments contained in this bill will reconcile the actual arrangements with the legislative requirements.

In conclusion, I commend the work of the members of the current committee: the president, Alf Lazer; the treasurer, Ben Quin; Stonnington councillors Chris Gahan and John Chandler; Alison Boundy; Judith Buckrich; and Mr Peter Wolfenden. I also recognise the important contribution to the institute and the community of the reference and circulation librarian, Tim McKenna, the institute's secretary-librarian Catherine Milward-Bason, and Christine Worthington, who looks after promotions and publications. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — By leave, I move:

That the bill be now read a third time.

In so doing, I thank the honourable members who have contributed to this important debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CRIMES (SEXUAL OFFENCES) BILL

Remaining stages

The DEPUTY PRESIDENT — Order! I wish to make the house aware that at the conclusion of the third reading of the previous bill, which was the Crimes (Sexual Offences) Bill, I read a preamble from the Crimes (Family Violence) (Holding Powers) Bill. I wish to make Hansard aware of the need to correct that mistake. The title of the bill that we read a third time was the Crimes (Sexual Offences) Bill. It was a bill to amend the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Evidence Act 1958 and the Magistrates' Court Act 1989 in relation to sexual offences and for other purposes.

GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 9 February; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Guardianship and Administration (Further

Amendment) Bill, at the outset I inform the house that the opposition will be supporting this legislation.

This is a relatively small bill that makes one change to various definitions in the Guardianship and Administration Act 1986. It separates the provisions that are required for special medical procedures, called 'special procedures' in the bill, and creates the new definition of 'medical research procedures'. The reason for this is logical and simple. Under the act, to carry out special procedures consent must first be obtained from the Victorian Civil and Administrative Tribunal (VCAT). Special procedures include, among other things, sterilisation, the taking of samples and rather more serious and intrusive medical procedures. When samples are required to be taken from somebody who is otherwise unable to give their consent — and it needs to be said that because we are dealing with the Guardianship and Administration Act we are basically dealing with people who are unable to give their consent — it is quite logical that for these significant, so-called special procedures consent from VCAT should be required.

Medical research procedures are defined as slightly different in nature. They might be using the latest medical research, the latest drugs et cetera to try and ameliorate suffering and bring about the cure of somebody who may not be able to give their consent. Therefore, because these are procedures which are generally aimed at saving a person's life or helping them in some way, there is seen to be no reason to go through the whole gamut of taking that issue to VCAT before administering these so-called medical research procedures.

A series of tests needs to be applied before one is able to go ahead with such a medical research procedure, and I will briefly run through them. First of all, under the proposals a registered practitioner, when considering whether a medical research procedure is to be authorised, will need to answer the following questions. Firstly, has that procedure been authorised by the hospital's ethics committee, or whatever that medical institution may be? Secondly, has the ethics committee of that establishment agreed to the appropriateness of that particular treatment? If it has, there are a series of other tests. The first is that if the medical practitioner deems this to be something that is required urgently to save the life of somebody who is under an immediate threat or has some other urgent complaint that would seriously damage their health, then the medical practitioner, as long as the procedure has been approved by the appropriate ethics committee and it is urgent, can administer the medical research procedure.

If it is not deemed to be urgent, another series of tests comes into place. The first test is whether the patient, who for whatever reason is incapacitated at this point in time, is likely to emerge from that incapacitated state at some time in the immediate future — some time in the next 14 days. If so, that procedure is not to be continued until such time as that person recovers from their incapacity and is able to give the authorisation. Failing that, it must be determined whether there is another person such as a guardian, a next of kin or somebody else who is able to give permission for the procedure to take place? If neither of the two previous criteria are met — and we must remember that the criteria are that if it is urgent and life saving it can go ahead straightaway; if it is not urgent and life saving we have to wait to see if the person who is incapacitated recovers from that incapacity so that they can give their approval, and if not is there somebody such as the next of kin who can give approval on their behalf — does the medical practitioner believe the procedure can be undertaken without causing any damage, hurt or disadvantage to the patient. If those criteria are met the medical practitioner has to certify that carrying out the procedure would not be contrary to the best interests of the patient and that there is no reason to believe the procedure would be against the patient's wishes. If those criteria are met and certified, the procedure can be undertaken.

