

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 17 April 2007

(Extract from book 5)

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Tuesday, 17 April 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Production of documents

The PRESIDENT — Order! Prior to the last break the Leader of the Government requested that I pursue some legal advice in relation to the powers of the house to require the production of documents. I made it very clear to the house that it was not my intention to become the legal reference point for anyone in the house, and that I would not allow it to be used as a precedent for any future requests anyone might have.

However, taking into consideration the seriousness of the issue, the impact it will have on the house going forward and the fact that in my view we are in uncharted waters, I have decided to get some legal advice for the Clerk. In the next few weeks the Clerk will receive legal advice in relation to this particular matter, and I will take my advice from the Clerk. When that information is received, we will consider what is to be done with it.

ROYAL ASSENT

Message read advising royal assent on 20 March to:

**Parliamentary Legislation Amendment Act
Pay-roll Tax Amendment (Bushfire and
Emergency Service) Act
Public Prosecutions Amendment Act.**

QUESTIONS WITHOUT NOTICE

Nursing homes: infection control

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Community Services. Will the minister advise the house if there have been any outbreaks of gastroenteritis in any state-owned nursing homes in the past 12 months?

Mr JENNINGS (Minister for Community Services) — I must say that the member's question is an interesting take on what is the subject of much discussion in the public domain at the present time — that is, the outbreak of illness which has caused the untimely death of a number of residents of a privately run, not-for-profit nursing home in the state of Victoria. That has led to some confusion about the appropriate

regime in terms of public health notification and the responsibilities of the state in relation to public health matters in the commonwealth and in relation to accreditation of commonwealth aged-care beds and aged-care nursing homes. The question the member has asked me has a very topical background.

Interestingly enough, with regard to my responsibility in relation to the matters that I have outlined to the house, as Minister for Community Services I have a concern that we provide quality care throughout institutions in the state of Victoria. I am directly responsible for public sector residential aged-care beds, which is at the heart of the member's question, but I am not responsible for non-Victorian-government-aided-and-funded-residential aged care. That sometimes leads to some confusion about what the scope of influence and responsibility should be, but I can assure the member, the chamber and the Victorian community that I am acutely aware of the need to make sure we have effective infection control mechanisms that apply throughout residential aged care within Victoria.

I am particularly mindful of the regime that we should adopt within public sector residential aged care to ensure the timely reporting of public health matters, particularly as they relate to infection control and the instance of salmonella, which has been the subject of consideration and concern in relation to the particular matter that has occurred at the private sector facility in Camberwell.

I have authorised the Department of Human Services to ensure that all public sector residential aged-care facilities receive appropriate notification about being mindful of their public health obligations in relation to an effective response to infectious disease that may occur within our jurisdiction, to make sure that they are acutely aware of their obligations regarding public health reporting and what our expectations would be of them in making sure they comply with those obligations and with the standards that are imposed within the commonwealth.

It is an issue of concern to the Victorian government — I certainly have that concern — that there seems to be not necessarily the best integration of public health considerations with the accreditation process of commonwealth aged-care regulated and controlled facilities throughout this country. I have written to the federal Minister for Ageing, Christopher Pyne, to discuss the issue of appropriate integration of those considerations and have recommended to him that certain procedures be followed in cases of multiple deaths that may occur. I have done that to ensure that the facility itself has the systems in place to satisfy

accreditation and that in the future there will be quality control mechanisms across the accreditation of aged-care facilities generally.

I place all of that on the public record because I think it is very important for us to understand my role in this issue, which is in fact for me to be very concerned but not officially responsible for the cases that have been drawn to public attention in the last few days. I am particularly concerned to ensure that there is harmonisation of the regulatory regime that relates to public health, which is the responsibility of the Victorian government, and the appropriate standards and support structures that occur within the commonwealth regulation of the aged-care sector.

In relation to the specific issue of gastroenteritis and salmonella as they occur within public sector residential aged care, which is at the heart of the question, quite often outbreaks of gastroenteritis occur right across the Victorian community and within aged-care facilities, which includes public sector residential aged care. I am able to tell the chamber that of the total notifications in 2007 there have been in the order of 67 cases of gastroenteritis in all situations and circumstances throughout the Victorian community. There have been far fewer instances of salmonella, which may be the concern we have with this specific event. Salmonella is a variation of the gastroenteritis infection, and it may have been the cause of death in these instances. That is the subject of a coronial examination. Far fewer instances of salmonella have occurred. There has not been any case of salmonella in any public sector residential aged-care facility drawn to my attention in the last 12 months. I am happy to take that question on notice and to get a specific answer, but none has been drawn to my attention.

Supplementary question

Mrs COOTE (Southern Metropolitan) — The minister acknowledged in his answer that in the last 12 months there have been outbreaks of gastroenteritis in state-run nursing facilities. When those outbreaks occurred, at what stage was the Department of Human Services notified?

Mr JENNINGS (Minister for Community Services) — The member in extrapolating from a short part of my fairly lengthy answer — perhaps for her own purposes — may have been confused about the difference between the outbreaks of gastroenteritis, which might be a more regular occurrence within the Victorian community, including in aged-care facilities, as distinct from more virulent strains that may make people more vulnerable to premature death than might

be the case if they had gastroenteritis. Quite different infectious disease controls would apply in each case under the appropriate regulation. What I am indicating to the member and to the chamber is that not one case of salmonella has been drawn to my attention, which makes the question redundant.

Port Phillip Bay: channel deepening

Mr PAKULA (Western Metropolitan) — My question is to the Minister for Planning. Industry and exporters have long been promoting the need to deepen the channel in Port Phillip Bay as a means of increasing economic growth in Victoria. There has also been much discussion around the potential environmental effects associated with the proposed project. I ask the minister to advise the house of what processes have been established to ensure that environmental effects are appropriately considered before a decision is made to proceed with deepening of the channel.

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Pakula for his interest in this matter. As you would be aware, President, the Bracks government has remained steadfast in its commitment to deepening the channel, provided the project receives the relevant state and federal environmental approvals. To illustrate this commitment let me remind the house that an environment effects statement (EES) was prepared in 2004. That statement was found to be deficient, and it was considered that the environmental issues needed further investigation. As a result the then planning minister, Rob Hulls, my colleague in the other place, confirmed in July of 2005 that a supplementary environment effects statement was required.

In March this year I released the supplementary environment effects statement prepared by the Port of Melbourne Corporation so that Victorians could have their say on the proposed channel deepening project. This supplementary work is the culmination of more than two years of investigation, including a \$32 million trial dredge that was conducted in 2005, 40 technical studies and around 15 000 pages — I will reinforce that, 15 000 pages — of research and data. The supplementary EES is on display now at 29 locations until 7 May.

However, the analysis and thorough consideration of environmental issues do not stop there. Following the public display period, the report will be considered by an independent panel. I have appointed the panel under the Environmental Effects Act. It will advise me on the supplementary environment effects statement. As part of its work the panel will conduct public hearings over June and July. This will include discussion sessions and

hearings over a seven-week period, giving even more opportunity for issues to be canvassed and thoroughly considered.

Chancellor of the Australian National University, Dr Allan Hawke, will chair the panel. He will be joined by Ms Kathryn Mitchell, the chief panel member for Planning Panels Victoria.

Mr Finn — Are you serious?

Hon. J. M. MADDEN — The panel also includes Dr Mike Lisle-Williams, managing director of the Flinders management group and formerly a senior partner at Deloitte — all, eminent people, Mr Finn, as opposed to yourself. The appointment of such an eminent group of people — —

Honourable members interjecting.

Hon. J. M. MADDEN — I can understand why opposition members, particularly Mr Finn, do not understand the meaning of the word ‘eminent’, because I suspect Mr Finn has never met anybody or shared a conversation with anybody who might be considered eminent.

The PRESIDENT — Order! The minister has presented me with an opportunity to make a statement I want to make to the house regarding question time.

Question time is one of the more important functions of the Council in its function of critical review of the executive. It is an opportunity for members to raise topical or urgent issues and seek information from ministers regarding the administration of their portfolios.

As President I am charged with upholding the rules, customs and dignity of the house. On my election as President I told the Council that I was determined to ensure that every member in this house, regardless of party, policy or politics, would be given a fair hearing and a fair go, members would be treated with respect and the house would be a respectful place.

Question time is a particularly important part of the day’s proceedings. There is a great deal of public and media attention focusing on it. It is essential that question time is conducted as efficiently and as fairly as possible and that the rights of all members of the house are maintained. However, on occasions in the past question time has not shown the house in the most favourable light. Members should be aware that I intend to ensure this is not the case in the future.

It is a longstanding practice in the Council that a minister is not obliged to answer a question but that if a minister gives an answer, it should be relevant and responsive. Where a minister refuses to answer, the Chair cannot insist on a reply, and in that instance a supplementary question is also out of order. The standing orders also prevent a minister from debating an answer. Ministers should simply confine themselves to the points contained in the question.

I do not propose to change this longstanding practice. However, a minister will be deemed not to be relevant and responsive if the minister makes a personal attack in any way upon the member asking the question or overtly criticises the opposition or other non-government members of the Council. If the minister chooses to answer the question, the minister’s comments must remain within the bounds of his or her portfolio.

I intend to strictly police the answering of questions by ministers during question time, and I ask ministers to take my requirements into account when they are answering questions.

Hon. J. M. MADDEN — Thank you very much, President, for that direction. I appreciate that in particular, because I think it is very important that ministers be heard and that we conduct question time in a way which does us all justice.

The appointment of an eminent group of people to the panel is an indication of our commitment to the rigorous review of this project. The panel has a very balanced background, with its members having extensive experience across both the public and private sectors. Members of the panel possess both scientific and non-scientific credentials and have been involved in high-level government reviews and planning processes. As it is particularly relevant, I reinforce the point that, importantly, the panel will also be able to draw upon the expertise of the independent experts group, as necessary. When the panel does not feel it has sufficient expertise, it can call upon this group to assist it.

I have set a date of 1 October this year for the panel to provide its advice to me. The advice will include the suitability and feasibility of the proposed design for the project, the likely environmental effects of the dredging and whether the project can be managed to ensure acceptable environmental outcomes. I will then prepare an assessment of the environmental effects of the channel deepening project, which will be provided to the commonwealth Minister for the Environment and Water Resources as well as the relevant Victorian

government ministers. While the Victorian government has signalled a desire for the project to proceed, can I reinforce that this is subject to an environmental assessment and relevant approvals.

Human Services: Broughton Hall

Mrs COOTE (Southern Metropolitan) — My question is for the Minister for Community Services. Is the Minister for Health in another place correct in claiming that the Minister for Community Services is the responsible minister for receiving departmental advice on gastroenteritis outbreaks in nursing homes?

Mr JENNINGS (Minister for Community Services) — I am responsible for public sector residential aged care in the state of Victoria, and I have been responsible for it since the election of 2002. I remain responsible for public sector residential aged care, as I clearly outlined to the house in my first answer. In accordance with that, the relevant information as it relates to the wellbeing of residents, the quality of care issues and the performance of public sector residential aged-care services, their financial viability, their ongoing redevelopment and the project management of redeveloping and reconfiguring those services — all those matters — is drawn to my attention.

Supplementary question

Mrs COOTE (Southern Metropolitan) — Has the minister received advice from his department which supports the claim by the Minister for Health in another place that food poisoning was the cause of the deaths at Broughton Hall?

Mr JENNINGS (Minister for Community Services) — Those matters are subject to coronial investigation, and I have not received the coronial investigation report.

Australian International Airshow

Ms TIERNEY (Western Victoria) — My question is to the Minister for Industry and State Development. Can the minister provide the house with the outcomes of the recent Australian International Airshow 2007, which was held at Avalon?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for her question. I want to take the opportunity to update the house on the great success of the Australian International Airshow 2007.

Mr Finn interjected.

Hon. T. C. THEOPHANOUS — Yes, there may have been some problems, Mr Finn, with some parking, but I think that was a reflection of just how many people wanted to go to the airshow this year. In fact the airshow this year attracted a record number of visitors, 182 769 people, which was an increase of 6 per cent on the previous Avalon airshow held in 2005. This yet again shows the importance of this particular airshow.

I know that some members of the opposition want to make light of this by way of interjection. I bear in mind the President's recent ruling, but when a minister hears interjections, which are essentially inane comments from the opposition, as they are trying to inform the house of a important issue, it takes a great deal of restraint to not respond to them.

The Australian International Airshow is one of our great major events. As members know, Melbourne is now starting to be known right around the world for its major events. It is known as the major events city of the world. It is something we are very proud of and something which the Bracks government has developed to a large extent over the full course of its governance.

The attendance at the airshow, which of course is a major event, is not just a matter of the number of visitors who attend. There has also been a significant increase in the number of exhibitions and exhibitors at the show. In fact those people who did attend would have noticed a significant increase in the number of exhibitors at the airshow. We had 611 exhibitors there. That is a huge number of people — —

Mr Hall — Was Gippsland Aeronautics one of those?

Hon. T. C. THEOPHANOUS — It was one of them. The emergence of that company has been a very important initiative, as Mr Hall knows. It creates a significant number of jobs and has produced a very good product, which has been sold internationally. That underlines the importance of the airshow. It is not just an event to which a whole lot of people go to watch a show. Hundreds of companies from around the world and throughout Australia come together and essentially do business in this state, providing work and additional economic growth.

It was very important for us to see that second part of the show being developed in conjunction with the spectacular aspects that attract people to it, year on year. In fact economic analyses of the airshow have shown that even as far back as 2005 the airshow injected \$100 million into the Victorian economy and created about 1800 full-time equivalent jobs. We will

continue to do an analysis for each airshow, and we expect the analysis of the 2007 event to show even greater numbers.

The airshow plays a vital part in advancing Victoria's aerospace and aviation industry. For those who might not understand how important it is, it is worth \$600 million to the Victorian economy. It directly employs 5000 people and it is responsible for annual exports of \$250 million — and that amount is increasing.

A number of Australian companies are now getting into the global economy and creating new products and new technology, which are being integrated into global production systems that now dominate the aerospace industry. Many arrangements and agreements were made and brought into play as a result of the airshow, which will ultimately result in what we all want in this state — that is, economic growth and jobs for the state.

I will give members a couple of examples. GKN Aerospace and Lockheed Martin Aeronautics Company have confirmed that they are working together to address an opportunity to commence the manufacture in Australia of major composite components for the F35 joint strike fighter program. GKN is evaluating establishing a new composite component manufacturing facility in Melbourne, and this would involve the creation of around 200 jobs. I spoke to representatives of both GKN Aerospace and Lockheed Martin at the airshow. We brought the players together. If we get an outcome from this, it will have a significant economic impact on this state, because we will see a contribution to the worldwide production of the F35 joint strike fighter program.

I could go on to mention all of the other tangible business results that came from the airshow, but more broadly I say that each year it is held this is a major event in all senses of the word. We are very proud to have it held in Melbourne and to have the outcomes in terms of jobs for our community.

Human Services: Broughton Hall

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Community Services. Was the minister's department's response to the outbreak of gastroenteritis at Broughton Hall consistent with the government's expectations of the department?

Mr JENNINGS (Minister for Community Services) — Indeed my colleague the Minister for Health, who is responsible for this matter, has made a series of comments about it. In fact she has referred to

the actions being undertaken by the department as being appropriate in addressing public health considerations, such as infection control, and ensuring that the Boroondara City Council was appropriately mobilised to provide scrutiny of the facility. It also ensured that there was a contractor clean-up arrangement in place, that measures were taken to ensure that the food source was taken off site and that food was brought to the facility from off site.

In terms of the public health measures, a series of infection control measures were undertaken. Appropriate screening has been undertaken at the facility, both of the fabric of the facility and the hygiene levels. In fact biological samples were taken from a number of residents in appropriately screening for the transmission of contaminants. In terms of mitigating any danger to public health, those actions were complete and appropriate.

The issue of concern that has been the subject of public discussion and some consideration relates to whether the initial notification that was provided by the facility to the Department of Human Services was provided in a timely fashion. Most people would say that clearly it was negligent — that it was deficient as a notification from the facility in the first instance. That has drawn attention to itself and has caused ongoing concern about the timeliness of the response. Once the notification had been imparted to the department, the response was totally appropriate in adhering to the scrutiny and rigour of public health requirements.

Supplementary question

Mrs COOTE (Southern Metropolitan) — The latest victim of the Broughton Hall outbreak had to be removed from the facility by his own family. Is that level of neglect also consistent with the government's expectations of the department?

Mr JENNINGS (Minister for Community Services) — I have been pretty fulsome in my answers to the member's questions. She fails to accept the fundamental premise that this is a non-Victorian government facility — it is run by a community organisation that is registered, licensed and accredited under the commonwealth Aged Care Act. The procedures and operations that occur on that site relating to the care and treatment of patients — their medical care, their location and the appropriate quality assurance — are the responsibility of the agency itself and of the commonwealth. The member in her question has clearly erred on the wrong side of appropriate jurisdictional responsibility.

Automotive industry: exports

Mr THORNLEY (Southern Metropolitan) — My question is to the Minister for Industry and State Development. Can the minister inform the house of any recent export announcements that will benefit the Victorian motor industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for his question and for his ongoing interest in the Victorian economy and in creating jobs in the Victorian economy. It is the case that the Victorian automotive industry is one of our most important industries. It creates a large number of jobs for Victorians and a whole range of add-on businesses that complement the major manufacturers in this state and in this country.

As I have said before, the automotive industry has changed significantly over the past 15 or 20 years. It was the case 15 years ago that the majority of motor vehicles purchased in Australia were made in Australia. That situation has changed completely. Now no more than a quarter of the motor vehicles that are purchased in Australia are made in Australia, but concurrently that industry's exports have increased. It may not be known to members in this place, but the third-largest Victorian exporter is Toyota motor vehicles. Toyota Australia exports a significant number of Camrys to the international market, particularly to the Middle East but also to other parts of the world.

The Toyota business has become one of the major production centres for Toyota around the world — it exports its products all around the world. To do that — and this is also the trend with other manufacturers — we now have a circumstance in which about 40 to 45 per cent of local production is exported out of the country. This industry is becoming export focused, and it is an industry which is largely focused in Victoria. This important export industry is earning export dollars, and a lot of the dollars are even coming not from the exporting of motor vehicles but from the exporting of design and engineering capability and so forth.

To give an example of this, the Ford Motor Company of Australia has an engineering and design section in its Broadmeadows plant. Guess how many people work up there? Members might think there would be half a dozen, a dozen or even 100 engineers up there, but there are nearly 1000 people working in the design and engineering component of the Ford Motor factory. This capability has been developed over a period of time and Ford at Broadmeadows has been able to take on a project like developing a four-cylinder car that will be

produced in India. The development of the design and engineering factors, all of those things, take place not in India but in Australia — in Broadmeadows. These things can happen because we have put together an industry which has that kind of capability. We have an education system that supports that, and the skills and the investment that allow it to occur.

I want to also mention to the house that as part of its export program, GM Holden has recently announced a project to export to South Korea and China. General Motors will be exporting the Holden Statesman, which is to be rebadged as the GM Daewoo L4X luxury sedan. If you go to one of those countries and look for that catchy title — the GM Daewoo L4X luxury sedan — you will find it is an Australian motor vehicle that has been exported from this country. The car will use V6 engines produced at the Port Melbourne plant in Victoria as part of the overall GM worldwide production strategy. In China, the new Buick Park Avenue will also be powered by a V6 engine produced at Port Melbourne.

We have V6 engines being produced at Port Melbourne and exported. We have design and engineering capability being exported. We have the global rear-wheel-drive architecture, which has been developed in Victoria with state government assistance, and a range of successful redevelopments of the V6 engine, again with assistance from the government of Victoria.

These successes do not happen by accident. They happen because of a partnership between government, the private sector and the industry itself. They come from our being focused on the things that we need to do and putting those packages together. I have already informed the house about the Pontiac that has been sent to the United States. This is in addition to the success story involving 40 000 Pontiacs, or rebadged Commodores going out as Pontiacs, being exported to the United States. You will see people in Los Angeles driving around in Pontiac V8s that might have been made in Port Melbourne or somewhere else in Australia. It is a great success story, and it means more jobs for Victorians.