In conclusion, this is a fairly simple amendment to the legislation. It separates a medical research procedure from the general conditions of special procedures and allows a procedure that could be life saving or a great advantage to a particular patient who is in some way incapacitated and unable to give their consent that the procedure be undertaken rapidly to the advantage of the patient without having to go through the whole VCAT procedure which is currently required and which could waste a lot of time and put that individual's life and wellbeing at risk. Therefore members of the opposition have no problems with this bill. They consider that is quite a reasonable and sensible provision and urge the house to support the bill.

Hon. D. K. DRUM (North Western) — Like our Liberal Party colleagues, members of The Nationals take the view that this is a small amending bill and The Nationals will not be opposing the legislation. The purpose of the bill is to amend the existing Guardianship and Administration Act 1986 to establish a new process for obtaining consent for medical research procedures and to make other miscellaneous amendments both to the principal act, which was mentioned previously, and to the Mental Health Act 1986.

As Mr Strong pointed out, currently under the act consent must be obtained from the Victorian Civil and Administrative Tribunal (VCAT) for any special procedures for patients who have a disability and who are not able to give informed consent. This bill amends procedures that come under the category of medical research; they will be taken out of the special procedures category in which they are placed at the moment.

The bill predominantly deals with people who for one reason or another are incapable of giving informed consent for a whole range of medical procedures. It does not pertain to the procedures that were spoken about earlier in relation to the taking of tissue or medical procedures needed in the course of looking after the wellbeing of these patients. What we are specifically looking at here is the category called 'medical research procedures'. It is very important to point out that when procedures are required for medical research they undergo strenuous and rigorous ethical procedural assessment by the relevant institution's human research ethics committee before they are approved so that research can be conducted on humans. When people looking after a disabled individual identify a particular research procedure to be undertaken, it has to undergo extensive ethical analysis.

It is because that process is rigorous and strenuous that this legislation is before the house and the involvement of the Victorian Civil and Administrative Tribunal is seen to be somewhat superfluous. If we are going to examine each individual case to the nth degree, it seems somewhat unnecessary to then turn around and apply to VCAT. It is also worth noting that, should a guardian for any reason wish to oppose a medical research procedure, they can still apply to VCAT to have the procedure stopped, so we are not in any way removing the right of a guardian who may be concerned about a pending procedure.

These measures are being put in place following consultation with relevant stakeholders including the Public Advocate, State Trustees Ltd, medical researchers and human research ethics committees who have all given their seal of approval to these legislative changes, and The Nationals are delighted that this work has been done.

The second-reading speech states that the common-law position operates unfairly on people with a disability which affects their capacity to give informed consent. There are many ongoing medical research programs, some of which have led to an improved life for patients. It seems grossly unfair that anyone should miss out on improved health outcomes due to a diminished capacity to provide consent. We believe the bill will increase those opportunities for people who have a diminished ability to give consent so that hopefully they will not miss out on opportunities in the future, including opportunities to take part in some of the data collection programs. If a person needs to undergo a procedure for medical research, then we believe we should open up opportunities in the broadest way possible while leaving in place all the checks and balances associated with the respective groups.

Members of The Nationals have no problems with supporting the bill. Because of the consultation that has been undertaken we support the changes before the house. We hope they lead to more people with diminished ability being able to partake in programs in order to give them improved outcomes.

Ms MIKAKOS (Jika Jika) — I am pleased to rise to speak in support of the Guardianship and Administration (Further Amendment) Bill, which seeks to enhance the rights of Victorians with a disability. One of the basic reasons for the existence of society is to care for the disadvantaged and those unable to look after themselves. The great American labour organiser and political activist Cesar Chavez said:

> History will judge societies and governments — and their institutions — not by how big they are or how well they serve the rich and the powerful, but by how effectively they respond to the needs of the poor and the helpless.

This is certainly true of the Bracks government, which considers that Victorians with a disability are absolutely deserving of our support and assistance, including through legislative provisions. Victorians with a disability must have access to the same rights and opportunities as the rest of our society, and that is what this legislation aims to achieve. In the main those with a cognitive disability must have the same access to potentially life-saving treatment as those who are able to make medical decisions for themselves

Properly initiated and closely monitored medical research and clinical trials overseen by human ethics committees are essential to finding new ways to treat serious medical conditions. The decision to become involved in such trials is a serious consideration for anyone, even those with the capacity to make an informed decision. Those with a serious permanent or temporary disability have until recently had extra obstacles to overcome to become involved in such potentially life-saving research.

Prior to 1999 this area was completely unregulated and covered by common law, which did not give family members the right to consent to serious medical —

experimental or otherwise — procedures on behalf of those unable to provide informed consent as a result of temporary or permanent disability. That area was reformed, and at present the Victorian Civil and Administrative Tribunal (VCAT) is the body responsible for giving consent to special procedures for all patients with a disability who lack capacity to consent to such procedures.

One of the main issues is that medical research can be time critical. Medical researchers in particular have voiced their concerns at the delays built into the existing guardianship process. While the VCAT guardianship list, where members are on call 24 hours a day, 7 days a week to consider applications for consent, has been established, even the slightest delay can result in a patient being ineligible for possibly life-preserving or improving medical research procedures.

A good example of this urgency is the decompressive craniectomy study trial being conducted by the Alfred hospital. The aim of the study is to determine whether early intervention by way of emergency craniectomy can save the lives of patients with a traumatic brain injury. An emergency craniectomy involves cutting away a section of the frontal bone of the skull to allow the brain to swell through the hole, thereby substantially reducing pressure on the brain. The nature of the procedure requires prompt approval. Delay can result in further brain damage or even death. The bill removes the requirement to seek VCAT permission in certain circumstances and introduces a procedure by which a patient's 'responsible person' — that is, a guardian or next of kin — can consent to medical procedures such as the one I have explained if the procedure is in the patient's interest.

This can be the difference between life and death to a patient who may require immediate surgery utilising techniques such as craniectomy. By taking away the requirement to apply to VCAT — no matter how streamlined or responsive the process — this bill will allow the patient's responsible person to act appropriately on the patient's behalf. If no responsible person is available, the physician may act provided a range of criteria set in the legislation have been satisfied.

The criteria that would apply in those instances are that: the procedure is not contrary to the best interests of the patient; the procedure is not against the patient's wishes; an ethics committee has approved the project, knowing that a patient may participate in the project with the prior consent of the patient or person responsible; the project must be assessing the effectiveness of the therapy being researched; the procedure must pose no more of a risk to the patient than the risk that is inherent in the patient's condition and any alternative treatment; the project is based on valid scientific hypotheses that support a reasonable possibility of benefit for the patient as compared with standard treatment; and the researcher must provide to the Office of the Public Advocate and the relevant ethics committee certification that these criteria have been met. Quite detailed safeguards have been put in place under this bill, similar to the regime that existed with applications to VCAT, but the bill's provisions are more responsive to the needs of a patient who might be in desperate need of possibly life-saving procedures.

By taking this process out from under VCAT and ensuring that protections remain in place for those unable to give informed consent to such medical procedures the Bracks government is helping to streamline the process by which life-saving procedures can be accessed by every Victorian, including those with a disability. I should point out that the changes contained in the bill do not apply to what are referred to as special procedures, such as sterilisation, pregnancy termination and tissue transplant. In fact the bill increases the penalties, including prison terms, that are applicable if VCAT's consent is not given for these special procedures.