Human Services: Broughton Hall

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Community Services. When was the minister first advised of the outbreak of gastroenteritis at Broughton Hall?

Mr JENNINGS (Minister for Community Services) — I discovered and was informed about these

matters on the same day as was the Minister for Health in the other place, which was Saturday, 14 April. I reiterate to the house that in terms of my responsibility over this matter, I have no direct responsibility either in terms of the public health administration or the administration of that nursing home, because it is not within my jurisdiction.

Supplementary question

Mrs COOTE (Southern Metropolitan) — I thank the minister for his answer, but I ask: when did he first contact the federal minister regarding the outbreak of gastroenteritis at Broughton Hall?

Mr JENNINGS (Minister for Community Services) — Again, I appreciate this question. In fact I think the member may rue this question because it is not my formal responsibility to notify the federal minister of anything in relation to these matters. I do have some responsibility, as I have indicated, for services that I may be responsible for. I may actually have reason to make contact with him on a whole range of administrative practices relating to the commonwealth-state programs and indeed to my responsibilities under the Aged Care Act as it relates to public sector residential aged-care facilities, of which this facility in Camberwell is not one.

In terms of my formal requirement to contact the minister about any matter in relation to this issue, I have no obligation to contact him in relation to this. His responsibility lies at the heart of his accreditation and regulation of the agency in question. I think the member and the Victorian community should be very concerned about the lack of engagement between the accreditation agency and the commonwealth minister, because whilst this has not been the subject of much commentary in the public domain, the commonwealth has been extremely tardy, as it has the appropriate administrative arrangement to make sure that compliance with the accreditation standards and the required safety and quality of care for residential aged-care residents within those facilities are provided in an appropriate fashion.

The commonwealth was extremely reluctant to participate in this issue. Yesterday I made a call to the commonwealth minister, and despite that he may have actually gone on Melbourne radio this morning and indicated that he rang me. Yes, he did ring me — but that was 5 hours after my office requested that we have a conversation. Yes, he did ring me — but he did so in a tardy fashion after contact was instigated by my office and despite the way he mischievously represented that on morning radio in Melbourne today. The member

who may be asking this question on his behalf may rue the question, as the commonwealth minister is trying to be a bit slipshod and is gilding the lily in relation to this matter.

I have played it extremely straight with the federal minister. When I spoke to him I talked about the appropriate systems that I would hope would be in place to ensure this specific facility complied with its obligations. I specifically asked him whether in circumstances where multiple unaccountable deaths or sentinel events may have occurred within aged-care facilities, this becomes an automatic trigger for the commonwealth to intervene and to look at the accreditation of those facilities. He was silent on that in answering that question; he was silent when I asked him to communicate with the field to ensure there was appropriate notification throughout the sector of their responsibility to comply with public health regulations. He was completely silent on all of those matters.

I sent him a letter today to try to progress these important matters. Again my office tried to arrange a conversation between him and me to appropriately embed these practices within aged care in Australia, in Victoria, but he has again been spectacularly silent and has not returned my call — for the second day running. On behalf of the people of Victoria, I would be very happy to meet with him to discuss these issues, to deal with them in a harmonious fashion and for us not to shift responsibility.

I have stepped into a space where I have no formal responsibility in relation to these matters. I am very happy to do so for the wellbeing of Victorian citizens and to try to provide for the appropriate integration in the state of Victoria of public health regulations and aged-care responsibilities, which are the commonwealth minister's responsibilities. I am very happy to step into that space and very happy to facilitate outcomes that would provide greater certainty and confidence for the people of Victoria, and I am waiting for the commonwealth minister to appropriately respond.

Schools: water-saving initiatives

Mr TEE (Eastern Metropolitan) — My question is directed to the Minister for Education. Can the minister outline how the Bracks government is promoting state schools to lead the way in water efficiency and help promote water awareness throughout the community?

Mr LENDERS (Minister for Education) — I thank Mr Tee for his question and for his ongoing interest in

state education, particularly water conservation methods in state schools.

Mr P. Davis interjected.

Mr LENDERS — I believe the opposition says this answer was given six weeks ago. The Leader of the Opposition should perhaps listen to my answer. I am responding to Mr Tee, who has an interest in this. At this time — when we are coming to the end of the autumn with record low rainfall — I should have thought water conservation in schools would be one of the things very close to Mr Davis's heart, as he represents a rural electorate, but perhaps he is being a tad flippant in the Parliament. Perhaps Mr Davis is really very interested in this matter, like Mr Tee definitely is.

In Victoria we have 1593 state schools, and one of the objectives of the government is to get the schools to conserve water very well.

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich may well interject. There were a lot more schools when she was in government and part of slashing them — 300 — by the Kennett government. Two years ago the state government, in an innovative project through the Department of Sustainability and Environment, offered money to schools to audit the water they used and, as a response to those audits, to take action so that water would be conserved and saved. That is good, firstly, because it means that less water is being used, and secondly, because it means that among our younger generations — those tens of thousands of Victorians in schools — water conservation in a sensible fashion is something very close to them. It is not just saving water; it is saving money for schools. It is also helping our young people come to terms with how they can be part of the important process of saving water. One of the — —

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich's solution to saving water in schools was to close schools — 300 of them. Of course you use less water if you sack 9000 teachers and close 300 schools. But the Bracks government thinks there are more gentle ways — —

The PRESIDENT — Order! Minister Lenders should go back to the subject.

Mr LENDERS — Thank you, President. Mrs Peulich is very provocative. Going back to Mr Tee's question, what happened was — —

Mr P. Davis interjected.

Mr LENDERS — Philip Davis raised the point that I have discussed this issue in the Parliament before. We had an issue with the take-up by schools. Not all schools were taking up the water-saving initiatives, so the Bracks government has gone one more step. That step is that the Department of Education is now providing money for the audits above and beyond the money provided by the Department of Sustainability and Environment so that every school in the state can have an audit and the savings from those audits will come back to the schools. Work done to date shows that schools are averaging more than 15 per cent water savings — that is, we are saving 35 litres per student per day just from the work that has come out of these water audits. That is a significant amount, and more and more schools are taking up this option.

The Bracks government puts its money where its mouth is. It is actually very sincere about school water-efficiency programs.

Mrs Peulich interjected.

Mr LENDERS — I would invite Mrs Peulich to read the brochure; she might learn something. She will learn about the initiatives being undertaken in the schools in this state, and she will find that we are making a difference in our schools.

Mr Finn interjected.

Mr LENDERS — Mr Finn asked how much it will cost. I will say to Mr Finn through you, President, that what this brochure will do will inform people — —

Mr Finn interjected.

Mr LENDERS — Mr Finn talks about spin and PR. Of course that is what his government — the Kennett government — did. This government is putting out a brochure — without a picture of me as a minister on it — which will mean that in the state of Victoria we will save 750 million litres of water. If Mr Finn wants to put a cost on a brochure to inform 1600 schools how to save 750 million litres of water, I know what I would be backing. He is used to governments wasting money on propaganda. The Bracks government is investing in our schools to make Victoria a better place to live, work and raise a family.

Port Phillip Bay: channel deepening

The PRESIDENT — Order! As I call Ms Pennicuik, I inform the house that she is celebrating her birthday. It would be ungentlemanly of me to

announce which birthday, but she can do so, if she wishes.

Ms PENNICUIK (Southern Metropolitan) — Thank you, President, that was most unexpected.

My question is to the Minister for Planning. Regarding the supplementary environment effects statement for the proposal to deepen the shipping channels in Port Phillip Bay, the minister has just reinforced to the house that the document is 15 000 pages long — in fact it has 18 chapters and 67 appendices, many of which have subappendices — yet the minister has given the public a mere 30 days to read, analyse and respond to this huge amount of material. This may be manageable for large organisations, but it is totally inadequate for community organisations and individual members of the public.

This proposal is one of the most significant and controversial in terms of the cost of potential environmental impacts that has ever been put before the Victorian people. It is fundamental that this process be fair and be seen to be fair and that it allow for meaningful public participation. Therefore will the minister use his discretion to extend the public exhibition period from 7 May to at least 30 June, as I have already requested by letter, or to 31 July, as has been requested by some community groups? If not, why not?

Hon. J. M. MADDEN (Minister for Planning) — I thank the member for her question and wish her a happy birthday. I acknowledge her interest in this very significant issue. As she said, the channel deepening project should not be underestimated in terms of the environmental effects of what will or will not happen. As I mentioned in my earlier answer on this issue, this has been comprehensive, and it is intended also that the process be comprehensive in terms of the analysis of the environment effects statement and the submissions that might be made by the relevant parties who support or oppose the project.

On the day of the announcement of the release of the environment effects statement I called on all those in Victoria who felt strongly about the project, one way or the other, to make submissions about their concerns. I still stand by those remarks: if people feel strongly that it should or should not happen, they should make those submissions.

This has been a particularly lengthy process, as has already been mentioned, with the initial environment effects statement going back some years and the supplementary environment effects statement taking

some years to conduct. As well as that, the trial dredging project was to make sure the relevant information was appropriate. It has been comprehensive.

I know that no matter how much time is allocated, it would still not be enough time for some parties. I am saddened by the fact that people may not be able to organise themselves in an appropriate time, but it is worth appreciating too that this has been a very lengthy process. If people have not pinpointed or nominated their relevant concerns by now or do not have the specific area of interest identified so that they can go to those reports and pinpoint whether the recommendations are appropriate or inappropriate in terms of their particular interest or expertise, then it is not likely that they are going to be able to communicate those appropriately at any stage.

One of the important things about a report that has 15 000 pages is if people have a particular area of expertise or interest in relation to this project, they can nominate that. It will be nominated within the report, and I would expect that those individuals will be able to find what it is that interests them. Whether they agree or disagree with it, they will be able to find it, analyse it fairly quickly, reflect on it and present on it accordingly.

Appreciating that people will want more time, and appreciating that this has taken a significant amount of time and also given that eminent people will be on the panel and that they will have expert advice available, we have left no stone unturned to make sure that thorough consideration is given to every issue and that opportunity is given to individuals and community groups to nominate their issues of concern on whether they support or do not support the project.

I am confident that sufficient time has been allocated. I am also confident that a significant and thorough analysis has been taken into account in relation to these matters. I also anticipate that those who wish to make a point to the panel, who want to make a presentation to it, will be able to nominate their area of concern and expertise in those matters, and that they can do that accordingly within the time allocated.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Given that many people in the community would be interested in all aspects of the supplementary environment effects statement and also would be forced to go to the appendices to find the appropriate detail, is the minister happy to assure the Victorian public that

30 days for community organisations and members of the public, who cannot devote hours during the day, represents fair and meaningful public participation?

Hon. J. M. MADDEN (Minister for Planning) — Again, I acknowledge the member's concerns in relation to this matter. I also appreciate that people would want to dedicate a significant amount of time to these matters, but the government has dedicated an enormous amount of time, energy and resources in relation to this matter. The Port of Melbourne Authority has invested enormous funds to make sure that every consideration that was represented at the initial panel hearing is considered in relation to these reports. The term 'comprehensive and thorough' is an understatement when it comes to a report that it is 15 000 pages long. I know that some people will advocate they do not have sufficient time.

When people want to stall a project it is often the case that saying there is insufficient time is used as a mechanism for doing that. Often it is used by people who do not support the project under any circumstance and regardless of any scientific or other analysis. I say to anybody who is concerned that there is insufficient time that I am happy to hear from those individuals. As yet I have not seen a letter stating that from any group or individual. What I am saying to Ms Pennicuik is that if that is the case, I am happy to receive a letter from her. It may well be in the system, but I have not yet received an individual letter — it may have come through the department, but I do not have a letter before me — to say that someone would like significant amounts of time.

I am confident that the time that has already been allocated and the amount of scientific analysis that has been put into this project are sufficient to allow people to give it thorough consideration and to have the opportunity of presenting to the panel in the way they may need to.

Disability services: commonwealth state/territory agreement

Mr SOMYUREK (South Eastern Metropolitan) — My question is to the Minister for Community Services. Can the minister please update the house on how negotiations are progressing with the commonwealth around the fourth commonwealth state/territory disability agreement?

Mr JENNINGS (Minister for Community Services) — I thank the member for his question and his concern about the wellbeing of Victorians who live with disabilities or those in our community who

provide care, support and encouragement to those in our community who have disabilities. There would be nobody in the state of Victoria happier than I would be if I could come back to the chamber and report that the negotiations which took place between the state and territory ministers and the federal minister on 3 April 2007 in Brisbane were successful and that we had a solid foundation to take the fourth round of the agreement forward.

I am very sorry to report to the house that a very poor outcome was derived during the course of the day. It was not a great meeting of minds. In fact the message that I provide to the chamber and to the community is that we are on very rocky ground on whether there will be an ongoing agreement that covers disability across this nation. Indeed when the federal minister finally arrived at the meeting 45 minutes late the very first message he conveyed to us was that he wanted to leave only 2 hours later. When he then took his opportunity to outline — —

Mr P. Davis — You are being a bit churlish here, aren't you?

Mr JENNINGS — Mr Davis has suggested that I may be churlish in my making of what was a quite accurate report of the behaviour of the federal minister. I must say that the minister disappointed us greatly, because we were hoping that there would be a meeting of minds.

Mr P. Davis — I have no doubt it was reciprocated.

Mr JENNINGS — We would hope for that. Mr Davis should keep listening, because I am going to end on that note and actually continue the offer that the Victorian government and other states and territories have made to the commonwealth to try to provide a foundation to take that agreement forward.

The federal minister made it very clear from the moment that he opened his mouth to make his contribution that the commonwealth is ambivalent, if not reluctant, about participating in the fourth round of the agreement across the nation. Indeed his preferred outcome was to negotiate bilateral agreements between states and territories on the basis of what was a very imprecise and most unsatisfactory offer. Despite the fact that the federal minister is in a situation where he is within weeks of the budget — the meeting took place a bit over a month before the federal budget, which is to be announced on 8 May — he was unable to allocate \$1 as a specific commitment for the states and territories to match — not \$1 was put on the table in terms of the building blocks for this agreement.

The issues that have been discussed in the public domain — —

Mr Finn interjected.

Mr JENNINGS — Mr Finn, have you got something to say on this question?

Mr Finn — There is a fair bit in the GST.

Mr JENNINGS — You are really well informed, Mr Finn. I apologise, President. Before you press the button, may I suggest that I know that trying to elicit ridiculous comments from the other side is actually a self-defeating exercise in relation to the dynamics of the chamber. I will volunteer to you that I will do my best to resist any inane or ridiculous propositions that are put to me. I will stay on message and deliver my response through you, President.

My message to the chamber is that the Victorian government wanted to try to provide for certainty going forward. In fact the position we took to the meeting in Brisbane, which was communicated informally and formally, was that the state of Victoria would try to enter into a sharing arrangement with the commonwealth on the basis of an 80 per cent contribution by the state of Victoria and a 20 per cent contribution by the commonwealth going forward; that we would account for the appropriate growth regime, which the Victorian government estimates to be somewhere in the order of 4 to 5 per cent going forward, to try to meet the needs that will increase within the disability sector across the country; and that we would have the appropriate regime in terms of indexation, when the commonwealth had previously flagged that it was prepared to only index the agreement 1.8 per cent — in fact that offer was not even reiterated at the meeting. It was very disappointing that we could not even get to first base in relation to trying to find the foundation for taking this agreement forward.

Mr Drum interjected.

Mr JENNINGS — I would love to respond to the interjection, but I am actually restrained by my commitment to you, President. I can assure the house that the state of Victoria has no difficulty in applying any appropriate mechanism. If this is the catchcry from the other side or from the federal government, we have no difficulty in providing the appropriate scrutiny and transparency of our commitment to the sector, to the field and to people with disabilities. In fact we are very confident that Victoria, in terms of our commitment to fund the ongoing needs of people with a disability, is head and shoulders above any other jurisdiction in the

nation. But not for 1 second are we resting on our laurels in relation to that question. We recognise that there are ongoing needs that the state of Victoria has a responsibility to rise up and meet in collaboration with the commonwealth and with the appropriate providers in the state of Victoria.

I would like to do something that I very rarely do in the chamber, which is to read something. It is from an independent third-party source in relation to the lack of agreement in Brisbane. In fact the independent party is a very unlikely source and is certainly not usually a fellow traveller with the Victorian government. I refer to Jean Tops, who is the president of the Gippsland Carers Association. She has done her best in the name of the care needs of her community to stick it into the ribs of the Victorian government time and again. She is certainly not a sycophant of the Victorian government, but I congratulate her for being a powerful advocate for the field.

She responded to a press release that was issued by the federal community services minister in the period following the agreement and damned him for his inappropriate and totally outrageous categorisation of the commonwealth commitment. I quote from a press release of 11 April in which Jean Tops is quoted as claiming that:

... this media statement by Minister Brough is an outrageous fabrication of Howard government expenditure on programs and is grossly misleading.

She is quoted further:

With a mere \$2.9 billion of commonwealth funding going to the states over the five years of the current CSTDA —

commonwealth state/territory disability agreement —

for services, this is clearly an appalling neglect of the 687 000 Australians with a severe or profound disability ...

Minister Brough has outraged families caring for disabled family members entirely alone and struggling under extreme stress without hope of relief from unrelenting lifelong caring responsibility.

I think they are points well made, and they are points that I totally agree with. The states and territories have an absolutely unswerving commitment to try to reach an agreement with the commonwealth to resolve these matters and to provide some confidence and certainty for members of our community going forward. In fact the states and territories will be having a discussion later this week with the intention of trying to find the mechanism to get Minister Brough to the table and to get a commitment from the commonwealth.

I will conclude in the spirit that I indicated to Mr Davis before by reiterating a comment made by Ms Tops:

The states and commonwealth conduct their blame game every time the CSTDA is due for renewal, and families are fed up with the grandstanding, discrimination, exploitation and neglect.

For my part of the coping of that comment from Ms Tops, I will take it. What I am actually saying to the chamber, to the community and indeed to the commonwealth is: let us step up to our obligations, let us actually meet the expectations of our community and let us have an agreement which we can take forward in terms of sharing the load in the years to come.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 1–3, 6–8, 36–40, 42, 54, 71–3, 76.

PETITIONS

Buses: Glenroy–Gowrie service

Ms MIKAKOS (Northern Metropolitan) presented petition from certain citizens of Victoria requesting that the route 536 bus service between Glenroy and Gowrie be extended to operate from 6.00 a.m. to 9.00 p.m. on weekdays, 8.00 a.m. to 9.00 p.m. on Saturdays and public holidays and 9.00 a.m. to 9.00 p.m. on Sundays, Christmas Day and Good Friday (211 signatures).

Laid on table.

Police: Lexton

Mr KOCH (Western Victoria) presented petition from certain citizens of Victoria requesting that the government abandon the proposal to relocate the existing Lexton police position to Beaufort thereby only servicing the Lexton community on a needs or availability basis, as it may impact detrimentally on the Lexton community's security (48 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 4 of 2007, including appendices, together with minutes of evidence.*

Laid on table.

Ordered that report be printed.

Statute Law Repeals Bill

Mr EIDEH (Western Metropolitan) presented report, including appendices.

Laid on table.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Private investment in public infrastructure

The Clerk, pursuant to the Parliamentary Committees Act, presented government response.

EDUCATION AND TRAINING COMMITTEE

Effects of television and multimedia on education in Victoria

The Clerk, pursuant to the Parliamentary Committees Act, presented government response.

PAPERS

Laid on table by Clerk:

Alexandra and District Ambulance Service of Victoria — Minister's report of receipt of 2005–06 report (*in lieu of that tabled on 13 February 2007*).

Municipal Association of Victoria Insurance — Report, 2005–06.

Parliamentary Committees Act 2003 — Whole of Government Response to recommendations in Rural and Regional Services and Development Committee's Inquiry into Retaining Young People in Rural Towns and Communities.