This bill provides greater opportunity and greater protections for those unable to make vital decisions for themselves. It demonstrates the government's commitment to treating all Victorians, and particularly the most vulnerable members of our community, with fairness and dignity. I place on record the government's appreciation that all parties have indicated their support for this important bill, and I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I want to make a brief contribution to the debate. The opposition is supporting the bill and the sentiment behind it. It is understood that the prompt application of what are life-saving techniques and procedures to patients is very important, and where time is of the essence in the interests of the patient this bill will facilitate the provision of those techniques and procedures.

I want to comment briefly on one aspect that could benefit from more thought — there is a growing category in Australia, and certainly in our great state, of patients with partially, not fully, developed dementia. Sometimes medical practitioners put such severe restrictions on individual dementia patients that in many ways their rights are compromised. Although guardianship situations should be in the direct interests of patients themselves, they are not necessarily. Sadly,

as a representative of my electorate, I have become aware of instances where I have believed, and still believe, that there is doubt as to the motives in some guardianship situations. Therefore it is possible for patients to undergo procedures and techniques without their true consent when they would indeed be able to give it, but that consent is not recognised by their medical practitioners and/or guardians. I am concerned about that because I know first-hand of instances where that has happened.

There is a whole raft of circumstances where guardianship, power of attorney and other situations create great pressures on individual patients. That is a whole chapter in itself, and I know it is not the intent of this bill to get involved in those difficult circumstances. This is a positive and constructive bill that is intended to bring the benefits of advanced medical knowledge to people in life-threatening circumstances. I will not spend any more time on my concerns about the overall importance of recognising the circumstances of patients.

I am truly worried that as we get more elderly people in the community and the natural encroachment of the problems associated with dementia becomes more profound more thought will need to be given to the rights of dementia patients, particularly partially incapacitated dementia patients, and their ability to be represented and to have better checks and balances than exist currently. Certainly the rights of partially disabled people with dementia should be better protected. Be that as it may, I support the bill. Its sentiment is admirable. The opposition supports the legislation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the house do now adjourn.

Melbourne Youth Music: funding

Hon. BILL FORWOOD (Templestowe) — I raise a matter for the attention of the Minister for the Arts in the other place. I have received correspondence from John Ryan concerning Melbourne Youth Music. His correspondence says:

> It is with surprise and disappointment I learned that your government intends to reduce funding to the Melbourne Youth Music (MYM) program …

He requested action to reverse the decision. His letter says:

> MYM provides an excellent way for the young to be involved in a productive activity which promotes self-discipline and community involvement.
>
> The management of MYM maintains a consistent high standard of musical achievement which is achieved through maintaining a high standard of behaviour from all involved. Participation is merit-based with annual auditions required for places in the various ensembles and orchestras.

His letter states that he understands the proposed reduced funding will greatly increase the cost borne by individual members and it therefore follows that significant numbers will be excluded by financial constraints. It goes on to say that his daughter has benefited from seven years involvement in MYM, and that he hopes other young people will have a similar opportunity.

This is a matter of significant concern at a time when most people will agree it is important that there be activities for young people to participate in. I look forward to the minister in the chamber, the Minister for Aged Care, vigorously advocating to the Minister for the Arts in relation to this program. I hope very sincerely that she will be able to see the way clear to return the funding to this worthwhile program.

Public toilets: incontinence pad receptacles

Hon. ANDREA COOTE (Monash) — I have a question for the Minister for Aged Care, who is sitting in the chamber — it is so nice to see him! The commonwealth government has recognised that incontinence is a very serious complaint and has spent a considerable amount of money on incontinence aids. There has been an increase in incontinence as a result of prostate operations. In Victoria hundreds of senior men are facing very difficult problems with incontinence. This complaint might only be temporary but is very difficult to deal with at the time it is suffered.

I also take this opportunity to speak to all the male members of the chamber and encourage them to make sure they are checked, because prostate cancer can be cured if it is looked at very early. If you get onto it quickly it can be cured. I suggest to men in this chamber that they should have prostate checks done as part of their health checks; otherwise when they are older they could end up being seriously incontinent and having some major concerns.

A lot of people have approached me about this issue, one of whom was Mr Robert Clark, the member for Box Hill in another place. A constituent wrote to him saying he had recently had an operation on his prostate and suffers from incontinence and that he has realised there are no receptacles in men's public toilets for disposable pads. He is sure that he is not the only male in this situation and feels that receptacles should be provided in all male toilets. My question to the minister is — —

Mr Gavin Jennings — About receptacles in all public toilets, yes.

Hon. ANDREA COOTE — Not having been in many myself! I ask the minister whether he will supply receptacles in all Victorian male public toilets for disposable incontinence pads.

Sewerage: Colac

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Environment in the other place, the Honourable John Thwaites, and it concerns the refusal of Barwon Water to take wastewater from the proposed industrial estate at Rossmoyne Road in Colac. It is my understanding that Barwon Water originally agreed to allow the developers to connect to the sewerage scheme; that is one of the main reasons the developers went to the industrial development. However, Barwon Water has now changed its mind.

It is also my understanding that the developers are prepared to put up the funds to connect to the Colac wastewater sewerage scheme. Against all best practices Barwon Water is now prepared to allow the developers to put in a septic tank system. Let us remember that this industrial estate is close to Lake Colac and this action would send a very bad message to the development community as to the aspirations and prospects of Colac into the future.

The action I seek from the minister is that he leave no stone unturned to ensure this development is hooked up to a reticulated sewerage scheme. I am not sure whether the decision of the Essential Services Commission last year to reduce the developers' connection fee to $500 instead of the $20 000 et cetera that was being charged previously has any bearing on this decision. However, it would not surprise me.

As I said, I call on the minister to make sure that Barwon Water, Colac Otway Shire Council and the developers get together to try to overcome this impasse. We do not want a septic sewerage scheme going back into an area close to Lake Colac when the rest of Colac is hooked up to a reticulated sewerage scheme. I urge the minister to bang their heads together and make sure the developers are allowed to hook up to the reticulated sewerage scheme.

Harness racing: Vision Value Victoria strategy

Hon. DAVID KOCH (Western) — My matter is for the Minister for Racing in another place and concerns the flawed Vision Value Victoria (V3) strategic plan Harness Racing Victoria (HRV) launched in March 2005. The spin of V3 promised to deliver greater returns for clubs and all those associated with harness racing, but V3 fails to deliver to clubs and to communities that were forced to have their meetings transferred. V3 is totally bottom-line driven, with no consideration given for local economies or any community obligation in those areas where volunteers have given so much for decades to an industry they support and enjoy.

Cup meeting returns from clubs where meetings are transferred from their home tracks give some idea of just how important it is for not only harness racing but local businesses and the community that TAB meetings return to home tracks — for example, even after increasing spending on promotion, the Boort Harness Racing Club recorded a fall of nearly 50 per cent in gate takings while the Boort business community missed out completely as the cup was run at Charlton. Similarly the St Arnaud Harness Racing Club was also forced to hold its cup meeting at Charlton. Compared to the previous year, oncourse turnover fell by 45 per cent and stake money support fell by 50 per cent, but costs, including the cost of promoting the event, increased by over 100 per cent.

While Ouyen's cup meeting in Mildura saw an increase in oncourse turnover and a slight increase in offcourse turnover most other indicators were flat or fell, including club memberships, by more than 50 per cent. But more importantly, as previously voiced to Harness Racing Victoria, local businesses are suffering. The only supermarket in Ouyen is closing its doors on 28 April. Results for the Wedderburn Cup were even more disappointing, where oncourse turnover fell by 66 per cent. Although the club spent $10 000 more on promotion it could only attract a crowd of 300 patrons. Of greater concern is the drop in club memberships from 1380 to only 230.