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

- Alpine Planning Scheme — Amendment C20.
- Bass Coast Planning Scheme — Amendments C35, C52 and C67.
- Benalla Planning Scheme — Amendment C20.
- Campaspe Planning Scheme — Amendments C36 and C52.
- Cardinia Planning Scheme — Amendment C95.
- Casey Planning Scheme — Amendment C77 Parts 1 and 2.
- Greater Bendigo Planning Scheme — Amendment C82.
- Greater Geelong Planning Scheme — Amendment C120.
- Greater Shepparton Planning Scheme — Amendment C37.
- Hindmarsh Planning Scheme — Amendments C2 and C5.
- Horsham Planning Scheme — Amendments C24 and C33.
- Kingston Planning Scheme — Amendment C82.
- Manningham Planning Scheme — Amendment C62.
- Maribymong Planning Scheme — Amendment C23.
- Melbourne Planning Scheme — Amendments C93 and C117.
- Mornington Planning Scheme — Amendments C81, C92 and C93.
- Mount Alexander Planning Scheme — Amendment C24.
- Murrindindi Planning Scheme — Amendment C13.
- Northern Grampians Planning Scheme — Amendment C21.
- Port Phillip Planning Scheme — Amendment C54.
- Warmambool Planning Scheme — Amendment C42.
- Whittlesea Planning Scheme — Amendment C96.
- Wodonga Planning Scheme — Amendment C37 Part 1.
- Wyndham Planning Scheme — Amendment C90.
- Yarriambiack Planning Scheme — Amendment C9.
- Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Husbandry of Captive Emus (Victoria) (Revision No. 1) (two papers).
- Statutory Rules under the following Acts of Parliament:
- Building and Construction Industry Security of Payment Act 2002 — No. 19.
- Electricity Safety Act 1998 — No. 16.
- Fisheries Act 1995 — No. 12.
- Pipelines Act 2005 — No. 15.
- Road Safety Act 1986 — No. 14.
- Sex Offenders Registration Act 2004 — No. 18.
- Subordinate Legislation Act 1994 — No. 13.
- Tobacco Act 1987 — No. 17.
- Transport Act 1983 — No. 20.
- Subordinate Legislation Act 1994 —
- Minister's consultation certificate under section 6A(3) in respect of Statutory Rule No. 20.
- Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 13.
- Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 14 and 20.
- Victorian Renewable Energy Act 2006 — Victorian Renewable Energy Target Scheme Rules pursuant to section 113(9) of the Act.
- Water Act 1989 — Minister's Orders of 13 March 2007 declaring water supply protection areas for the King Parrot Creek Catchment and the Yea River Catchment (three papers).
- Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk:
- Energy Legislation (Hardship, Metering and Other Matters) Act 2006 — Part 4 — 1 April 2007 (*Gazette No. G13, 29 March 2007*).
- Pipelines Act 2005 — 1 April 2007 (*Gazette No. G13, 29 March 2007*).
- Transport Legislation (Further Amendment) Act 2006 — sections 18, 19, 20(2)(b), 20(3), 21(2)(b), 22, 23, 24(1), 24(2), 24(3)(b), 24(c), 24(4), 24(5), 25(2)(b), 26(2), 26(3)(b), 28(2), 28(3)(b) and 29 — 30 March 2007 (*Gazette No. G13, 29 March 2007*).
- Mr D. Davis** — On a point of order, President, I notice that the papers just tabled refer to the Alexandra and District Ambulance Service of Victoria and to the minister's report of receipt of the 2005–06 report in lieu of that tabled on 13 February 2007. I seek, perhaps from the Leader of the Government, an explanation as to why a new report has been tabled. Clearly some reason or some occurrence has resulted in a second report being tabled.
- The PRESIDENT** — Order! I am struggling to agree that this is a point of order.
- Mr D. Davis** — I draw your attention to a similar situation that occurred some years ago in the chamber

when the then Minister for Ports tabled a report and the report was later re-tabled in a similar format to this. There were errors in the report, and I sought to resolve for my own satisfaction and for the satisfaction of the house why the two reports were different and what the differences between the two reports were. We actually have two reports from the one ambulance service that have been tabled in the chamber. I would like to know which one is correct, which one is not and what the differences are.

Honourable members interjecting.

The PRESIDENT — Order! I am trying to ascertain a response for Mr Davis. I have a letter to the Clerk from Ms Pike, the Minister for Health in the other place, relating to this particular issue. It is clear that a letter receipting the annual report was tabled in the Council on 13 February. Subsequently we received a revised report and a request that this letter be receipted in the Legislative Council in lieu of the letter tabled on 13 February. The letter does not go into an explanation as to why. I suggest, if the member wishes, he can direct his inquiry to the minister's office via the normal method.

Mr D. Davis — President, just by way of a point of clarification, that was not the procedure that was adopted by the chamber on a previous occasion when this occurred. On that occasion the minister —

The PRESIDENT — Order! I am not going to engage in a debate with Mr Davis on the matter. I have given him the way out, if he likes, or how to find the answer he is pursuing. I cannot do much more than I have already done.

Honourable members interjecting.

Mr D. Davis — The minister made a derogatory reference to me in that exchange, and I seek that he withdraw it.

Honourable members interjecting.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mr Davis has raised a matter with me which relates to an accusation that a derogatory remark was made to him by the Minister for Industry and State Development, as I understand it. I am informed by others that that was in fact the case. I find myself in a position now where there is no option for me, given previous rulings, other than to ask the minister to remove himself for 30 minutes.

Hon. T. C. Theophanous withdrew from chamber.

NOTICES OF MOTION

Notices of motion given.

Mr RICH-PHILLIPS having given notice of motion:

Mr Viney — On a point of order, President, I draw your attention to the proposal in Mr Rich-Phillips's notice of motion that any report will not be deemed to conclude the proposed select committee's deliberations. I can refer you, President, to numerous records in both *Odgers* and *May* to show that this is extremely unusual and that select committees always have an end date. I ask you to take into consideration that historical view of select committees, to consider that and to report your view to the house.

The PRESIDENT — Order! That is not a point of order and certainly not a matter for me.

Further notices of motion given.

MEMBERS STATEMENTS

Government: expenditure

Mr O'DONOHUE (Eastern Victoria) — To see first hand as a member of this place the wastefulness of the Bracks government and its disregard for taxpayers dollars has been eye-opening, to say the least. Hardly a day goes by when I do not receive at my electorate office a voluminous report commissioned by this government.

Two recent publications by the Victorian Competition and Efficiency Commission (VCEC), specifically the 500-page report on managing transport congestion and the 400-page report on food regulation, illustrate my point. Leaving aside the merits of the contents of these reports, when the government professes to be worried about greenhouse gas emissions, pollution and traffic congestion, why it printing copies of those reports for members of Parliament, then transporting them by road via the postal system and delivering them to our electorate offices?

Why would the VCEC or the government not email us with a link where we can, if we wish, read the report online? Whilst this may seem a minor point, these two reports alone total 900 pages and their distribution to each and every member of Parliament represents over 100 000 printed pages.

I call on the government to urgently review the way it distributes material to both members of Parliament and the broader community so as to save taxpayer dollars and reduce the environmental impact. Is the Premier's plan for CO₂ reduction and carbon trading nothing more than playing politics to assist the federal opposition leader?

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

Latrobe Regional Hospital: funding

Mr HALL (Eastern Victoria) — Because the state budget is to be handed down next month, I wish to make a plea on behalf of Latrobe Regional Hospital for funding for the urgently needed upgrade of the hospital's emergency department, which was originally designed to accommodate about 10 000 presentations per year. The number of people presenting to the emergency department has now grown to almost 30 000 per year.

The consequence of this increase has been less-than-desirable waiting periods in the emergency department of the hospital. Compounding the issue is the fact that Latrobe Regional Hospital is the only provider of acute mental health services in the Gippsland region. This often leads to an inappropriate mix of medical patients and mental health patients presenting simultaneously to the emergency department. The volume of presentations to this department is leading to the inappropriate use of inpatient beds at the hospital as well.

I call upon the government to provide the hospital with \$8 million which is required to fund the urgently needed redevelopment of its emergency department.

Ninth World Congress on Art Deco

Hon. J. M. MADDEN (Minister for Planning) — Last Sunday night I had the great privilege of opening the Ninth World Congress on Art Deco, which includes art deco societies from around the world.

Mr Finn — It must have been a good night!

Hon. J. M. MADDEN — It was a great night, and I wanted to pay tribute to Robin Grow and his partner who, for almost two years, have been organising this world congress at which 200 delegates from around the world will participate. They are enthusiasts for all things art deco. They will spend this week basically taking in the art deco delights of Melbourne, particularly its buildings, because whilst they can follow their pursuits of a range of designs across

different areas in their own home towns, one of the attractions in holding this congress in different cities around the world every two years is being able to tour different architectural delights.

Over the next week or so they will attend a number of lectures and have walking tours of the likes of St Kilda and Elwood. They will also visit MacRobertson Girls High School, the Manchester Unity building, Newman College and Burnham Beeches, to name just a few of the buildings which reflect the style of the art deco period.

I would like to compliment the members of the Art Deco Society, of which I am a member. I acknowledge the enormous contribution made by the volunteers who continue to service those members, week in and week out, in their pursuit and enthusiasm for all things art deco.

Scouts Australia: achievements

Mr FINN (Western Metropolitan) — This week is National Youth Week. In the lead-up to this particular week I was approached by members of the Hoadley district of Scouts Australia, Victorian Branch, and presented with a magnificent scarf, complete with woggle. I did give a commitment that I would wear it in this house today, but I am informed that is against the rules, so I offer my apologies to the wonderful young Australians who visited me last week. They are part of an organisation that is the largest youth organisation in the world and here in Australia as well.

Throughout the world there are currently 29 million members of the scouting movement, and that in itself is a tremendous effort, particularly in this day and age when there is so much pressure on families and young people. When there are so many opportunities for young people to be led down the wrong path, the scouting movement offers them an opportunity to prepare them for life.

That is something that we should be supporting. Mr Paluka might not support it, but it is something we should all be supporting because the scouting movement does a wonderful job and has for a very long time — —

The PRESIDENT — Order! On two occasions in the last few weeks I have heard Mr Finn deliberately mispronounce members' names in this house — and it is deliberate. I remind Mr Finn that it is Mr Pakula and not Mr Paluka, as he well knows. If he does it again, he knows what will happen!

Mr FINN — Thank you, President, for the opportunity for a bit of clairvoyance as well. It is a wonderful organisation and one that we should support, despite the opposition from the Labor Party.

Port Phillip Bay: channel deepening

Ms PENNICUIK (Southern Metropolitan) — The supplementary environment effects statement (EES) for the proposal by the government and the Port of Melbourne Corporation to deepen the shipping channels was released on 22 March, two years after the independent panel that assessed the original EES described it as fundamentally flawed and stated that the proposal that had been put before it was unprecedented in scope and posed the risk of significant and irreversible damage to Port Phillip Bay.

Two years on and the community has another massive report before it with inadequate time to respond. I spent some time reading through the 18 chapters and some of the 67 appendices to the report, concentrating on the cost-benefit analysis and the economic analysis.

Since this proposal was first put before the public several years ago I have questioned the very need for it and the assertions made by the government and the Port of Melbourne Corporation about supposed economic benefits, for which no evidence was provided. When reading through the actual reports it is difficult to discern just where the economic benefit will come from or go to. There is little indication that the people of Victoria will benefit.

Assertions made by the Port of Melbourne Corporation, for example, that the use of larger, more efficient cargo ships will reduce transport costs by a reduction in fuel consumption are contradicted in the report. In appendix 4 at page 23, which is on the cost-benefit analysis, the report states that the decline in fuel costs both at sea and in the port is barely perceptible. As has always been the case, it is virtually impossible to glean a straight answer to just how many ships now or in the short-to-medium term are or will be actually prevented from loading to full capacity.

Parliament: former members

Mr VINEY (Eastern Victoria) — I note the article in today's *Herald Sun* that describes a number of former government members of Parliament as 'losers'. I am interested to know why the *Herald Sun* did not refer to Mr Stephen McArthur in his taxpayer-funded position with the Leader of the Opposition, but I am particularly interested in the comment at the end of the article from a member of this chamber, Mr Guy, who

criticised the Labor government and people like myself for employing former members of Parliament.

I take this opportunity to suggest, through you, President, that it might be appropriate for Mr Guy to publicly state that after his time in this Parliament he will never accept a taxpayer-funded position and he will never accept a taxpayer-funded consultancy. A man who has spent his entire career — apart from a couple of years with the Victorian Farmers Federation — working in taxpayer-funder positions, comes in here and suggests that it is not appropriate for former members of Parliament to continue to contribute to their communities through appropriate positions and to continue to serve the community of Victoria by working for the great Labor government — the Bracks Labor government.

Flight of the Angels

Mr DALLA-RIVA (Eastern Metropolitan) — I wish to raise my support for the annual Flight of the Angels, which the Crime Victims Support Association holds on the steps of Parliament House each year. It was held on Friday, 30 March, and I was pleased to attend with a number of my fellow colleagues from this place and also the members for Kew and Evelyn from the other place. We again took note of the families and loved ones of the victims of murder and of road deaths, some of which resulted from culpable driving.

It is a club that Noel and Bev McNamara say nobody wants to be a part of, yet every year when I attend I note the number grows, as is evidenced by the balloons they release acknowledging each person murdered over that previous year, and indeed over the past decade or so. People can feel that there is an annual event they can attend to pay their respects in front of the peoples' house. They release doves, which is why they call it the annual Flight of the Angels.

This is one further mechanism for giving victims and families of victims a feeling of connection — that there is support out there. I pay tribute again to Noel and Bev McNamara and to the Crime Victims Support Association for their tireless work for this annual event.

Paraguayan consulate: opening

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the opening of the first Paraguayan consulate in Melbourne, which took place on 19 March 2007. I was pleased to be invited and was delighted to attend the opening, along with my parliamentary colleague the member for Derrimut in the other place, Mr Telmo Languiller, who is a Uruguayan-born

member of this Parliament. We were all warmly welcomed by the Vice-Chancellor of Paraguay, Mr Frederico Gonzales, and the Consul-General, Mr Reinaldo Pereira Mongelos.

There were many other consular dignitaries present, including representatives of the United States of America, Spain and Chile. I was very impressed and pleasantly surprised at the large number of business representatives who came from all parts of the Melbourne community to celebrate this momentous occasion for Paraguay. Mr Gonzales gave us an informative overview of his country and the role of the consulate in assisting Paraguayan nationals.

I would like to congratulate the Consul-General for choosing Melbourne as the site for the first Paraguayan consulate, because Victoria was considered the best state to be and the best place to do business in. And who can argue with that?

Volcanoes discovery trail: global geopark

Mr VOGELS (Western Victoria) — The Volcanoes discovery trail (VDT) Committee was formed in 1999 to promote areas of western Victoria and south-eastern Australia with volcanic sites. The committee is funded by a yearly grant from involved local councils, which in my electorate include Glenelg, Moyne, Corangamite, and Southern Grampians.

In its short life the VDT has established a marketing name, logo, regional nodes and touring routes. It has produced a VDT map and brochure and developed a web site. But the most significant activity is the proposal to list western Victoria and south-east Australia as a United Nations Educational Scientific and Cultural Organisation (UNESCO) global geopark. Fifty regions across the world have now achieved global geopark status, which is equivalent to world heritage listing. The area recommended was active in the tertiary geological period, and the lavas cover more than 26 000 square kilometres. There are 374 eruption points dotted across the region, along with many spectacular lakes.

Associated with the geological heritage are the culture — both indigenous and European — the stone walls and the Ramsar lakes. The Volcanoes Discovery Trail Committee has been asked to apply for UNESCO global geopark status for this region, and I am happy to support the application. Already it has the support and assistance of Tourism Victoria, the South Australia Tourism Commission, both state governments and the federal government, universities, the national trust and the Geological Society of Australia.

The application has been forwarded to UNESCO headquarters in Paris for assessment. I congratulate the Volcanoes Discovery Trail Committee and its chair, Joanne McKnight, and wish it every success in putting this region onto the world stage.

Prisoners: women's integrated support program

Ms MIKAKOS (Northern Metropolitan) — As chair of the Women's Correctional Services Advisory Committee, on 30 March I was honoured to officially launch the women's integrated support program (WISP). The program recognises the importance of addressing the practical transitional needs of women prisoners by providing intensive pre and post-release support to assist them to reintegrate into their communities.

WISP adopts a partnership with the community sector approach to supporting women. Melbourne Citymission, the Victorian Association for the Care and Resettlement of Offenders and the Brosnan Centre are working with Corrections Victoria to provide these services. I commend those organisations for their involvement.

WISP is an innovative and important program. It is one of the many initiatives that comprise Corrections Victoria's Better Pathways strategy, which aims to reduce reoffending by women. It is an approach which recognises that the community benefits and crime rates are reduced when we tackle the causes of crime and effectively reintegrate former offenders into the community. I wish WISP every success.

Financial services industry: government policy

Mr D. DAVIS (Southern Metropolitan) — My matter concerns the Victorian financial services industry. I bring to the attention of the house a speech made in Sydney at the Sydney Institute by the federal Labor shadow Treasurer, Wayne Swan. Mr Swan made a number of points about the financial services sector in Australia, but what he did not do was envisage any financial services sector in Victoria. He did not mention Melbourne or Victoria once in that important speech that laid out Labor's so-called vision for the financial services sector in Australia.

I would be very, very concerned if a potential Rudd government and Wayne Swan as the alternative Treasurer of Australia could not see a place for Victoria and Melbourne in the financial services sector. Of course Mr Swan would be just following his colleagues in the Victorian government, who have turned their

backs on the financial services sector by downgrading the position in the ministry. There is no longer a minister for the financial services sector in Victoria. The government has clearly made a decision that the sector is not as important to Victoria as other sectors. I disagree with that. It is a very important sector for Victoria and has a strong future. I am concerned that a Rudd Labor government with Mr Swan in Treasury would not give Victoria and Melbourne their due.

Box Hill Institute of TAFE: training initiatives

Mr LEANE (Eastern Metropolitan) — Recently I toured Box Hill TAFE, which is now a world-renowned training institution. We are fortunate to have its main campus located in the eastern suburbs. Box Hill TAFE has over 37 000 student enrolments, including over 1000 international students from 50 countries around the world. It also has campuses in China, Vietnam, Saudi Arabia, Sri Lanka and Papua New Guinea. When students complete their courses at these campuses they are presented with a Box Hill TAFE certificate, which I think is a pretty cool thing.

With funding assistance from the Bracks Labor government the TAFE will start work on a new building which will house a nursing skills centre of excellence that will have state-of-the-art simulated laboratories and patient dummies. The dummies will be hooked up to computers so that students can program symptoms into them and then work out what is wrong. If they are dealt with in a rough way the dummies say 'Ouch'. The dummies will be interesting to work with and will provide good future training opportunities for nurses at Box Hill. The TAFE has an emphasis on simulated workplaces. It has an operating Brumby's bakery and an automotive mechanics area that is similar to the garages that most people would work in after completing their courses. It is a great facility.

Australian Defence Force: war service

Mrs KRONBERG (Eastern Metropolitan) — At this time, leading up to Anzac Day and the commemoration services that are held across the nation, we have an opportunity to give thanks to and reflect upon the war service of our heroes across various theatres of war through the 20th century and now. It is also a time for us to give thanks for the heroic efforts of our current servicemen and women. The unbridled debate about the justification for this country's having a military presence in theatres of war such as Iraq and Afghanistan often means that the simple message of support and appreciation of the travails being endured by those at the front is lost.

I wish to place on record that I revere the brave men and women who serve on a daily basis and put themselves in harm's way to make this world a safer place on our behalf. We do not want service personnel to return to this country to a climate of hostility or ambivalence, as was the case after the Vietnam War. I wish to pledge my support for their efforts and pray that they return home safely to their loved ones.