These results clearly show that despite the hype and HRV's claims of V3's success, V3 is not supported universally by the industry, particularly those many volunteers of the seven country clubs whose meetings were transferred to neighbouring clubs. These seven

hardworking clubs are now feeling the squeeze, with falling memberships and sponsorships, declining oncourse turnover and higher costs in running meetings at distant venues. My question is: what action is the minister undertaking, after his pledges at St Arnaud on 8 July 2005, to address harness racing governance, amongst other matters, to ensure that HRV's V3 strategy does not destroy the seven clubs and the communities that have been forced to transfer local meetings?

Environment: plastic bags

Hon. KAYE DARVENIZA (Melbourne West) — I raise for the attention of the Minister for Environment in the other place, the Honourable John Thwaites, the phasing out of the use of plastic bags. I am sure that, like me, other members try to minimise their use of plastic bags and buy the green bags from the self-serve shops and supermarkets to use instead of plastic bags. It is really changing not only your attitude but your behaviour so that you have alternatives that you are able to use rather than using plastic bags.

We all know that plastic bags cause an enormous problem — firstly, in getting rid of them. They also cause problems for animals, particularly in our waterways, whether that be in the rivers or the seas. Fish get tangled up in them. Dolphins get caught up in them and drown because they are unable to breathe after attempting to rid themselves of these plastic bags. The plastic bags also cause litter and garbage problems. Dogs are often able to pull them out of the bins to get at scraps of food and they make a terrible mess. For the sake of the environment we know that we need to phase out the use of plastic bags.

I am really interested in hearing from the minister about what action he and his department are taking to support the community as a whole to become plastic bag free and to use alternatives to plastic bags. I am also interested in what transitional arrangements he is looking at to assist businesses, which, of course, want to be able to make sales and give people a bag in which to take their goods away. I am also particularly interested in knowing about the development of cooperation between other states and the federal government on regulating the establishment of alternatives to the use of plastic bags. I know there has been an agreement with the Victorian government and other states to establish industry targets for the use of plastic bags and the desire to see that use diminished by something like 50 per cent by 2008. I am interested in hearing what action the minister is taking in this regard.

Wheat: single-desk marketing

Hon. B. W. BISHOP (North Western) — My adjournment matter tonight is directed to the Minister for Agriculture in the other place, the Honourable Bob Cameron. The action I require is for him to support Australia's single-desk marketing powers. I am in no way requesting him to make a judgment on the corporate governance of AWB Ltd, which is the subject of the current Cole inquiry. However, I may make the point that the single desk and the AWB's corporate governance are two separate issues and should not be confused and seen as the same.

It is interesting to note that those who wish to get rid of the single desk are beside themselves with glee as they use the media frenzy to further their own ends, which of course mainly revolve around their own potential gains if the single desk is lost. The Americans, the Canadians, the Europeans, the Argentinians and all of our competitors also cannot believe their luck as we tear ourselves apart over an issue that is separate from the inquiry. Worse still are those trading companies that are putting themselves forward as the grain farmers' mates and saying the 'we are here to save you' stuff when in fact those companies making the most noise are owned by multinational grain traders that have no interest in the security and wellbeing of our Australian grain producers but are interested rather in how much they can strip off the deal for their shareholders.

There has been inquiry after inquiry, driven by either those grain traders whose profits go offshore or by the economic rationalists who simply want to make a name for themselves by bringing down an icon of Australian marketing. Even our competitors admit that our single desk gives us a premium in those offshore markets. There is absolutely nothing to stop them setting up the same structure, and rather than trying to interfere with our system they should simply adopt it right now and be satisfied.

This political witchhunt, driven by the mainstream media, has involved no thought for the Australian wheat farmer, whose only protection against the heavily subsidised and corrupt international wheat market has been the single-desk system, which allows Australian growers to band together under the one banner and use their collective power as one unit rather than be picked off one by one in a free-for-all where farmers compete against one another and therefore drive the price down in the export market.