Nhill: community facilities

Ms PULFORD (Western Victoria) — I would like to talk about a recent visit to Nhill in the Shire of Hindmarsh in my electorate of Western Victoria Region. It was a great opportunity to again meet with the mayor, Darryl Argall, and the chief executive officer, John Hicks, both of whom I had the good fortune to meet previously when I opened the Nhill train station in January. I also met Cr Joan Bennett and four people from the Department for Victorian Communities: Peter Rademaker, Janine Perry, Margaret Bolton and Sharon Ruyg. We visited the Nhill Bowling Club and the Nhill Sporting Association, a group that includes football, hockey, netball and cricket teams. We met the president of the sporting association, Brian Smith, and heard about the challenges facing his club in maintaining high-standard sporting facilities that can be enjoyed by the entire community.

Cr Bennett and I then enjoyed what can best be described as the ladies tour of Nhill, including the Nhill neighbourhood house learning centre, Nhill Historical Society and the inspirational Lowana Craft Shop. Lowana has raised thousands and thousands of dollars for local charities and community organisations over the years. Later we met with Cr Rob Gersch for a tour of the Nhill Hospital with John Smith and Darren Welsh of West Wimmera Health Service, who demonstrated what an excellent model of state regional health care is enjoyed in Nhill. We also visited the Winiam community hall, which celebrates its 80th birthday this year, and Whimpey Reichert's Little Desert Nature Lodge.

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

Museum Victoria: exhibitions

Mrs COOTE (Southern Metropolitan) — I wish to place on record my praise and admiration for the chief executive officer of Museum Victoria, Patrick Greene, and his staff. I recently visited the museum in Exhibition Street and was struck by the depth and range of the exhibitions. I encourage people in this chamber to go and see this part of our heritage and the excellent

work that is done there. A lot of the work is three-dimensional, tactile and can be worked with. It is really quite a modern approach to exhibiting materials.

As I look around the chamber and note our respective ages, I suggest many members would remember visiting museums in the past and seeing the odd skeleton and stuffed animals exhibited as well as noting the then one-dimensional approach to exhibiting. However, the exhibits that Patrick Greene and his staff have assembled for the Victorian people are excellent. An example is the exhibition of works of excellence from last year's year 12 students in graphic design, engineering and fashion design right through to the small children's area with its tactile experience.

There is also the virtual room with creatures from the deep sea, and these exhibitions reflect the research within the museum. I speak of not just the museum's exhibitions as the now 20 Aboriginal staff at the museum have a continuous professional development program and career structure. Patrick Greene has simply put Victoria's museum on the map.

PARLIAMENTARY COMMITTEES

Establishment

Mr LENDERS (Minister for Education) — I move:

That —

1. **Dispute Resolution Committee** —
 - (a) Five members be appointed to the Dispute Resolution Committee.
 - (b) The committee will consist of two members from the government party nominated by the Leader of the Government, one member from the opposition nominated by the Leader of the Opposition, one member from The Nationals nominated by the Leader of The Nationals and one member from the Australian Greens nominated by the Australian Greens Whip.
2. Standing orders be suspended to the extent necessary to enable —
 - (a) **Legislation Committee** — Seven members to be appointed to the Legislation Committee;
 - (b) **Privileges Committee** — A select committee of seven members to be appointed to inquire into and report on complaints of breach of privilege referred to it by the Council;
 - (c) **Standing Orders Committee** — A select committee of seven members to be appointed on the standing orders of the Council.

3. Each committee referred to in paragraph 2 will consist of three members from the government party nominated by the Leader of the Government, two members from the opposition nominated by the Leader of the Opposition, one member from The Nationals nominated by the Leader of The Nationals, and one member from the Australian Greens nominated by the Australian Greens Whip.
4. Four members will constitute a quorum of each committee referred to in paragraph 2.
5. Members will be appointed to each committee by lodgement of the names with the President by the persons referred to in paragraphs 1(b) and 3 no later than 4.00 p.m. on Thursday, 19 April 2007.

Motion agreed to.

GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL

Second reading

Debate resumed from 15 March; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr GUY (Northern Metropolitan) — I rise to speak on the Gambling Regulation Amendment (Review Panel) Bill. While the Liberal Party will not oppose the bill in the final vote, it will be moving amendments in the committee stage, and I request that the amendments be now circulated.

Opposition amendments circulated by Mr GUY (Northern Metropolitan) pursuant to standing orders.

Mr GUY — In my short time in Parliament there have been two parts of the third-term Bracks Labor government's legislative agenda that have appeared to be little more than stunts. The super stunt — the Water Amendment (Critical Water Infrastructure Projects) Bill — was introduced and passed through Parliament mainly in the faint hope that after seven years the government may actually decide to do something about water infrastructure. We had had seven years of spin, policy and laziness from the government, but Parliament passed that bill in the hope that things would occur.

The second bill of spin is the one I am speaking on now. Today the house is debating a bill through which the government proposes to create a panel to independently and publicly report on public lotteries and gambling licence reviews. That panel will have limited power, it will have to make significant recommendations through the minister or his office and the term 'a toothless tiger' befits it. Rather than simply

opposing the bill, the Liberal Party will propose amendments to give this panel real and sharp teeth to enable it do its job properly, without restriction, without hindrance and without the minister or his office having the opportunity to look over its findings and reports before they are presented.

Unfortunately for the government, it has failed to register the concern of the community over the need for the absolutely highest level of transparency, probity and accountability when it comes to lotteries and gambling licence procedures. The bill we are debating today will not achieve that aim in its current form.

Before speaking about the Liberal Party's point of view on this bill and the purpose of our amendments, it is wise to go back to the past when assessing the future, because comments and opinions reported in the past have shaped much of the debate we are having today. I have a copy of the 1999 gaming policy of the Australian Labor Party. Like many of the election policies of the Australian Labor Party it is light on detail, but it makes some salient points about Labor's attitudes to gaming and what it then believed or what it led Victorians to believe about this important industry.

At the start of this document there is an introduction by the Premier in which he makes a number of points about what he would do in government, such as securing a fair deal for players of electronic gaming machines, freezing the number of gaming machines and of course one point about natural light. The promise about natural light concluded with television screens showing images of the sky being placed in some gaming venues. How ludicrous!

Three points that he made stuck out. Labor said it would ensure enhanced accountability of the gaming industry, particularly to Parliament; it said it would outlaw inappropriate political involvement with the gambling industry; and it said it would insist on better disclosure of political donations by owners and operators.

They are very important points to note as they frame much of what else appears to be in this policy —

The PRESIDENT — Order! For reasons I am not prepared to divulge right now, I suspend the sitting of the house until the ringing of the bells.

Sitting suspended 3.52 p.m. until 4.12 p.m.

The PRESIDENT — Order! By way of a situation report, I inform the house of what most members already know — that is, that one of our members has had, shall we say, a turn. We are not sure of his

condition. He is being conveyed to St Vincent's Hospital. As soon as we know more, I will let the house know.

Mr GUY — I was quoting from the Labor Party's 1999 gaming policy. As I said earlier, three points about the introduction to the policy certainly stuck out. They were that Labor said that it would ensure the enhanced accountability of the gaming industry, particularly to Parliament; that it would outlaw inappropriate political involvement with the gambling industry; and further, that it would insist on better disclosure of political donations by owners and operators. Those are exceptionally important points to note, as they frame much of what else appears to be in this policy — or should it be properly called this con?

There is one section that I would very much like to read to this house. In its policy Labor stated:

In managing and regulating an industry that has the potential for significant impact on the wellbeing of individuals and the wider community, it is essential that there should be maximum openness and accountability by government and the industry. This requires full reporting and accountability to the Parliament of Victoria.

Further it said:

Labor accepts unreservedly that the gambling industry in general and the casino sector in particular should be more openly accountable to the people of Victoria through the Parliament of Victoria.

I am sure I do not have to jog the memories of members of this chamber and remind them that it was just over a month or so ago that Labor members fought tooth and nail — fought bitterly — against the establishment of what is in fact in their own policy of greater parliamentary accountability of the gaming industry in this state via this Parliament. Members opposite abused and chastised all members of the non-government parties for holding the belief that the establishment of an upper house inquiry was somehow a blight on democracy.

I would like to add that the Liberal Party's proposed amendments to this bill will be an interesting test. As members can see from the amendments, which have been distributed, they seek to enhance and to beef up the bill — to give the tiger real teeth. The government's reaction to the amendments will be of major interest and will be a major test of the government's commitment to an open, honest and accountable gaming industry.

There are more points I would like to raise about what appears in Labor's policy for government which are of direct relevance to this bill and which feature under the

headings ‘Breaking the political nexus’ and ‘Outlawing of certain political associations’. Under ‘Breaking the political nexus’ Labor stated:

In an area which is subject to strong and detailed regulation it is absolutely essential that clear lines of distinction, both perceived and actual, between gaming outlets and operators and political parties should be established and maintained.

Let us talk about facts and see why it is important for this bill, despite its being the stunt that it is, to be turned into a worthwhile piece of legislation. Fact 1 is that Labor used the phrase ‘perceived and actual’. Labor claimed as its important policy for government breaking the perceived and actual nexus between gaming operators and political parties. Fact 2 is that of the many consultants it engaged after it won government just a few months earlier, Labor’s first mate on the job was none other than the former shadow Minister for Gaming, Mr David White. These are the people who are going to break the political nexus between gaming and government! The most amazing thing is that of all the consultants this government has employed in the seven and a half years it has been in office, and Mr Viney smiles — EMC, Shannon’s Way, CPR; consultants I would never work for if I left this chamber — the first consultant it employed was the former shadow Minister for Gaming, Mr David White.

Mr Viney interjected.

Mr GUY — Fact 3 is that David White was subsequently employed by Tattersall’s to directly lobby the Bracks Labor government regarding gaming licensing in Victoria. Just a year or two after writing a policy stating that clear lines of distinction, both perceived and actual, were absolutely necessary in Victoria, Labor ran off with David White. He was the Bracks government’s no. 1 consultant.

Honourable members interjecting.

Mr GUY — The Premier ran off with David White to talk about the issues consultants talk about.

Mr Viney — On a point of order, Acting President, whilst I am sure that in the member’s mind there are some close relationships between the bill before the house and the select committee issues, I think Mr Guy is crossing very clearly into issues that are before the select committee and should not be canvassed in this debate because they are matters that this house has referred to a select committee for consideration.

Mrs Coote — On the point of order, Acting President, I dispute what Mr Viney has just said on his point of order. This is a matter of public knowledge; it has been well documented in the press. Mr Guy is just

developing his argument in this debate. He is our lead speaker on this issue, and I believe there is no point of order.

Mr Viney — Further on the point of order, Acting President, in response to the matter — —

Mrs Peulich — On a point of order, Acting President, the member cannot raise two subsequent points of order without your making a ruling.

The ACTING PRESIDENT (Mr Elasmr) — Order! According to the advice I have, it is Mr Viney.

Mr Viney — In response to the comments made by Mrs Coote in relation to my point of order, as I understand it Mr Guy was going down the path of talking about suggested meetings between the Premier and Mr White. These are clearly matters that have been referred to the select committee, and in my view to cross into those matters would be to breach standing orders — that is, when a matter has been referred to a select committee it cannot be canvassed in a debate on legislation before the chamber.

The ACTING PRESIDENT (Mr Elasmr) — Order! According to the advice I have, Mr Guy cannot divulge details of the deliberations of the committee, but he can speak widely.

Mr GUY — I remind members opposite that anything I have quoted or intend to quote is material obtained by newspapers.

Honourable members interjecting.

Mr GUY — If Mr Pakula and Mr Viney think there is something sinister about reading the *Herald Sun*, which sells around 1.1 million copies per day, then obviously they have a very different interpretation to mine.

I want to refer again to Labor’s 1999 policy of outlawing certain political associations. I will make a brief comment on the policy, which reads:

Labor will introduce legislation to outlaw senior office-holders of government and associated political parties from holding directorships or senior employment with gaming companies.

Rather than risk the suspicion of Mr Viney or Mr Pakula of the *Herald Sun*’s reporting, I will leave that comment for people to judge for themselves where the Labor Party is on that matter.

There are many other points of interest to note from what Labor said in the lead-up to its coming to

government and how Labor members have since administered themselves since they have been here. Rather than reel off the entire 1999 policy document, I intend to make some brief comments on another policy document of the Labor Party, the authors of which are still senior members of the government. What I am about to say will give a very good background to the Labor Party bill we are debating today — that is, the thought behind it and the reason for its presentation to this chamber.

Members will know that in 1996, in the last three or four years of the previous government, Labor was savage on gaming in Victoria, as it has claimed it was. Many lines from members opposite, some of whom are still ministers, are certainly worth noting. They relentlessly savaged the government of the day for allowing or supposedly encouraging a gaming industry to operate which produced \$700 million worth of revenue. At that time the now Premier and now Treasurer said, ‘That is too high!’. They said that about \$700 million of revenue, yet the revenue from gaming is now about \$1.2 billion!

One or two interesting points stand out from Labor’s 1996 gaming policy, and I think it would be wise for members to be reminded of them. In 1996 those in the Labor Party promised that if they were elected, they would:

... undertake an independent judicial review of the casino licence bidding process.

That is quite amazing! Ten years later it is amazing that the people who authored that document are the people who feel the parliamentary inquiry talked about — indeed the one we have got today; the amendments too, no doubt — somehow would be an abuse of Parliament. They talked it down. They should be reminded that the person who authored this document — and, I should say, authorised it — is none other than Mr Lenders. He was the state secretary of the Labor Party at the time and is now the Leader of the Government in this chamber.

The hypocrisy of the Labor Party is truly breathtaking. After all, having stated the above and doing comprehensively the opposite is quite an art form in the Labor Party, as is employing its mates in government positions. Members of the Labor Party now come into this Parliament saying — and to come back to the bill, I note that Mr Thornley is not in his seat but interjecting — —

Mr Thornley interjected.

Mr GUY — It is quite breathtaking for members of the Labor Party to walk into this chamber after what has been presented and say, ‘Trust us when it comes to transparency and probity in the gaming industry!’.

Mr Thornley — It is on interest rates. Tell us about that one!

Mr GUY — I will take up Mr Thornley’s interjection. If he would like to talk about the Labor Party’s federal record on interest rates, we will have that debate, but not today.

All members in this chamber will ask why opposition members seek to amend this bill, yet do not oppose it outright. We in the Liberal Party do not oppose transparency or the truth being told. The simple answer is that, from the evidence presented to this house, it is clear Labor cannot be trusted on its word. Labor’s word means nothing, whether it is on gaming, taxes, tolls, health, transport, education or major projects. The word of the Labor Party means nothing.

While I will not speak directly on them at this point, the Liberal Party’s amendments will ensure a number of things take place that strengthen the review panel proposed by this bill, allowing the panel to report on conduct of ministers, their staff, registrants or applicants and their contractors. The Labor Party wants to present a report which sanitises any involvement of the minister and the government of the day, which is typical of this government.

The opposition’s amendments propose to delete proposed section 10.2A.3(4), which quarantines the review panel from examining a regulatory review authorisation and licensing process to the extent that it has led to any publicly announced decision by the minister before the Parliament’s commencement. The opposition will propose a new clause to provide for public meetings other than in special circumstances, and to give the review panel powers to call for documents and witnesses under oath to facilitate its investigation.

This government was elected on its supposed policy of transparency. The opposition’s amendments will require the panel’s report to be tabled in Parliament within 14 days of receipt of the document. Our amendments will require the minister to act on the advice of the Solicitor-General before removing any material from the report that is deemed to be protected information or could be subject to legal or professional privilege. As I said, the gaming industry in Victoria is a multibillion-dollar industry, and the bill before the

house today could be significantly improved to help the probity and proper regulation of that industry.

As I also said, gaming revenue in Victoria now exceeds \$1 billion. In fact almost 14 per cent of state government revenue now comes from gaming taxes. The size of the industry in Victoria and New South Wales accounts for more than 60 per cent of national gambling revenue in Australia as a whole. It is very interesting to note that the Labor Party in Victoria and in New South Wales took a very heavy anti-gambling approach when in opposition. We should note their approaches now that they are in government.

In response to community concerns over the integrity and probity of the regulation of this multibillion-dollar industry, Labor has simply come into this Parliament and said, 'Trust us!'. That is not good enough. Unfortunately the bill as it stands is a joke. It is yet another Bracks Labor government stunt, up there with the smartcard tender and the rail fiascos. There are a lot of questions behind this legislation that the government is seeking simply to wipe away.

The Parliament of Victoria should not allow itself to be treated with contempt, and the government is trying its hardest to get away with doing so. The people who spent a decade vehemently in favour of greater gaming transparency have now become the most secretive, selective and sneaky government in Victoria's history. While Liberal Party members do not oppose further public scrutiny of the gaming issue, we think this tiger can be given some teeth and made to have a real bite, which is why we seek to have this bill amended.

Mr DRUM (Northern Victoria) — The Nationals will be opposing this legislation. We have had a brief look at the opposition's amendments that are before the house, and we will be supporting them.

In effect the Gambling Regulation Amendment (Review Panel) Bill 2007 has been put in place as the government's knee-jerk reaction to a range of criticisms that were put before the people of Victoria through the media in the lead-up to the 2006 election. There is no doubt that the government was happy for the whole range of lotteries licence renewals and the electronic gaming machine (EGM) licensing renewals to be let slide and hopefully avoid further scrutiny from the Victorian public.

The media ran a very strong campaign highlighting a number of deficiencies in the government's ability to meet the targets it had in fact put in place some six months earlier. The process associated with the licences renewal in both lotteries and EGMs had been clearly

stipulated by the then Minister for Gaming in the other place for some two and a half years, and he had had his own deadlines for when the respective steps were going to be taken and when further steps would be implemented.

All the way through the process dates were highlighted as to how they were going to be ticked off, and the respective processes were going to culminate in the awarding of the licences, which was going to happen late last year. We then had the fiasco of the government awarding another extension, which may or may not have been proper.

There was an enormous outcry from the public, intense scrutiny and pressure through the media, and all of a sudden at the last minute the government cobbled together this policy and decided to introduce a new review panel, the members of which are going to go back and look at the processes associated with the handing down of licence renewals. That is what we have before the house at the moment. We have the government putting together this review panel.

It is true that the government struggles to have any credibility at all in the gaming field simply because of its actions, words and statements when it was in opposition. When government members were in opposition they were continually bandying around comments such as saying that the then government was 'addicted to the gambling revenue'. They spoke continually about the need for a royal commission into gambling. They said that the casino needed to be investigated. The scaremongering from the then Labor opposition was constant and its attacking of the then government and its handling of gaming was extremely heated. We have seen that the Labor government has been quite hypocritical since it has been in government. It has done absolutely nothing to address problem gambling.

I will talk at length about some problem gambling figures I have. The government has done a whole range of incidental things which effectively have had no impact at all on problem gambling, yet they have been trumpeted from pillar to post, suggesting what a tremendous job the government is doing. We need to hold the government accountable when it effectively refuses to act and yet tries to provide spin to the Victorian public in a manner that suggests it is taking action and has the best interests of problem gamblers at heart.

We know that the issue of problem gambling is extremely serious — or most of us do. We have been led to believe by this Labor government that it has

effectively halved problem gambling in the last three years. Anybody who has been working in this sector would be looking at how that could possibly be the case and would be well aware that the industry itself acknowledges that there has been no such decline in the numbers of people addicted to problem gambling. Yet we had a government that on the eve of an election came up with figures saying that the percentage of problem gamblers was down from 2.4 per cent to approximately 1.12 per cent.

Dr James Doughney has put together a report entitled *Lies, Damned Lies and 'Problem Gambling' Prevalence Rates — The Unsavoury Example of Victoria, Australia*. He has used the words 'the unsavoury example of Victoria' in the title of his report. He has taken great exception to the fact that this Victorian government has deliberately used flawed research data to actively try to bluff the people of Victoria that the government's problem gambling measures and procedures are working, and that the figures have halved in the past three years.