The system is a good one. It has evolved over 60 years and, as I said, it is the envy of other wheat growers around the world. Any government that tampers with

the structure must then come forward with support for the marketing programs, seminars and technical assistance that are presently provided through the single-desk system. The system is also held in high regard by our markets, as the accumulating powers of the single desk give them security that the Australian Wheat Board's international division, through the single desk, has the grain they want and that it will be delivered on time and on specification.

The turnout of over 700 people at the rally last week in Warracknabeal is surely proof of the belief of the growers, the people who matter the most at the end of the day, that the single desk should be retained. My request is for the minister to write to the Prime Minister in support of the call by our wheat growers to retain the single desk.

Alpine resorts: fire regulations

Hon. E. G. STONEY (Central Highlands) — My matter is for the Minister for Environment in the other place. The issue I raise is the proposed new fire regulations and their adverse impact on alpine resort operators. Like my colleagues in the other place, Martin Dixon, the member for Nepean, and Nick Kotsiras, the member for Bulleen, I have received strong representations from groups based in the alpine resorts at Mount Buller, Mount Hotham and Falls Creek. Many operators have grave concerns regarding the changes that will require buildings over two storeys and sleeping more than 13 people to install sprinkler systems. The issue is that the retro-fitting of sprinklers in an alpine environment is a very expensive exercise and takes a great amount of time, and there are problems with pipes freezing unless they are properly installed.

One Mount Hotham club has written to me to point out that in the 1990s lodge operators were required to retrofit emergency exit lighting and hard-wired smoke alarms connected to a centralised alarm control board. The club tells me that all lodge operators complied because they believed it was:

> … a move which was entirely consistent with improvements in safety considerations at the time … The argument was that it is the smoke generated in a fire that kills people and if detected early enough by quality smoke detectors, then lives are saved. On the other hand, by the time the sprinklers are activated by the fire the occupants may well have been suffocated by the smoke.

The operators of two of Mount Buller's largest accommodation lodges estimate it will cost them $1 million and $750 000 respectively to retrofit the sprinklers. Those lodges will also have to close for quite a bit of time.

Mount Buller proprietor John Perks is concerned that there is a blanket approach to proposed regulation 710. He points out that lodge operators in alpine environments already have some of the highest fire safety regulations imposed on them. They therefore do not oppose other regulations, such as regulation 709, because they already comply with them. Operators also point out that there is a shortage of licensed sprinkler installers. They do not think there will be enough technicians to install the sprinklers by the 2008 deadline.

Mr Perks and others believe there needs to be an extension of time and exemptions introduced into this regulation to make it feasible. They point out that the alpine resorts have some of the toughest fire regulations of anywhere in Victoria at the moment. I am sure it is not the intention of the regulations to put people out of business. However, Mr Perks has approached his insurer who told him that premiums will rise because there is a chance the sprinklers will go off and damage some of the rooms. There is a problem there.

I ask the minister to instigate a review of the possible exemptions for alpine operators from this proposed regulation, and to allow more time for any new regulations following the review.

Primary Industries: weed control officers

Hon. W. R. BAXTER (North Eastern) — I also wish to raise a matter for reference to the Minister for Agriculture in the other place. It goes to the vexed question of weed control officers within the Department of Primary Industries, although I acknowledge that the Department of Sustainability and Environment also has a part to play in this. I particularly want to protest about the fact that the weeds officer who has been located at Nathalia for many years is now being transferred to either Wangaratta or Wodonga, which will be quite horrendous — there will be no weeds officer adjacent to the Barmah State Park and the Barmah forest. That is a very significant area where weeds are becoming a problem. There is a lot of concern in the community about that and I would ask the minister to review that position with a view to retaining it in Nathalia.

I also want to note on behalf of the Mitta Valley Landcare Group its concern about the fall away in the work force and the increase in weeds, particularly broom and blackberry, in the Mitta Valley. I quote briefly from a letter that outlines the contrast:

> … Mitta Mitta has a huge area to cover with four full-time staff to manage forestry, fires, tracks, pest animals and weeds. When the Lands Department existed there were six full-time positions solely for weeds and vermin as 'forestry' was a

> separate department. As well there were five full-time Country Roads Board positions to maintain the Omeo Highway … and two full-time positions for shire roads.

In other words, in those days they had 13 in the work force, compared with today's 4. Even acknowledging that we have better means of controlling weeds now with more highly developed chemicals and better gear and machinery, it is an extraordinary difference to drop from 13 to 4. It is no wonder Landcare members are losing a bit of their enthusiasm when they see their good work undermined by weeds being out of control on public property, whether it is in national parks, forests, on roadsides or wherever, and the fact that the department seems to have a great deal of difficulty in prosecuting recalcitrant freehold landowners who are not playing their part in controlling weeds at all.

I ask the minister to review the number of weeds officers he proposes to have under his current budget and the forthcoming budget, and in particular to make sure they are located in appropriate places.

Responses

Mr GAVIN JENNINGS (Minister for Aged Care) — Thank you, President, for the opportunity to respond to these adjournment items raised by the following members. I will pass on their items to the relevant ministers.

The Honourable Bill Forwood raised a matter for the attention of the Minister for the Arts in another place in relation to a constituent seeking ongoing support and funding for the Melbourne Youth Music organisation.

The Honourable Andrea Coote raised a matter for me as Minister for Aged Care in relation to the support provided to members of our community who have to endure the unfortunate condition of incontinence. I can say that I have funded a number of programs to support incontinence clinics and provide a variety of assistance to members of the community who are suffering this degree of discomfort and difficulty. Within the residential aged care setting we have funded a variety of programs to shore up the support for those residents and to provide them with incontinence aids. The member asked if I would contemplate providing opportunities for incontinence pads to be disposed of in a sanitary fashion in public toilets and other facilities throughout Victoria. I will investigate the feasibility of providing that degree of assistance.

The Honourable John Vogels raised a matter for the attention of the Minister for Water in another place in which he sought two specific actions: one was to bang heads together and the other was to leave no stone unturned. He urged the Minister for Water to ensure that the industrial estate within the Colac shire, under the auspices of Barwon Water, is connected to the reticulated system rather than embarking on septic tank development.

The Honourable David Koch raised a matter for the attention of the Minister for Racing in another place and asked the minister to ensure that his commitment to ensuring harness racing is supported throughout Victoria is not diminished by the implementation of the Vision Value Victoria scheme by Harness Racing Victoria.

Ms Darveniza raised a matter for the attention of the Minister for Environment in another place seeking his ongoing determination to phase out plastic bags and to mitigate their adverse impacts on the environment and flora and fauna in particular.

The Honourable Barry Bishop demonstrated a degree of loyalty which is perhaps unparalleled in the Victorian Parliament today by seeking the intervention of the Minister for Agriculture in another place in supporting the activities of the single-desk marketing operation otherwise known as the Australian Wheat Board.

Hon. W. R. Baxter — No, it is not necessarily the same thing.

Mr GAVIN JENNINGS — Otherwise known in practice as the operations of the Australian Wheat Board. His loyalty, just like justice, may be interpreted by some people to be blind but it is in fact a demonstration of his unswerving commitment to the Australian Wheat Board. He asked the minister to join him in calling on the Prime Minister to support the ongoing operation of the single-desk arrangement.

The Honourable Graeme Stoney raised a matter for the attention of the Minister for Environment in another place seeking his review of the current way exemptions apply to fire regulations as they affect developments at the ski resorts across Victoria.

The Honourable Bill Baxter also raised a matter for the attention of the Minister for Agriculture in another place. I do not think this is the first time he has drawn the attention of the house to the ongoing need for weed eradication and the amount of resources and dedication that should be allocated to this task. He called on the Minister for Agriculture to ensure adequate support and funding is provided to weeds officers across the state and that they are appropriately located. He drew particular attention to the officer who was previously located in Nathalia.

Motion agreed to.

House adjourned 5.52 p.m.