The report clearly identifies that when the government of the day hired McMillen and Marshall to do a problem gambling study and report, the authors clearly shows to the government that the modelling they had used revolved around asking problem gamblers to self-assess. To use that type of model and figures was an absolutely flawed process. In effect the authors were putting caveats on their own research and warning the government not to use that type of research if it was serious in trying to get accurate figures on the problem gambling cohort in Victoria.

Dr Doughney directly quoted McMillen and Marshall's warning to the state government that surveying people about their own problem gambling was flawed. They stated 'People have a natural reluctance to reveal the facts about such matters' and 'Data presented here is merely symptomatic of a much larger problem in the Victorian community'. Dr Doughney said we can be certain that the Labor Party, which drafted the problem-gambling-halved policy and claims, read those warnings. He was 100 per cent certain that the government members read the warnings and knew that what they were quoting was untruthful. It is another thing Dr Doughney has levelled at this government.

He concluded by saying that, if we did not expect the Premier and the Minister for Gaming to pass on these warnings:

... we would have to accept that it is reasonable for ministers and 'our' servants to participate wilfully in misleading and deceptive conduct in their engagement with us as citizens.

You cannot get more clear speaking than that from someone as eminent as Dr James Doughney. In effect his report says that to use sample survey methods to estimate the actual prevalence of problem gambling in any meaningful way, you simply cannot use a system where problem gamblers are asked to self-assess.

The Productivity Commission has looked at this issue itself. The chairman of the commission has in effect said in respect of the 1999 survey of self-confessed problem gamblers who were in counselling and who were surveyed whilst they were in counselling that only 29 per cent said that they would have responded to the survey honestly, one-third said that they would have concealed their problems and 24 per cent said they would simply have refused point-blank to answer the questions. So the government knew the figures that it was putting before the Victorian public were effectively one-third of the true problem.

The government would have known that the industry itself in Victoria, made up of Tabcorp, Tattersall's and so on, has identified that the percentage of problem gamblers in Victoria is more like 5 or 6 per cent of the population — that is, those who are on record as losing in the vicinity of \$7500 per annum on gambling each year. That is a problem by anyone's standards. In effect we have a serious problem. We have a government which, whilst in opposition, was amazingly critical. It used the gambling revenues flowing into the then coalition government coffers as one of its platform planks during the 1999 election campaign. Now that it is in government it is not just simply walking away from the problems but is trying to hoodwink the rest of Victoria by saying there is no problem.

As responsible leaders within the community we want to do something about this. How on earth is any government going to do anything about problem gambling if its main plank is to try to convince the rest of Victoria that there is no problem at all? The government lacks credibility in the whole area of problem gambling when it says things like smoking bans had something to do with fixing up problem gambling. It is all spin, and the government should hang its head in shame because it knows it is wrong. It is trying to bluff Victorians. It says it is trying to do something but ultimately not doing anything at all.

The government is using things such as limiting the amount of money you can get out of an electronic gaming machine to \$200, which simply creates a travelling gambler who loads up or who goes from one venue to another. If you are truly serious about trying to combat problem gambling in this state, you would take a leaf out of Crown Casino's book. It has

interventionists who actually walk around the casino and are actively looking for people who are acting in a stressed and anxious manner. They start up conversations with those individuals and offer them the services that exist for people who may be going through a problem with their gambling and who may have taken their gambling to a level where they can no longer control it.

We really need to be honest when we are talking about this whole issue. Here we have a government which has in effect cobbled together a review panel process at the last minute, due to extreme pressure from the public and the media. It was not going to do this. It had announced it prior to the election but three months later had not done anything at all about it. The Liberal Party put together a select committee from this chamber, and all of a sudden the government swung into action at the last minute. It again professes that it was going to do this all along. We know it is a lie. We know that the government would never have taken this action if it had not been forced to by the opposition parties in this chamber. Mr Lenders knows it is true. We know that the government would never have taken this action if in fact it was not forced to.

We now have a situation where this review has been put together. This is the government that opposed the fact that we were going to have our own select committee. We can see the problems that are going to be associated with this review panel from the way the government is acting with respect to the select committee. We are having enormous trouble in trying to do our job. We have in effect had public statements from the Auditor-General. We have had ministers individually declaring to the media that they would love nothing better than to appear before the select committee so that they can clear their own names, only to have the Labor Party machine nobble those ministers, in effect threatening them about appearing before a select committee. That is the trouble we are going to have.

I do not know how this review committee is going to be able to deal with all the various problems and barriers that are likely to be thrown in front of it. It is going to be difficult for this review panel to access things like commercial in confidence, commercial in cabinet and commercially sensitive documents. We are uncertain about the powers that are going to be afforded this review panel and how it is actually going to do the job it has been set up to do.

We also take issue with the fact that this review panel is going to have a retired Queen's Counsel as its chair.

Mr Pakula — A retired judge.

Mr DRUM — Mr Merkel, the retired judge who has been nominated, also happens to be a Queen's Counsel. He and the panel are going to be investigating various issues, but if those investigations lead them to some points of interest that may have happened in the past, then they are going to be forbidden from going after those points of interest. They are going to be forbidden from investigating any issues that have some retrospective nature. There has to be an effort made on behalf of the government to block these powers simply because they lack what the government continually trumpets — that is, accountability and transparency. The government is simply trying to stop any sense of investigation into what has happened in the past. To disallow this review panel to work retrospectively has issues that The Nationals do not support. We believe that the panel should have the power to uncover any points of interest that it sees as being relevant to it.

We also wish the government had more credibility in relation to EGMs. We know about the tremendous amount of taxes that it takes out. We know about the Community Support Fund. Just today we heard that it is again taking a further \$40 million out of the gambling sector for the health sector. In the last 18 months the government doubled taxation on the sector — I think it is up from \$45 million to \$90 million. It is now taking an additional \$40 million, which in effect is coming out of the pockets of the gambling sector.

The government is continuing to go in hard and take the money out of the gambling sector, when it spent all its time in opposition bemoaning the fact that the government at that time was making so much money out of it, that it was in fact addicted to gambling. I think everybody in Victoria is well and truly aware that when you have a government that is wilfully and deliberately telling lies to the people of Victoria about the state of problem gambling, then you have a government that is going to refuse to take any action on problem gambling. When you now have a government that continually lacks credibility when compared to what it said in opposition, how can you trust it? When you have a government that puts together a review panel and a review panel process that does not have the teeth it needs to actually do the job, how can you trust it in that regard?

The way in which this government is handling the whole area of gaming, the gambling sector and the gambling industry lacks credibility, lacks truthfulness and lacks honesty and transparency. The issue deserves to be investigated to the maximum and not in the

slipshod manner which the government is proposing here. We will oppose this bill.

Mr BARBER (Northern Metropolitan) — This panel will be an internal inquiry panel run by the government, inquiring into itself. While it may be headed by a former judge, he will not be given particularly wide-ranging and judicial powers and the scope of what he can examine will be narrow — but good luck to him. The government could have inspired a lot more confidence in this area by throwing itself open to full scrutiny.

The circulated amendments might represent a small improvement, but the inquiry will still be an internal one and it certainly will not canvass the questions that the Select Committee on Gaming Licensing is trying to get answers to. The Greens will consider the amendments as they are moved. They are an heroic attempt by others to improve this bill, but from the Greens point of view we do not consider that as satisfactory, and I do not think anybody else out there in the community would consider this as anything other than what it is — that is, the government running an internal inquiry into itself.

The real test of all the various sorts of rhetoric that I have heard thrown around the chamber today and previously in the debate on the special committee — and, I think, in debate on a private members bill introduced by the Liberals in the last Parliament — will be some time down the track, possibly in the life of this Parliament, when we come to amend the Gambling Regulation Act 2003. Then we will see what each party here is willing to offer to the Victorian community by way of a way forward.

There are some other opportunities to scrutinise the regulation of this industry; one of them is the Public Accounts and Estimates Committee and another is the select committee that has been established. Unfortunately most of the other opportunities reside outside the Parliament through the action of citizens, the media and us as individual members representing our constituencies. I certainly agree with Mr Drum that the government is denying the problem because it is refusing to measure it; if you cannot measure it, you are certainly not managing it.

Numbers have been thrown around about the prevalence of problem gambling in Victoria. Now that there is more scrutiny on this issue, I wonder whether the government will continue to fall back on those numbers it has been using or whether it will start to have a more serious dialogue.

What we need here, though, to solve this problem is something that some of us may understand as the public health model. If members are not familiar with a public health model, they should think of the way we have attacked tobacco use or the road toll: you bring in experts to run the response; you look at all aspects of the problem; you do not set in stone any one particular response and say, ‘That is off limits’; and you actually aim to reduce the problem. If we had been addressing the road toll or cigarette smoking for these last 10 years the way we have addressed this issue and we were still sitting here saying, ‘Hang on, we don’t really know whether we have made any inroads or not’, or worse, if we just really had not even bothered to measure them, then people would be saying to those authorities — to the Transport Accident Commission and so forth — ‘What the hell have you been doing?’.

If members want to have a look at the public health model, they should check out the situation in New Zealand where in recent years revenues from gambling and particularly from poker machines have been falling. Not surprisingly, if you address the problems of problem gamblers — who, although being small in number, represent a large part of the actual losses in poker machines — revenues start to fall pretty fast. But we do not ever see from the Treasury in any year a forward-looking estimate of revenues from poker machines that shows them falling rapidly, which indicates quite clearly that it expects the problem to keep getting worse.

What we have here in Victoria is a revenue-collection model, and that is why the authorities running gambling policy are not the experts — the public health authorities — but they are in fact the Treasury and the Department of Justice responsible for tax collection and tax compliance. Of course we have our two duopolists running the industry, and they continue to put money into the pockets of other political parties in this chamber — not the Greens — and to prop up their two duopolists, Liberal and Labor, who, in broad terms across the board, support the industry continuing.

As I say, we will have an opportunity at some time — I hope in the life of this Parliament — to rewrite the Gambling Regulation Act 2003 in the way it has been rewritten in the New Zealand Parliament and has recently continued to be rewritten, with new measures being introduced as that Parliament makes new attempts to solve the problem.

In summary, the Greens will be supporting this bill in the final vote because we do not believe anyone is fooled into believing that this will be anything other than an internal inquiry.

Mr VINEY (Eastern Victoria) — I am pleased to enter this debate in support of the Gambling Regulation Amendment (Review Panel) Bill now before the house. I want to make some fairly considered and serious points in this debate.

I want to respond to a number of things said in the debate so far. I will start with the issue of problem gambling that has been raised by Mr Barber, and by Mr Drum in particular. I think Mr Barber made a comment that problem gambling needs to be tackled in the same way that issues such as the road toll and smoking have been dealt with.

I think the most striking difference between the way this Parliament and the parties have been dealing with problem gambling and the way we have dealt with issues such as the road toll and cigarette smoking is that in those latter instances there has been a genuine bipartisan approach. What we have seen already in the contributions to debate here today is that Mr Drum in particular and Mr Barber to some extent have actually used this debate as a means of making some political points about the issue of problem gambling. What frustrates me is that the points made by Mr Drum and Mr Barber appear to suggest that members on this side of the house do not care about problem gambling, yet nothing could be further from the truth.

Mr Drum — Why would you lie about the figures?

Mr VINEY — No-one on this side has been lying about figures.

Mr Drum — You have.

Mr VINEY — That is your assertion.

Mr Drum — That has clearly been identified by an independent —

Mr VINEY — Mr Drum is proving my point by making that assertion. The issue of problem gambling is a serious one in this community, and the government has been dealing with it seriously. We might argue whether it is 2.4 per cent or something of that order, or 1.2 per cent. The first figure was achieved by the Productivity Commission appointed by the federal Treasurer — from your own side of politics, Mr Drum — and the second, lower, figure as I understand it derived from exactly the same methodologies, in research undertaken by the Australian National University. So these are not figures established by this government; these are figures established by independent processes of research.

Whether it is 2.4 per cent or 1.2 per cent is beside the point. The issue is: we have people in our community with a gambling problem. I must say it has been that way for a long time. There have been problem gamblers who spend too much at the races; there have been problem gamblers who have spent too much down the road at the illegal gambling shop, there were probably problem gamblers when Jack Wren was running SP bookies out of pubs in Collingwood. I am sure that there have been problem gamblers in our community for a very long time. The question is: what does government do about it?

This government has put in a \$132.3 million strategy to tackle problem gambling over five years. It is acknowledged as the most comprehensive package to deal with problem gambling in the history of this nation. This government is doing something about the long history of problem gambling in this nation. I am not here to say that the strategy is adequate or that it is inadequate. I am saying that this is the resource the government has put in, and there ought to be some acknowledgement that the government is actually making an effort to deal with what has been a longstanding historical problem in this community.

I am not a wowsler about gambling, and I do not think Mr Drum is either because certainly The Nationals take plenty of campaign donations from Tattersalls and the Australian Hotels Association. To be absolutely serious, given the passion with which Mr Drum spoke about this he ought to be making a submission to his headquarters about The Nationals not taking any more fundraising from people involved in the gaming industry.

I have been to the races I think about six times. I have played the pokies three or four times in my life and probably lost about \$30 or \$40 cumulatively; I did not play the pokies for very long. I remember losing about \$30 at a two-up game in the casino at Alice Springs on one occasion, and that put me off two-up for a good deal of time. The only gambling problem I have is a ticket in Tattsлото every Saturday which I call my get-me-out-of-the-zoo ticket. That is my main contribution to gambling.

I am not a wowsler about it, but I am not personally a big fan of gaming and gambling either. However, there are people in our community who want to participate in gambling. Things like lotteries have been around for a long time; buying Tatts tickets has been a long tradition; and going to the races has been a long tradition in this community. The issue is how we regulate it and how we manage the response and the

services to those people who unfortunately are not able to control their interest in gambling.

I think the government has a pretty good record in that. A recent graph I was looking at showed that the growth in electronic gaming machines was quite considerable between 1992 to 1999 — that is, during the period of the previous government, at a time when Mr Guy was proudly working for the then Premier, Mr Kennett. During that time there was an exponential growth in electronic gaming machines, and since 1999 it has clearly plateaued. There has been hardly any growth in electronic gaming machines in this state since this government came into power.

There have also been regional caps put in place, because in our view there was a disproportionate number of electronic gaming machines in working-class areas. They have been a little more evenly distributed across the community. I might have all sorts of personal views about the way these issues can and might be managed, but I think members have to acknowledge that the government has been serious about trying to manage the issue of problem gambling in our community.

My second point is about regulation. The government has put in place a series of measures, including a complete rewrite of the Gambling Regulation Act, to manage and regulate the industry in a reasonable, fair and transparent manner. This is another layer of that process of regulation and management of the sector.

I think Mr Barber referred to the proposal in this bill as being for a review panel to be established as a government internal inquiry run by itself. The review panel members are all drawn from outside the government. The chair, Ron Merkel, who has been a Queen's Counsel for almost 25 years — —

Mr Guy — How presumptuous! You announce the chair when it hasn't been announced.

Mr VINEY — He is the proposed chair.

An honourable member — He is a former Federal Court judge.

Mr VINEY — He was a Federal Court judge for 10 years. He is not a person who is a part of government. I think it would be fair to say to Mr Barber that I have yet to see a QC or a former Federal Court judge give up their well-regarded independence. They quite rightly guard their independence and value it fiercely. I am sure that Mr Merkel will do the same.

In this legislation there is also a requirement that none of the members of the review panel are to hold any financial or business interests that are subject to that review panel's work or to have associations with any members of the gaming or racing industries which are subject to that review panel's work. This again removes conflicts of interest. The secretary of the department has clear powers to require a member of the panel to divest themselves of any such interests, if they exist.

Finally, far from being an internal committee reviewing itself — as Mr Barber asserted — the legislation provides for the minister to ensure that the review panel reports are published on the departmental website as soon as possible after the minister receives them. It is a public process conducted by independent people with no financial interests in or associations with the part of the gaming industry which they are reviewing. It is chaired by a QC with 25 years experience and 10 years experience as a Federal Court judge. This process takes place following all levels of the accountability and review processes that deal with the granting of — Mr Guy has a particular interest in this — lottery licences.

Whilst I am happy to participate in a debate about problem gambling and what we as a community need to do about it, I would much prefer that we participate in a process that has been the tradition in both houses of this Parliament when dealing with issues such as the road toll and smoking. I absolutely agree with Mr Barber that a good process is one where we thoroughly and properly look at these issues and tackle problem gambling, but I do not believe that the climate being generated by members of the opposition in particular, supported by the Greens, to create political capital and opportunism is the right one to tackle the issue with. Mr Guy is chuckling. He is struggling with the concept of bipartisanship. As was demonstrated in today's *Herald Sun*, he will take any opportunity, even at the expense of his own future, to make a political point.

Mr Guy — You never did that in opposition, did you?

Mr VINEY — Mr Drum and Mr Guy made points about the government's position on gaming when it was in opposition. I do not think there is any serious inconsistency with the views we expressed in opposition and the views we are expressing now that we are in government. We inherited what we inherited. The structure and the system of electronic gaming machines and lotteries was in place when we came into government. There has been no effective increase in the number of electronic gaming machines. To my

knowledge there has been no great change in the lotteries process. The only thing I can think of that has been deregulated a little is football betting. Let us face it, there was a hell of a lot of betting on the footy that was not done through the TAB. There was betting outside the formal system and there was a lot of formal betting through interstate bookmakers. I think that is the only change that this government has put in place in relation to gaming, betting and other gambling in this state.

I think the government's record in seriously trying to tackle problem gambling is pretty good. Have we done enough to reduce problem gambling? I am not sure. As long as there is a considerable level of problem gambling in this state, maybe it can be said that we have not done enough. We do not say that we have all the answers, but we have put in place the most comprehensive strategy in Australia to deal with problem gambling. We will continue to do that. We are serious about it. That was the point that members of the government, when in opposition, were making, and it is still consistent with what we are doing now; it stands in contrast to what the previous government did.

There was an exponential growth in electronic gaming machines as that government introduced them with no indication that there was going to be capping or that that growth was going to stop, and it moved out of what the general community were expecting of electronic gaming machines — going into footy clubs, social clubs and bowling clubs — into a much more commercial, large-scale operation.

That is what this government inherited, and that is what we manage. There has been no effective growth in it. We have done so with great transparency — considerably more transparency than was demonstrated by the previous government, particularly in the casino tendering process. In this case what we are doing is putting in an additional layer of transparency and accountability, an additional process by which the minister can be confident that the regulation of the gaming industry is meeting the government's policy objectives through an independent review panel, chaired by a QC, a former Federal Court judge —

Mr Guy — Vetted by the minister!

Mr VINEY — I did not hear what Mr Guy said, but I hope Mr Guy was not casting aspersions on the capacity of Mr Merkel to make genuine, independent assessments within his responsibility, because that would be grossly unfair, and it would be taking the political points that he wants to make to an even greater extreme.

This is a piece of legislation that should be supported by all members of the chamber, because it is simply ensuring that there is a good and proper, independent review process over an industry that this government has taken seriously in its responsibility to regulate. I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — I rise to speak on the Gambling Regulation Amendment (Review Panel) Bill, and I would like to respond to Mr Viney's support of the bill. Whilst I feel that we could categorise it as an erstwhile attempt to support a government in desperate straits to deal with a crisis of confidence in this industry, I think we can say that when we have referred to the perhaps impeccable credentials of the person who has been nominated to chair this panel, the government is placing undue emphasis on those credentials as a way of putting some kind of illusionary mantle around what is a fundamentally flawed process and structure.

We have to note that the breadth and scale of the industrial basis comprising public lotteries, gaming and wagering in Victoria is enormous, and many people from all walks of life, cultures and beliefs are touched directly or indirectly by this \$1.2 billion colossus — this juggernaut. Some are employed by licensed operators; others are simply participants in an industry, and they want to know that things are being properly supervised by their government.

Most of the time individuals take pride in their chosen occupations. They expect their employers to operate with the highest standards of probity, integrity and transparency. Unfortunately for many, they are working in an environment where the perception — and perception is everything — is that the highest standards and probity do not prevail. And where is the blame to lie? We lay the blame squarely at the feet of the state government. This government's shortcomings are multitudinous in the area of management or mismanagement of the gaming licensing processes. And the Victorian community is justifiably outraged.

Victorians are concerned that this government has mismanaged an entire industry. The government has no-one to blame but itself for the climate of disillusionment and distrust which necessitated the establishment in this chamber of the Legislative Council's select committee inquiry into the management of the gaming licences processes.

It was reported in the *Age* of 16 February 2007 that the government is now subject to an exquisite situation of its own making. The Premier was expecting to gain control of the Legislative Council. One might

summarise the situation as the government being caught out or snookered, and it is probably squirming on a pike of its own making. The government's claims that its aspirations to assuring that the highest standards of probity, transparency and accountability will prevail as the result of the establishment of the review process are a sham.

The bill has been put before Parliament on the basis that it would establish a four-person panel headed by a retired judge. In the words of the Premier of this state on 17 November 2006, in a media release entitled 'Independent panel to review gaming machine licences', it would independently and publicly assess the recommendations of the current steering committee licences review team.

Furthermore, how can you have an inquiry that is in secret? We can now see that parameters have been set. The panel cannot inquire into anything that has been publicly announced, and unbelievably, the panel cannot inquire into anything that has already been announced. Where are the provisions to stop the minister making announcements at any time in the future that will further water down what is yet to be examined by the panel? Ironically, this panel and its powers for inquiry are about transparency, yet its inquiries are to be held in secret.

This industry has been run as a duopoly. Therefore the mindset of the participants — namely, that the licence-holders and the government operate in secret — continues for so long because they rest on the need to maintain so-called commercial confidentiality. If we use the test of what a reasonable man would think, what would such a man make of the fact that announcements that Tattersalls had been awarded a one-year extension of its public lottery licence were made on the very last working day before Christmas last year?

As further evidence that the government has deliberately concocted a sham of a review process, we note that the panel does not even have any coercive powers. How can a review panel investigate very sensitive issues without the enabling legislation clauses which would empower the panellists to call witnesses and obtain documents?

The report needs to be tabled in this Parliament, but that will not occur under this legislation. A minister already under siege will be able to seek refuge by keeping the report secret until after decisions on tenders and licensing have already been made. As if this process were not already contaminated beyond belief, the bill provides for massive slabs of the ultimate report to be

censored. If one turns to clause 3, proposed section 10.2A.11(3) states:

Before publishing a copy of a report under subsection (2) the Secretary must exclude from the report any information that, in the opinion of the Minister, is —

- (a) protected information; or
- (b) information that is or could be the subject of legal professional privilege.

This decision may also rest with other parties. We seek leave to have this bill amended so that it will provide a measure of public confidence in this review process.

Mr PAKULA (Western Metropolitan) — I rise to support the bill, and I want to make some relatively brief comments in support of the position put by Mr Viney. This is a bill which is worthy of Parliament's support. It is a demonstration that the government wants both a gambling licence review process that Victorians can have confidence in and at the same time a tender process that the tendering parties, whether they be local or indeed national or international businesses, can have confidence in as well. Despite the nay-saying of the opposition, the government has in fact committed to the most significant review in Victorian history of both a regulatory structure and associated arrangements for the major forms of gaming and wagering. Even though the probity auditor Pitcher Partners has on three separate occasions confirmed the probity and decision making of the interdepartmental steering committee, the government has nevertheless committed to a further layer of scrutiny in line with the election commitments that were given in November 2006.

Because there has been a lot of commentary about what the review panel cannot do, it is probably worth the house taking note of what the review panel is able to do. The first thing the review panel is charged with doing is considering and reporting to the minister on both the policy development process and the licensing process itself. The review panel has to undertake to report to the minister, firstly, on whether the processes conform with standards of good governance.

There has been a lot of criticism from the opposition, The Nationals and the Greens — who I think have described it as the government reviewing itself — about the terms of the review and that they are not sufficiently far reaching. It is probably worth looking at how wide ranging are the terms of the review for the licence-awarding process, because that seems to be the particular bit that the opposition has its knickers in a twist about.

Going through not all but some of those points, and not exhaustively, the review panel has to review whether all registrants and applicants have been treated equally and impartially, whether they have all been given the same opportunity to access information and advice about the process and whether all protected information has been managed to ensure its security and confidentiality. That, for my part, is an element of the review that I look forward to getting, because I would like to compare the security and confidentiality of the tendering process with the security and confidentiality that we all recall did not occur during the casino licensing process in the early to mid-1990s. It is a bit rich for the opposition, who in government oversaw that fundamentally flawed process, to be now crying crocodile tears about a tendering process. Crucially the review has to look at whether there has been any improper interference with the making of any recommendation or report. To suggest that the review panel cannot look at serious issues is just simply not supported by the facts and by the legislation.

It is also important to look at what the review is not and at what the review will not do. Unlike other inquiries this review has not been set up for the sole purpose of causing political damage to the Victorian state government, like the other travesty of a committee that I am fortunate enough to be a part of. The committee has not been unreasonably and unnecessarily stacked with non-government members far beyond their representation in this house. The committee is not chaired by Mr Rich-Phillips. Sadly this review committee only gets the services of one of Australia's most distinguished jurists, one of Australia's most distinguished Queen's Counsel, Ron Merkel.

Mr Guy — And vetted by the minister's office.

Mr PAKULA — I say to Mr Guy that admittedly Mr Merkel has neither Mr Rich-Phillips's style nor his breeding, and in fact I am quite sure that when he was a barrister that is what was said about Ron Merkel in chambers: 'He is good, but he is no Gordon Rich-Phillips'. But, all jokes aside, Mr Merkel is indeed, as I am sure even members of the opposition, The Nationals and the Greens would acknowledge, one of Australia's most respected jurists, a Queen's Counsel who worked in administrative and corporate law for more than two decades, and a highly regarded Federal Court judge. It gives the lie to the claim that the review is a whitewash or a toothless tiger, because I do not think any reasonable person would believe that a person of Ron Merkel's experience, credentials, integrity and honour would allow his name to be associated with a whitewash or a toothless tiger. It would go against

everything that he has done in public life over more than two decades as a lawyer and judge.

Mr Guy — You will vote for our amendments, then?

Mr PAKULA — Your amendments are not necessary. There is no way that someone of Mr Merkel's standing would allow his name to be associated with what Mr Guy claims this review panel is. It is really a bit rich for the opposition parties to have either this Parliament or the Victorian community in general believe that we cannot have faith in a review chaired by Ron Merkel, QC, but we can have faith in a select committee chaired by Mr Rich-Phillips, who, despite whatever qualities he may have, is by definition a partisan figure.

The other thing that the review will not do is shatter the confidence of business to deal with government on proper terms, unlike the intrusive activities of the select committee that have been outlined in this house by me, by Mr Viney and by other members of the government. The review panel's report will not be released publicly until after the tender process is complete and after the lotteries licensing announcement has been made. That is a recognition that the review panel will be viewing market-sensitive information that could, if inappropriately released, have a significant impact on the commercial value of industry participants.

I was planning to confine my remarks to the bill itself, but Mr Guy, in his way, ranged widely, as he ranged widely in the *Herald Sun* this morning. I find it interesting that under Mr Guy's standards it is okay to have a taxpayer-funded job before you are an MP but not after you are an MP — —

Mr Guy — You are directly employed by your own mates.

Mr PAKULA — Mr Guy has been directly employed by a number of his mates, I understand. But I digress, President, and I am mindful of your ruling earlier today about not digressing too far. Mr Guy ranged widely in his speech, as he is entitled to do. I just wanted to point out a number of statistics about gaming that Mr Guy either conveniently overlooked or perhaps was not aware of. As Mr Viney pointed out in his remarks, the greatest growth in poker machine numbers in this state occurred between 1992 and 1999.

In the years since, that has plateaued to almost no growth whatsoever. The growth between 1992 and 1999 coincided with Victoria's dark days with respect to gaming probity.

Mr Guy — You're joking!

Mr PAKULA — I am not joking. When I am joking, Mr Guy, you will know about it. How different things are now — 85 per cent of electronic gaming machine taxes go straight to health and community projects. There is a cap on machine numbers. There is one-third fewer electronic gaming machines in Victoria than there are in Queensland, which is a state with a lower population than Victoria. We have the second-lowest density of any state in Australia in terms of electronic gaming machine numbers. The only state with a lower density is Western Australia, because it does not allow electronic gaming machines outside the casino. Real net expenditure on gaming machines has been falling since 2002.

As for the opposition amendments, this house has already set up one select committee which the government has characterised as both unnecessary and aims to conduct a witchhunt. I seriously doubt that we need another one. We already have one committee that, by its operations, will trample over the tendering process and discourage business from dealing with government in this state. I doubt that we need another one of those either. That would be the effect of Mr Guy's amendments, which is why the government does not support them.

In conclusion, while the probity of the process has been confirmed three times by the probity auditor, and while the government has submitted itself to more scrutiny than its predecessor government would have ever dreamed of, this legislation nevertheless adds a further layer of scrutiny. The panel will be chaired by an individual who is utterly beyond reproach, its inquiries will be undertaken in an appropriate and commercially sensitive way, and I commend the bill to the house.

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to make a contribution on the Gambling Regulation Amendment (Review Panel) Bill. It is interesting that Mr Pakula has engaged in the debate, but now he walks out; if he wishes to leave the chamber, that is fine. It is important to acknowledge that at least Mr Viney is here listening to the debate, because after having listened to him over a few years, I can say that today he made at least a half-reasonable contribution.

At some point Mr Pakula was frothing at the mouth about the activities of Mr Rich-Phillips in the select committee. He was frothing so hard that one could almost be forgiven for thinking he is upset about that committee, as he kept referring to 'the committee' in the context of this bill. It is also interesting to note that

Mr Pakula is probably frustrated at not being a federal member of Parliament. It was probably because he froths at the mouth that delegates did not preselect him when it came to knocking off Simon Crean. We know where his agenda lies, and this place is just a forerunner for his greater ambitions to be the Prime Minister of Australia. I say that with a real joke intended, because if he were the Prime Minister of Australia, I would be going somewhere else.

The PRESIDENT — Order! The member might like to come back to the bill.

Mr DALLA-RIVA — President, I am getting back to the bill as much as Mr Pakula and Mr Viney did. They talked about this bill providing openness and scrutiny, and said how wonderful it is. They went to great lengths to talk about the appointment of Mr Merkel. His appointment is not the issue, because what concerns me is that the government does not hold the balance of power in this place but has made an announcement, if I read the press release of 7 March correctly, that it will appoint Ron Merkel, QC. The government has already pre-empted the Parliament yet again and assumed the legislation would be passed.

That is typical of the government's approach to the way it manages Parliament. It assumes this place is a mere rubber stamp. One can see the reaction of this government with regard to the select committee into the gaming licences and to the appointment of Mr Ron Merkel. The press release also suggests that the government has appointed other people to the review panel ahead of not only the legislation being passed by both houses of Parliament but before it has been enacted.

We heard at great length about the integrity of Mr Merkel, which I do not question, but one has to remember that he is a lawyer and a former judge. As such he will follow legislation that is presented to him by the legislators; it is not the other way around. Government members seem to think that the chair of the review panel will be able to determine what they want to deliver, but the panel members will only follow the legislation that is now before the house, which is very restrictive in its nature. The arguments raised by Mr Barber and others on this side of the chamber made that point very clear, and that is the reason why amendments have been foreshadowed by Mr Guy.

The amendments make clear and give greater definition or focus about the intent of the legislation. It is clear that the opposition is trying to provide a better review process about what the establishment and functions will be under proposed part 2A as it relates to the review

panel. The amendments would insert at page 6 a new paragraph (c) in proposed section 10.2A.3(1) that would give greater clarity to the chair of the review panel on what that panel should be doing. The new paragraph states:

- (c) to consider, and report to the Minister on, the conduct of any of the following in relation to the regulatory review or the authorisation and licensing process —
 - (i) a Minister of the Crown;
 - (ii) a person employed under Division 1 of Part 6 of the Public Administration Act 2004;
 - (iii) a registrant or an applicant for an authorisation or a licence;
 - (iv) a person engaged to provide services to a registrant or an applicant for an authorisation or a licence.

We would be establishing a regulatory framework so that Mr Ron Merkel, or whomever it may be, would have had a clear definition of the purpose of the legislation.

We also want to delete proposed section 10.2A.3(1)(4) in clause 3. If it is read in its entirety, it points to a government that is trying to be secretive, that is trying to avoid scrutiny, that has set up a review panel with no teeth and that has appointed a panel with a chairperson with a great legal mind but who has no authority. Nothing could be clearer, because the provision in the bill states:

Nothing in this Part requires or authorises the Review Panel to consider or report to the Minister with respect to the regulatory review or the authorisation and licensing process to the extent that the review or process led to any decision publicly announced by the Minister before the commencement of this Part.

We know there were a lot of issues about the gaming process before the commencement of this legislation, which has not even yet been passed. The government has inserted clear parameters for the chair of the review panel so that panel members have no authorisation. That same provision commences with the words:

Nothing in this Part requires or authorises ...

The panel cannot even look at the issues the minister may have announced publicly before the commencement of this part. Why not? We want to remove that part and give greater clarity to the legislation.

I will now move on to some other points that concern us. On page 10 of the bill under the heading 'Division 4 — Procedure of Review Panel' are the provisions relating to meetings. This government purports to be

open, honest and transparent — although we are hearing less and less of those three words now — but what we are proposing is that it should be more transparent. We are proposing with our amendments that a meeting of the review panel must be held in public unless the review panel determines that there are special circumstances requiring that the meeting or part of it should be held in private.

We will move an amendment to insert subsection (6) in proposed section 10.2A.9 to provide that sections 14, 15 and 16 of the Evidence Act apply to and in relation to any proceeding of the review panel. What we are trying to do is get some level of accountability with this government. It has not only nobbled the capacity of the review panel, it has restricted the capacity of the chair to undertake a proper review process. What we are trying to do is make it more open and transparent through an open hearing process in which the evidence taken can be considered. We do not see that in the current legislation before the chamber.

The other point that I would like to note concerns the publication of the review panel reports. These are dealt with under proposed section 10.2A.11 on page 11 of the bill. We are proposing an amendment to proposed subsection (1) to provide that the minister must: (a) give a copy of each report of the review panel to the secretary as soon as practicable after receiving it, and (b) cause a copy of each report to be presented to each house of Parliament within 14 days after receiving it et cetera. What this will do is make it very clear that no internal process will be going on that will exclude open and transparent accountability via the Parliament for the people of Victoria. What this legislation does is exactly that: it restricts openness and the capacity of the Parliament to open these types of reviews to some level of scrutiny.

The other point I would like to make is in respect of subsection (3) of section 10.2A.11 of proposed division 4, which is on page 12 of the bill. It states:

Before publishing a copy of a report under the subsection (2), the Secretary must exclude from the report any information that, in the opinion of the Minister ...

What we are saying is that the criterion should not be the opinion of the minister, especially if the minister is the one being criticised as a part of the process. The minister cannot be criticised because the legislation as it stands specifically excludes any capacity for the review panel chairman or the rest of the review panel to investigate it, as it falls within the particular functions and powers of the review panel under proposed section 10.2A.3(4), which we suggest should be deleted. Our amendment provides that the minister may

exclude information if the minister has received advice from the Solicitor-General that the information meets the requirements set out in paragraphs (a) and (b) of proposed section 10.2A.11(3) — that is, it is protected information or information that is or could be the subject of legal professional privilege.

This piece of legislation is flawed. The government has talked a lot about Mr Ron Merkel, QC, and the others who will be appointed to the panel, but they have actually been given nothing to work with. They will be stymied by this legislation. Fancy press releases that purport to say that the bill will do certain things were put out on 7 March. It is a hallmark of this government that it continues to announce changes via the media before they come into the chamber. It no longer has the numbers to pass legislation, so it is a bit foolhardy for it to continue with that type of approach.

In conclusion there are a number of areas of concern that we need to be mindful of. We believe the review panel lacks transparency. It has insufficient power and quarantines the ministers away from any review. The review panel can only consider and report on the processes for the preparation of recommendations, and it reports to the minister and not to the Parliament. No prior decisions of ministers or the processes leading to decisions can be examined. It lacks coercive powers. There is no ability to call witnesses or call for documents and there is no provision for public hearings. It lacks transparency and openness.

The minister has stated that the report will not be published until after a tender decision has been announced. That again reveals significant flaws. I also have a significant concern that the minister will have powers to censor any sensitive information contained in the report. Members will see that they are quite extensive if they read the bill in detail. I look forward to supporting the amendments we are proposing. They are reasonable amendments, and I hope the other parties in the chamber will review them and consider them to be an appropriate way to move forward. We need to have greater clarity for those on the review panel. We need to give the panel teeth so that it can investigate not only the activities of those who are seeking to get a licence but also the minister and what the minister either may have done previously or is doing currently. On that basis I look forward to further debate on the legislation

Mr TEE (Eastern Metropolitan) — I rise to speak in favour of this bill. It is timely because it occurs in an important period for the gaming industry in Victoria. We have an ongoing process for determining who will get the next public lotteries licence, but a number of other licences are coming up. They include the gaming

machine licence, the wagering licence, the approved betting competition licence and the Club Keno licence, all of which will come up in 2012. As well as that there is an important review of the regulatory structures that are in place, which Mr Barber mentioned in his contribution.

This bill builds on and strengthens the measures that are already in place to ensure that we will get a process that is transparent and open and will deliver better results. The bill will achieve that outcome in two complementary ways. Firstly, it will ensure that the process for determining these important gaming issues is the best possible process — that is the work of the review panel — and secondly, it will ensure that decisions will be made by following that process. It will ensure the best process and that process will be followed. As I indicated, this important work is being done by a review panel that will always be chaired by a former judge. It is interesting to note in this regard that Mr Ron Merkel, QC, has been announced as the chairman. That has been a source of criticism from those opposite, not necessarily because he is eminently qualified but because the announcement was made prior to the consideration of the bill by this house. It is difficult to take that criticism on face value in view of the complete disregard of process in these matters by Mr Kennett when he was Premier.

The fact that the review panel will be chaired by a former judge will reinforce the independence of the panel. The review panel is independent of the process, it is independent of the parties and it is independent of the government. The panel's role — and there has been some concern about a lack of detail in terms of the panel's role — will be to ensure that the parties are treated impartially, that the information provided is protected and that confidentiality is respected. The panel's role is to ensure that there is no improper interference and that any conflicts of interest have been properly addressed. There is detail in terms of the role of the review panel. The panel's role will also be to report on whether or not any recommendation or report discloses any bias or apprehension of bias.

So yes, it is a broad-ranging review, but the independence of the panel is such that it ought to have those broad-ranging powers. In short, the panel ensures that the process is squeaky clean, and it ensures that those whose job it is to make these important decisions do so in an environment that is fair and free of any bias or improper interference. The panel can initiate its own investigations, and those reports will be made public.

The bill sets a benchmark for ensuring the highest standards of probity and good governance. But while

ensuring good governance, it also puts in a number of important safeguards. One of those is that the bill is prospective and not retrospective; decisions that have been made and announced are not considered. This is good legislative practice. In any event, for the panel to retrospectively consider decisions that have been announced would cast an unnecessary uncertainty over all that has gone on before. This uncertainty would not be good for those who have acted on the basis of decisions that have been made and announced.

Naturally this bill ensures that information protected under the Gaming Regulation Act is not disclosed by the review panel. It is not, as has been suggested by those opposite, a vetting by the ministerial office; it provides for a requirement to comply with the Gaming Regulation Act currently in place.

The bill protects confidential information which is released as part of a tendering process or as part of an examination of the regulatory framework in a number of ways. It ensures, firstly, that the considerations of the panel are in private; secondly, that publicly released reports do not disclose information protected by the Gaming Regulation Act; and thirdly, that the report will not be made publicly available until after the outcome of the process, the subject of the review. These safeguards are both necessary and common sense. They allow the review panel to rigorously examine the process without compromising the outcome. In doing its job the panel cannot, and should not, compromise the very process it is observing.

As we know, the tender process occurs in a competitive environment. Tenderers need to be confident that the information they give in confidence remains in confidence. Confidential information that advantages a bidder, or indeed disadvantages their bid relative to that of their competitor, must remain confidential. If companies knew that information they were giving would be disclosed, they would be reluctant to provide that information. They may even be reluctant to tender, and the state of Victoria would be worse off.

You cannot have a rigorous tender process without requiring that tenderers make full and frank disclosures, and you cannot have full and frank disclosures without ensuring that market-sensitive information is protected. Full disclosure can only occur where parties are confident that their disclosures will not be used to undermine them. The tender process will not be effective if it is at the expense of damaging the competitive position of the tenderer.

This bill gets the balance right. It protects the legitimate interests of the bidder while ensuring that the review

panel can do its work. The bill ensures that the proper process is followed without intruding on, or indeed distorting, the outcome of the process.

For those reasons I would urge the house to support the bill. I would urge the house not to support amendments that do not add value to the bill, amendments that simply serve to delay the passage of the legislation. The review panel has important work to do, and let us not delay that work. Let us not delay the passage of this important legislation.

Mr ATKINSON (Eastern Metropolitan) — This is quite an extraordinary piece of legislation.

Mr Jennings — Specificity.

Mr ATKINSON — Correct — not my word, but I will use other words that are almost as long in describing a piece of legislation that is quite extraordinary. Welcome to a mechanism that was developed during an election campaign to get the government off the hook for a botched tender process. And let there be no mistake: that is all this legislation is. The former Minister for Gaming in another place, John Pandazopoulos, has already paid the price for the botched process. Now the government is trying to wallpaper over the cracks with this legislation.

This legislation is not about a proper review of the tender process. It is about somebody — former Justice Merkel — producing what for the public will be a set of guidelines or a little template for how tender processes should operate. It will probably be an abridged version, because the way this bill is structured there will not be an opportunity under the legislation for a full, transparent and comprehensive review of the tender process and for public notification of what the government's processes have been.

They are in question. There are some issues that this house is exploring through the select committee. The government's own officers have questioned the process. One of the reasons the lotteries licence has not yet been issued is that in effect there was a protest about the processes this government had in place. The fact that one of the tenderers for the lotteries licence, Interscan, which is a Greek-based company, had in fact —

Mr Drum — It is Intralot.

Mr ATKINSON — Intralot; you told me it was Interscan. Intralot was concerned that in the tender process it had not had the same opportunity that was available to the incumbent company, Tattersall's. The advice to the government was that there was a case to

answer. Former Minister Pandazopoulos would suggest that there is a case to answer, because he has gone. The fact that there has been no issue of the lotteries licence or a decision made and that a protracted process is still continuing on this — that Tattersall's has had to be granted a temporary extension of the existing licence — all indicate the failure of process. Yet this legislation provides no full and transparent analysis of that process.

It is just as well this house voted in favour of a select committee, because it is the only way that some of the issues and the public concerns that exist in regard to this matter will be addressed. But already, as has been alluded to by other speakers, the government is ducking and weaving and running a spin line saying, 'Yes, we'd love to appear before the select committee, but we can't' and saying it is because of the precedent it might create or because Legislative Assembly ministers do not appear before upper house committees and so forth. All of the spin-doctoring is in place on that select committee. Of course this is the ultimate prop — to say, 'Anyway, while that panel is there we already have another process in place'.

Mr Tee suggested that any comments regarding former Justice Merkel are out of court; that in fact it might reflect on his integrity and his capacity were any criticism associated with his chairing of the review panel. I am aware of Mr Merkel's distinguished legal career. Can I suggest to you, President, that it was a contempt of this Parliament, or at the very least a discourtesy to this Parliament, that Ron Merkel was named the chair of that committee before this Parliament had even passed the legislation. It is a contempt of this Parliament, or at the very least —

Mr Viney interjected.

Mr ATKINSON — I will come to Mr Viney, because he made some extraordinary statements in his contribution to the debate. The revising of history by this government is extraordinary, and we will come to some of it in just a moment.

There is no reflection on Mr Merkel's career and integrity; but if I were him, I do not think I would have taken this gig because I think he will come out of it tarnished and diminished. The report he will have to prepare and release to the public will not do credit to his career to this point. Indeed, as I have said, his appointment ahead of this legislation being passed is absolutely outrageous as far as this Parliament is concerned.

I can only believe the reason it was done was because the government was flying on a feather with this bill

and realised it was a sham. As other speakers, particularly Mr Barber, mentioned earlier in this debate, this legislation was not seen as having any real credibility. The one way this government thought it could beef it up a little bit was to announce that somebody of the calibre of former Justice Merkel would lead the inquiry.

Can I come back to some of the spin doctoring that has gone on during the debate here? From my point of view it seems there is a very short bridge from spin to delusion amongst some members of the government. I remember — and some other members might also remember — some of the most extraordinary advertising I have ever seen from a government when former Premier Joan Kirner featured in airbrushed commercials. She explained why Victoria was introducing gaming machines, but she did not explain it very well. The reason Victoria introduced them was that the Cain Labor government held the Nieuwenhuysen inquiry and introduced changes to liquor laws.

I agree, as we all would, with many of the changes that were recommended by the Nieuwenhuysen inquiry, but the Labor government rushed those reforms through and introduced them at a time when interest rates were very high and when there was a very serious economic environment for business in this state, and indeed nationally. The result was that the ANZ Bank held more hotel licences in Australia than any other entity. Because they were all in receivership the bank had resumed all of the hotel licences from licensees who had to leave the industry.

What happened was that the Labor government said, 'We are in trouble with the Australian Hotels Association; we are headed towards an election and we have got all these problems, so we will introduce gaming machines. They can go into hotels, and that will get the AHA off our back, because its members will have a new revenue stream and hopefully this will be a bit of a kick-start for Victoria. We will be seen as moving this state forward'.

It was Joan Kirner who introduced the gaming machines, set down the number of gaming machines allowed in Victoria and laid the framework on how they were to be introduced, which included a considerable share of those poker machines going into the hotel industry rather than into clubs and community organisations across Victoria, but which might well have at least balanced some of the disbenefit of gambling beginning with some community benefit. Joan Kirner introduced them.

Mr Viney interjected.

Mr ATKINSON — Mr Viney, or one of the other speakers, claimed that when this Labor government came in under Premier Bracks, it had introduced caps. Not true! The Kennett government introduced the caps on gaming machines, and Labor simply continued the caps that had been introduced by the Kennett government.

If we are going to have debates in this place, then let us leave the spin in the press releases that go out to the public. Let us be serious about the debates in this place and let us get the facts right, because unless we have factual and accurate debates, there is not going to be a proper analysis of serious issues in this state. The reality is that members of the government come in here time after time trying to revise history. They make claims, as Mr Viney did today — and frankly he should know better than most — that are absolute rubbish. They are inaccurate, not factual and do not advance this debate.

There is no doubt that gaming issues are serious in this state and that a great many people are troubled by gambling. We should be looking at supporting those who are addicted to gambling with policy initiatives, not simply with such gimmicks as turning off the clocks, introducing smoking bans, moving ATMs a few feet here or there, or all of the other little gimmicks that are being done and which are being claimed as great initiatives in the reduction of gambling and problem gambling.

We ought to look at serious initiatives that will reduce problem gambling. If you have a look at election policies, you will find that we in the Kennett government had a comprehensive policy on what we would do. That included cutting the number of gaming machines in Victoria, not simply moving them around the state to new locations or by introducing artificial caps.

A number of government members on a government committee in the last Parliament actually looked at the government's caps policy and concluded that it was useless. They thought placing caps on the number of gaming machines had absolutely no impact on problem gamblers and that, oddly enough, problem gamblers had cars or train tickets and simply got to venues in other areas. The government's own back bench committee found that that policy was a sham. I think Mr Scheffer might have been on that committee, but I am not sure.

Mr Scheffer — No, I wasn't.

Mr ATKINSON — It is a great pity, because he would have lent some credibility to this debate. The fact is that the government's policy on caps has also been a disaster, and it certainly has upset quite a number of local councils in my area — such as Knox, Maroondah and Whitehorse — which are now battling to keep poker machine venues out of their municipalities. They have made planning decisions which have been appealed to the Victorian Civil and Administrative Tribunal and VCAT has simply overruled them.

The government wants those machines in those municipalities because it has to meet its revenue targets and its responsibilities to the gaming machine operators, but of course the government also has caps applying to some other areas. It is the only way it can meet its obligations to the machine operators and also keep up its revenue stream, which, as I think Mr Barber noted today, has been increased by an additional \$40 million in tax. Actually it is more than that; the tax on 30 000 poker machines has been increased from \$3033 on each machine to \$4333, which will total a bit over \$40 million, as I understand it.

To meet those revenue targets the government needs those machines in place, so it is quite happy to see them go to places like Maroondah, despite the fact that local communities have decided that they do not want those machines, that they are inappropriate locations, yet the government in its rhetoric says, 'Yes, you have got a say in it', but when it comes to the reality of the decision-making processes — of the sham processes of this government — those communities have no say at all.

I have a real concern about this lotteries licence process. My concern is partly about the fact that we have the possibility of Woolworths and Coles being involved in selling lottery tickets. If a second operator — and Intralot is certainly one of the applicants — or another party were to be granted an additional lotteries licence in Victoria, then it would need to find a distribution stream. The easiest way to set up a distribution network is through the supermarkets. They have already had discussions with Coles and Woolworths about setting up that distribution.

There are a lot of small businesses right across the state which have invested in the infrastructure to maintain a network for lotteries in this state with an existing operator. I am concerned that whilst we often think about the impact that a decision may have on a company like Tattersall's — which in my view is big enough and ugly enough to look after itself — my greater concern is for small businesses which have invested in their businesses and provided a service to

the community. I think they have been very responsible in their management of those lotteries and games.

I do not believe that Coles or Woolworths will be able to provide the same level of responsibility in managing lotteries in the community. Indeed I have seen that when those companies have introduced other similar services, like booking services, dry-cleaning services and so forth, invariably they have failed in the supermarket environment because the people are not properly trained, they are not properly supervised and they do not have the engagement with customers that the small businesses have. If we were to see a significant expansion of lottery games within the community, it is likely we would see more people involved in problem gambling with lotteries than with gaming machines, so I do not support that.

In this process the government is conducting in terms of lotteries, it will make a decision after former Justice Merkel and his panel have prepared a report and provided the basis upon which he has expressed any reservations about the process. He is certain to do so, given existing advice that has been provided to the government by the Department of Justice. The decision will be made by the government without any substantive input by Mr Merkel, because he will be shackled by this legislation and the terms of reference in this legislation. He will be unable to make a full and proper investigation. He will not have coercive powers, he will not have the ability to call witnesses or documents and there is no provision for public hearings.

This process is a sham. It lacks credibility, as Mr Barber and other speakers have said in this debate. The reality is it is simply the government putting in place the mechanism it came up with as a knee-jerk reaction during the election campaign to deal with what was at that time a problem. It has dealt with the problem. It has dumped the minister. It has now got a review panel. The government is attempting to hoodwink the community by saying, 'We have dealt with this and our processes are clean'. They are anything but.

The minister should never have allowed this process to be tainted as it has been. It has been a protracted process already in regard to lotteries. We have got gaming machines that are also now part of a review process. I do not think this government can come to grips in any effective way with gaming policy. The policy it took to the election was inadequate and insensitive to problem gamblers and to people in the community who are concerned about gambling issues. This government's administration of its own policies as

they exist at the moment, and its attempts now to try to cover up and whitewash the mistakes that were made in the previous government under former Minister Pandazopoulos, stands to discredit it almost as much as its tendency to try to revise history and to hoodwink the members of this Parliament.

The amendment should be passed. I do not think the legislation will advance the cause of Victorians very far at all. The select committee represents a much more vigorous and effective process in determining the shortcomings of the government's administration of gaming policies in the past and in establishing a framework for the future management of gaming in this state.

This legislation will not be opposed by the opposition, as has been indicated, but I would suggest that government members ought to think very carefully about the amendments because they are crucial to giving some bite and some effectiveness to this legislation.

House divided on motion:

Ayes, 34

Atkinson, Mr	Mikakos, Ms
Barber, Mr	O'Donohue, Mr
Broad, Ms	Pakula, Mr
Coote, Mrs	Pennicuik, Ms
Dalla-Riva, Mr	Petrovich, Mrs
Davis, Mr D.	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Smith, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Kronberg, Mrs	Thornley, Mr
Leane, Mr (<i>Teller</i>)	Tierney, Ms
Lenders, Mr (<i>Teller</i>)	Viney, Mr
Madden, Mr	Vogels, Mr

Noes, 2

Drum, Mr (<i>Teller</i>)	Hall, Mr (<i>Teller</i>)
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Motion agreed to.

Read second time.

Ordered to be committed on Thursday, 19 April.

Sitting suspended 6.21 p.m. until 8.03 p.m.

**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.

Mr LENDERS (Minister for Education) — I move:

That this bill be dealt with as a public bill.

Motion agreed to.

**Debate resumed from 15 March; motion of
Mr JENNINGS (Minister for Community Services).**

Mrs COOTE (Southern Metropolitan) — I have pleasure in speaking on the Prahran Mechanics' Institute Amendment Bill 2007 and saying at the outset that the Liberal Party will be supporting this bill. We debate this bill in a climate of multimedia supremacy. We have the internet, we have BlackBerries, we have YouTube and we have a whole range of opportunities, including wireless computers. It would be nice if we had better computers in here, I might add, but the rest of the world enjoys a very sophisticated multimedia environment.

It is within this climate of multimedia choice that we have today in this country and, indeed, worldwide that we debate something that started in the 1850s. It is important to understand the history of the Prahran Mechanics Institute while we are debating this bill, because it has held a very important role within the Prahran community and within the state of Victoria for a significant time.

This bill basically tidies up a lot of anomalies which have been reflected in Prahran Mechanics Institute itself, and it is not before time that these anomalies are being cleared up. It is interesting to take the time to reflect upon the history and importance of the mechanics institute in Prahran. I would like to go through a brief historical reflection on the development of the Prahran Mechanics Institute itself.

First of all, though, I would like to quote from an extensive book called *If the Walls Could Speak — A Social History of the Mechanics Institutes in Victoria*, which is edited by Pam Baragwanath. I think it is an excellent commentary on mechanics institutes right across this state, and indeed some of the anecdotes in

this edition are extremely interesting. I encourage those of you who are here from other constituencies to have a look at this book and see what mechanics institutes are in your areas, because they are snippets of history and a time gone by, but they are a very rich resource within each of our communities.

Historically, in 1854 the Reverend William Moss decided to hold a meeting in Prahran to discuss the propriety of establishing a mechanics institution in Prahran to provide moral and mental improvement. At the time this was in fact a reflection of the mechanics institute movement that had been started in Glasgow and had moved right across the world. They held a meeting and decided that this would be a worthwhile thing for Prahran.

One of the things they decided to institute was in fact a series of lectures, and I would like to read into the record what those lectures were. The lectures were held weekly. The book states:

The lecture topics reveal some of the moral and cultural preoccupations of the founders and members of the institute at the time. Reverend Moss spoke on 'The Crusaders' and raised the question, 'Which has the more evil tendency, novel reading or music?'. (The members decided that music had the greater power over the human mind, the greater power of leading men into evil.) The institute's first secretary, John Romanis, gave a lecture entitled 'Has the introduction of machinery been of benefit to the working class?'. (A majority voted yes.) Mr George Rusden gave a talk on 'Comic characters of Shakespeare' and 'Whether the career of Napoleon has been beneficial to mankind'. (After debating for two nights, the members found that it had been injurious.) Cr Crews asked, 'Has the miser or the spendthrift been more injurious to mankind?'. (The miser won the verdict.) Other topics included 'Is the use of tobacco injurious or beneficial?' and 'Should parents be compelled to educate their children?'.

I think we have some opportunities there for some motions in this Parliament!

These lectures were a great success, and indeed the Prahran Mechanics Institute was starting to become quite a force within the area. In 1856, with a government grant of £1300, the first Prahran Mechanics Institute was opened by Sir Henry Barkly. Things went very well in the intervening years until 1861. In 1861 the Prahran Public Library was established. The Prahran Public Library posed a huge threat to the mechanics institute and forced a series of declines in the institute itself. These were nonetheless also due to bad management by the people in charge of the institute. There were also some huge confrontations with local institutions and organisations. At the end of the day these conflicts caused huge damage and finally ended with a scandal in 1871, which basically had to do with

ratepayers being refused entry into the mechanics institute.

After a lot of infighting an act of Parliament was passed. It is interesting to look at the times over the past decades — centuries, in fact — in which the Prahran Mechanics Institute has been the subject of a bill within this place. I would like to read once again from Pam Baragwanath's book:

After two years of fighting to gain control of the properties and management of the institute, town clerk Mr Hinde with the assistance of Sir Frederick Sargood, Mr Gray, MLA, Cr Crews, Mr Rusden 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'.

We have been discussing the Prahran Mechanics Institute for some years now in this place and hopefully the debate tonight will be a conclusion to a number of the anomalies that have arisen over the centuries in dealing with this particular organisation.

In 1900 the mechanics institute in Prahran was finally revamped with the appointment of new management. The committee decided to look at what the mechanics institute was providing and it laid a foundation stone, which is at 259 Chapel Street, Prahran, if anyone would like to have a look at it. In 1900 there were 10 members and 100 books. Three months later the Prahran institute was on the move and doing much better. It had 100 members, 1079 books, 654 magazines and 438 weekly newspapers. This was the sort of service the institute was providing to the people within the Prahran electorate.

Land is the issue of this bill before us tonight. Information provided to me says that the Prahran Mechanics' Institute Act 1899 was passed to incorporate the Prahran Mechanics Institute and circulating library and to transfer the ownership of the assets and liabilities of the original trustees of the institution to a corporate body.

In 2005 the government through legislation reorganised committee membership to reflect changes made 10 years earlier and to validate decisions made by the corporate body. Now the new legislation gives powers to the corporate body to include the right to buy and sell land, including the land in High Street, Prahran, which was purchased in 1913, and to validate its power to lease land held or purchased by it, including the building currently leased to Swinburne University.

There is a story in this lease and in the land itself. When it was first decided in the 1850s to set up this mechanics institute, the local publican, whose name was George Mason, decided to give to the Prahran Mechanics Institute some land adjacent to his hotel, which was on the corner of Greville Street and Chapel Street in Prahran. This was the very first location of the Prahran Mechanics Institute.

As I have already explained, the Prahran Mechanics Institute was opened by Sir Henry Barkly in 1856. A commemorative stone was put in place in the 1900s. There are some interesting aspects in this book about what actually happened. In 1915 there was a big push for a new building, which was finally established at the High Street site where it is presently located. It was opened by the then education minister, Sir Andrew Peacock. The book says:

Use of the building was offered to the education department for a rental of 20 shillings per year for 33 years in return for funding and equipment.

Sir Andrew Peacock said at the time that this was quite an extraordinary exchange. He also felt it was a very generous offer by the Prahran Mechanics Institute. That arrangement has continued until the present day.

Page 232 of the book says:

Institute representatives remained active on the Prahran Technical School Council for many decades.

...

The building, the present institute library at 140 High St Prahran, was opened by the Minister for Education on 24 February 1915 ... This was, according to the Minister for Education, Sir Andrew Peacock, 'the most generous offer ever made to the department'.

...

The institute's building is now worth more than \$2 million which it leases to the education department for a shilling per year payable on demand until the year 2046.

That is, indeed, a peppercorn rent. It is very interesting to see what has happened and how the Prahran Mechanics Institute has developed. The text also says:

The school became the Prahran College of Technology in 1967, Prahran College of Advanced Education in 1972, Prahran TAFE in 1981, and Victoria College (Prahran) in 1982.

The Prahran Mechanics Institute had to look at itself and how it was going to add value for the people of Prahran. It decided at the time to develop a Victorian and local history collection and concentrate on genealogy — this is what it did and what it still does. The mechanics institute has in fact provided some

valuable information — not just written information, letters and the like — such as photographs and other memorabilia from this era and from the history of Prahran. It is quite an invaluable collection. The book also says:

In 1992 the college merged with Deakin University.

That is the situation at the moment. I suggest that members have a look at this book; it contains extremely interesting history.

This bill does what it says it will do by clearing up anomalies: it makes perfectly clear where areas of responsibility lie and it succinctly clarifies what is going to happen to the leased land. It clears up a number of these anomalies regarding land that is to be purchased and held by the Prahran Mechanics Institute. By way of explanation, Deakin University and the Swinburne University of Technology joined together to take over from the Prahran College of Advanced Education. The college is now a part of the Swinburne University of Technology. It continues to do excellent work.

I commend the bill. I also commend this book. It is an interesting snapshot of our history. I recommend it to all members. The Liberal Party is very pleased to support the Prahran Mechanics' Institute Amendment Bill 2007.

Mr HALL (Eastern Victoria) — I am pleased to indicate to members of the house tonight that The Nationals will also support this bill. I commend Mrs Coote for her extensive research of the history of the Prahran Mechanics Institute. I have to admit that I have not done the same level of research that she has done, and I found her contribution extremely interesting.

I know that the Prahran Mechanics Institute was established in 1854. It is now a library that is run and owned by the community which specialises in the history of Victoria. I understand from the information on its website that the institute has a collection of some 10 000 books for loan, and it offers a professional information service to its members. As I said, the institute specialises in the history of Victoria, and it has information about places within Victoria. Because of this, the Prahran Mechanics Institute serves a very worthwhile purpose both for the local residents of the Prahran area and more broadly, the people of Victoria.

I have never visited the Prahran Mechanics Institute, but I am aware that it is located at 140 High St, Prahran. As I said, it provides a whole range of functions including the ability for people to borrow books which

are predominantly about the history of Victoria. It also organises educational activities relating to the history of Victoria. When Mrs Coote outlined to members of the house part of the history of the Prahran Mechanics Institute, she mentioned that the institute was established in 1899 by an act of Parliament. That act established the institute as an incorporated body, thereby giving it certain powers.

Parliament deemed that the act needed to be revised. That occurred in 1912, and the 1912 act gave the Prahran Mechanics Institute certain powers to buy and sell property. However, it is a shame that our forbearers in 1912 did not do their job properly — or perhaps parliamentary counsel at that time did not do their jobs properly — because this amendment bill before us tonight amends some confusion which arises from the acts of 1899 and 1912.

As the minister said in his second-reading speech, this bill recognises the validity of the purchase of land in High Street, Prahran in 1913. There is also a clarification of the institute's power to lease land vested in or held by it. We are also clarifying the power of the Prahran Mechanics Institute to enter into leases, licences and permits in relation to such land. This is a fairly simple bill which clarifies the institute's powers and validates actions it took around 94 years ago.

I will not elaborate any further on this bill. The Prahran Mechanics Institute was the subject of — —

Mr Finn — What about the Reverend Moss?

Mr HALL — No, I will not comment on the Reverend Moss either; I do not know much about the Reverend Moss.

I am aware that this bill was debated in Parliament in February of last year, and my former colleague the Honourable Barry Bishop spoke on behalf of The Nationals at that time. The purpose of that bill was to reconstitute the board of the Prahran Mechanics Institute to reflect the local government changes at that time. It is a shame that this provision was not picked up in that legislation. However, it is picked up in the legislation before us tonight. The Nationals are happy to support the bill in the knowledge that the Prahran Mechanics Institute will continue its worthwhile functions and will go on serving the people of Victoria.

Ms PENNICUIK (Southern Metropolitan) — I do not intend to take up the time of the house by repeating the purpose of the bill, which was so well outlined by Mr Hall or by repeating the history of the Prahran Mechanics Institute, which was also very well and interestingly outlined by Mrs Coote. I just wish to say

that the Greens will be supporting the bill. The Prahran Mechanics Institute is in my electorate and is also in my local area. Like all mechanics institutes it serves a wonderful function for the community, and we are pleased to support the bill to clarify the arrangements for the Prahran Mechanics Institute.

Mr THORNLEY (Southern Metropolitan) — I rise to speak in support of the bill as well. I have to say that this was a very seriously contested and controversial piece of legislation. It was all I could do to manage not to call for a conscience vote on it in caucus! However, the Labor Party will be presenting a united front on this bill.

The great thing about the Prahran Mechanics Institute is that in its current form it really provides a service to amateur historians and community groups that wish to learn more about their own community and their own history. Indeed it is ironic in one sense that we are discussing the very same thing. Mrs Coote read at length from the same book that I must confess I read. She stole most of my thunder in recounting some of the history, as we can all now do as amateur historians. The book pays tribute to the very enjoyable and interesting opportunities that exist at the institute.

The purpose of the bill itself has been outlined. It really is about guaranteeing legal coverage for the provision of flexibility in the use of the land, but I think there are a couple of elements to the history that deserve greater retelling. Mrs Coote has done an excellent job of summarising, but she took a little of the colour out, so I will add a couple of direct quotes from the book by Pam Baragwanath entitled *If the Walls Could Speak — A Social History of the Mechanics Institutes of Victoria*. During the period Mrs Coote referred to — the declining period after 1861 — there were a couple of particularly interesting sections. I enjoyed this:

One secretary resigned and another was dismissed for misconduct but refused to vacate the residence until the committee had the roof removed.

I would have thought that was a very sensible approach. But it is not one that would work any more because it does not actually rain in the city of Melbourne. The book goes on to refer to conflicts that arose with another community organisation. It says:

The committee seized a piano from the Prahran and South Yarra Musical Society in default of rent in 1865.

It also says that two years later a decision was made that the hall:

... be not let to the temperance society and Band of Hope in any circumstance.

A commitment to alcoholic consumption must have lurked somewhere on the committee at that time.

Some of the colourful aspects of the history — and there are many more in this wonderful book and no doubt many others at the institute itself — have been lost, but in preparing to speak on the bill I also had cause to reflect on some of the wider principles that are at stake in this particular illustration. The first of those that is important is about the use of educational land and ensuring that we continue to hold on to parcels of land and the land elements of the balance sheet that are there for educational use. This is what has been so disappointing about the massive program of sales of schools that we have had to deal with historically in the last 15 years, particularly under the previous Liberal government.

It is absolutely critical at a time when land shortages are increasing that you have the opportunity to hold on to the most valuable resource — the place where people can gather and learn together, can build their human and social capital together. Sometimes it may make sense to offload one piece of land, but the proceeds of that in my view should always be put into acquiring another one, preferably in a site consolidation. This is what allows you to create greater and greater areas of common good where those educational facilities, be they schools, TAFES or even these sorts of community facilities, can play a greater role as a community hub. This is a topic on which we will speak regularly and frequently in this place.

The same principle is behind what the government has been doing increasingly now in co-locating children's centres with kindergartens and primary schools. It is about the notion in this case of the school as the community hub and similarly in other cases about any other form of educational institution as the community hub. The important opportunity of consolidating sites when that arises should not be lost. What I am pleased about with this bill and what is happening here is that we are having part of the educational balance sheet used for another educational institution. Rather than being sold off or thrown away it is being repurposed, if you like, as another educational facility. Then over time as human and social capital needs change it can then be repurposed again. That cannot happen if those assets have been sold and the proceeds used to prop up the following year's budget. That really has been the problem with these sorts of asset sales — people are propping up their profit and loss situations by raiding their balance sheets. That is not the practice of this government and it never will be. I commend the bill to the house.

The DEPUTY PRESIDENT — Order! It would assist if, out of courtesy to the Chair and to help the proceedings of the house, members did not move into the line of sight between the Chair and the speaker in a debate.

Mr O'DONOHUE (Eastern Victoria) — I also commend previous speakers for their excellent contributions and for their outlining of the history of the Prahran Mechanics Institute. I do not propose to repeat that history, chapter and verse, but I will make a few brief comments. As has been stated, the Prahran Mechanics Institute was established in 1854. Unlike most mechanics institutes it was subject to its own piece of legislation — the Prahran Mechanics' Institute Act of 1899, an act which was reviewed in 1912. It is worth reflecting for a moment on the role of mechanics institutes in general and of this one in Prahran in particular. It is a credit to those institutions and to the way they have evolved that as the community's expectations and needs have changed they too have changed. In particular this institute in Prahran has changed and has become a real leader in the history of Victoria and a real resource for historians and others who want to research their own communities.

The purpose of the bill before us is to tidy up one or two residual issues that relate primarily to the ability of the institute to buy and sell land and specifically to retrospectively validate the purchase of land in High Street, as has previously been mentioned by other speakers. Unfortunately more generally many mechanics institutes have not fared as well as the Prahran Mechanics Institute. They have not stood the test of time. Another institute that comes to mind is the Warburton Mechanics Institute, which was built in 1886, with additions being made in 1912 and 1987. Sadly it closed in the early 1990s due to safety concerns. However, before the institute had closed a group of dedicated members of the Warburton community rallied around and planned to reopen it. People such as Ms Julie Gason and Ms Sue Mann were instrumental in organising the committee that eventually got the mechanics institute reopened.

However, the road to reopening the institute was not easy for the group. In July 2003 the Shire of Yarra Ranges asked that the state government transfer the institute building to the council. Unfortunately the government refused to do so and offered to sell the buildings to the shire for \$87 000. Ultimately the government reduced its asking price to \$40 000 — a mean-spirited decision, if I may say so. Of course by this time the building was in a terrible state, and because of its age the refurbishment costs were significant. Fortunately the community remained

committed to saving the building as a community asset and lobbied the three tiers of government for assistance. After further delays construction on the project began early last year and finished in late November. There was a gala reopening of the institute in December last year.

Credit must be given to the Shire of Yarra Ranges which, despite some opposition, contributed several hundred thousand dollars to the refurbishment, and to the federal member for McEwen, the Honourable Fran Bailey, who was able to secure \$242 000 through the Regional Partnerships program. Without their help I doubt it would be here today. The Warburton Mechanics Institute, now a part of the Upper Yarra Arts Centre, is again at the centre of community life in Warburton. I take this opportunity to congratulate all those involved. This will add to what is already a wonderful community in Warburton.

Again I congratulate the members of the Prahran Mechanics Institute for their work and for their ability to adapt, change and progress with a community that has adapted and changed significantly over the years. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

STATUTE LAW REVISION BILL

Statement of compatibility

**For Mr LENDERS (Minister for Education),
Hon. J. M. Madden tabled following statement in
accordance with Charter of Human Rights and
Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Statute Law Revision Bill 2006.

In my opinion, the Statute Law Revision Bill 2006, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes statute law revisions to acts of Parliament to correct spelling and grammatical errors. The bill makes any other amendments that should have been made as consequential amendments when legislation was first passed, but were overlooked.

The bill also amends legislation to make it consistent with changes that have been made indirectly to the legislation through administrative arrangements orders (AAOs), to ensure the acts correctly reflect the changes made by those AAOs.

Human rights issues

1. *Human rights protected by the charter that are relevant to the bill*

This bill does not raise any human rights issues.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not raise any human rights issues, it does not limit any human rights and, therefore, it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

HON. JOHN LENDERS, MP
Minister for Education

Second reading

Hon. J. M. MADDEN (Minister for Planning) — I move:

That the bill be now read a second time.

The bill before the house, the Statute Law Revision Bill 2006, is a regular mechanism for reviewing statute law in this state. The bill is vital to the orderly management of the state's statutes, so that the laws remain clear, relevant and accurate.

The bill corrects a number of ambiguities, minor omissions and errors found in statutes to ensure the meaning of acts is clear and reflects the intention of Parliament.

The bill corrects spelling and grammatical errors in acts.

The bill makes any amendments that should have been made as consequential amendments when legislation was first passed, but were overlooked.

The bill repeals redundant transitional provisions of acts which are no longer required because of the passage of time and subsequent legislative enactments. The bill also repeals substantive provisions of acts which had fulfilled their purpose of amending or repealing other acts. These provisions are no longer required because they have amended or repealed the relevant provisions in other acts. These provisions include provisions in the Dairy Act 2000, Southern and Eastern Integrated Transport Authority Act 2003 and Veterans Act 2005.

Any residual effect of these transitional and substantive provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The bill also amends statutes to make them consistent with changes that have been made through administrative arrangements orders under the Administrative Arrangements Act 1983. Administrative arrangements orders are made by the Governor in Council to amend references in acts to ministers, departments and secretaries to align with machinery of government changes to ministerial and departmental responsibilities. The bill amends references in acts such as the Building Act 1993 and the Child Wellbeing and Safety Act 2005.

The bill should be seen as part of the Victorian Parliament's regular housekeeping arrangements.

The bill will make technical improvements to the state's statutes, rather than substantive amendments. The technical corrections effected by this bill will make it easier for the state's statutes to be administered, interpreted and applied.

The bill will repeal redundant provisions of acts which have no further function and should be repealed from the Victorian statute book to ensure that Victorian statutes are updated and maintained in a regular and orderly manner to ensure they remain relevant to the Victorian community.

I commend the bill to the house.

**Debate adjourned on motion of
Mr RICH-PHILLIPS (South Eastern
Metropolitan).**

Debate adjourned until Tuesday, 24 April.

Referral to committee

Hon. J. M. MADDEN (Minister for Planning) —
By leave, I move:

That the proposals contained in the Statute Law Revision Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Motion agreed to.

VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL

Second reading

**Debate resumed from 15 March; motion of
Hon. J. M. MADDEN (Minister for Planning).**

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to speak on this piece of legislation before the house. Victorians are entitled to ask: what is this government's third-term agenda? During the election campaign we saw the government deride a policy announced by the Leader of the Opposition, that being a desalination plant for Victoria, only to adopt it as its own following the election. We have seen pointless references made by this government to parliamentary committees. I point to a reference from the other place to the Public Accounts and Estimates Committee for it to inquire into and report on the wearing of wigs and gowns by table officers in parliamentary proceedings. We have seen a paucity of legislation come forward from this government over the course of the 56th Parliament.

This bill is the third introduced by the Attorney-General in the other place to come before the 56th Parliament. Like the other two, it is largely a simple machinery bill — there is no substance to it, no agenda and no wide reform that the Attorney-General is pushing — of five clauses, which I will come to shortly.

In the five clauses are the separate purpose and commencement clauses, one operative clause, one clause with provisions; the final clause is the repeal of this act in 12 months time. This basic bill relates to the Victims of Crime Assistance Act. In 1996 the Labor Party was critical of the Liberal Party at the time when it reformed the victims of crime regime.

Ms Mikakos — Slashed it.

Mr RICH-PHILLIPS — I am happy to record Ms Mikakos's interjection that the then government slashed it, because I want to talk about the government's subsequent actions, if indeed she says the regime was slashed. It is true that that system was reformed in that it allowed the Crimes Compensation Tribunal to make awards to victims of crime for pain and suffering in addition to any claims for medical expenses, loss arising from employment and so on.

The scheme surrounding the concept of pain and suffering was changed because the previous government had received advice from the Auditor-General that if that system continued to operate as it was operating, by 2000 the cost to taxpayers of that

scheme would be \$160 million per annum, which is why the decision was taken in 1996 to reform that existing compensation scheme for victims of crime.

At the time that was done by the previous government the Labor Party said, 'If we are elected, we will restore it, we will put all those provisions back'. That was the position the Labor Party took to the election in 1999. Following the 1999 election did we see a restoration of all those provisions, the ones that Ms Mikakos said a moment ago were slashed? Did the Labor Party restore those? No, it did not.

The Labor Party inserted a new provision in the Victims of Crime Assistance Act, which allowed the Victims of Crime Assistance Tribunal, which is made up of the chief magistrate and the other magistrates on the bench in Victoria, to make awards for what was called special financial assistance, which was roughly equivalent to the old notion of pain and suffering. But rather than the ability to make open-ended awards for pain and suffering, under the provisions put in place by the current government there were restrictions. The maximum amount that could be awarded for pain and suffering, or for special financial assistance as it is now known, was \$7500.

The government set up the mechanism for assistance into four categories — A to D — for various levels of crime suffered by a victim and with a level of compensation payable against each category. I want to touch briefly on the differences between categories, which are not contained within the act but contained within the Victims of Crime Assistance (Special Financial Assistance) Regulations 2000, which are subordinate to the principal act.

Category A offences include sexual penetration of a person or attempted murder; a category B offence includes any attempted category A offence as well as indecent assault, armed robbery, aggravated burglary or the deprivation of liberty for the purpose of sexual penetration; category C covers the attempt of a category B offence, as well as the threat of death, conduct endangering life, inflicting serious injury or robbery; and a category D offence is the attempt of a category C offence plus crimes such as threat of injury, assault against a person, attempted assault and deprivation of liberty, excluding a category B offence.

That gives members of the chamber an idea of the types of offences that were picked up under the four categories. The level of compensation that was payable for each category under the amendments that were introduced by the government was for a category A offence, which was attempted murder, special financial

assistance ranging from \$3500 up to \$7500; for a category B act of violence the range was \$1000 up to \$2500; for a category C offence it was \$500 up to \$1000; and for a category D offence it was \$100 up to \$500.

Far from restoring the provisions that Ms Mikakos says were slashed, the government put in place a mechanism that allowed an award of up to \$500 if you were the victim of a category D offence. It was far from restoring those entitlements Ms Mikakos said were slashed, for the simple reason that they were not affordable. They were removed in the first place on the recommendation of the Auditor-General, given they were estimated to cost, by 2000, \$160 million a year. That is the reason this government did not reinstate them, despite its rhetoric.

The bill makes only one change — that is, to remove the existing table in section 8 of the principal act and insert a new table, which simply lifts those limits of special financial assistance that are payable under each category of violence perpetrated on a victim. For category A the levels of special financial assistance available will range from \$4667 up to \$10 000; for category B, from \$1300 up to \$3250; for category C, from \$650 up to \$1300; and for category D, from \$130 up to \$650. Again this bill does not deliver on the government's commitment of 1999 to restore those previous entitlements. In fact, the entitlement for pain and suffering — special financial assistance, as it is now known — for a victim of a category D crime of an act of violence is to be capped at \$650.

The government has not delivered on its commitment in 1999, which vindicates the position taken by the Liberal Party in 1996 in response to the Auditor-General's estimate of the cost of the scheme on an ongoing basis.

The Liberal Party will support this legislation, which increases the level of assistance available under this scheme, but notes that the government has not delivered on its commitment of 1999, which vindicates the position taken by the Liberal Party in 1996.

Ms HARTLAND (Western Metropolitan) — The Victims of Crime Assistance Amendment Bill 2007 seeks to increase payments made to people who have themselves been victims of crime. These payments and access to services are an important acknowledgement of the pain and suffering of the victim and can be seen as part of the healing process.

Having discussed the bill with other members, party members and members of the community who have

been victims of crime, the Greens will be voting for the bill as we believe it is of community benefit.

Ms MIKAKOS (Northern Metropolitan) — It is with great pleasure that I rise to speak in support of the bill which seeks to implement a commitment that was given in the government's Access to Justice policy, which, I am sure, the lead opposition speaker is familiar with, although he did say he was not familiar with the government's election policies. I can certainly provide him with a copy of that, if he so wishes.

This bill fulfils an important commitment made by the government. Since it came to office in 1999 this government has implemented a vast array of reforms to support victims of crime, and I will try to cover some of them in my brief contribution.

It is important to acknowledge at the outset that no amount of money can compensate victims or their families and loved ones for the suffering they have experienced as victims of crime. The fact that the community offers financial compensation is a symbolic gesture to acknowledge the pain and suffering experienced by the victims and to try to relieve that suffering to some degree. But it is important to say that no amount of money can take away the harm that those people have experienced.

I do not accept the premise of the lead opposition speaker that this legislation in some way vindicates the heartless position that was taken by the Kennett government in 1996 when it abolished pain and suffering compensation for victims. I am convinced that that was an unnecessary and heartless act that sent a message to the community, particularly victims of crime, that that government did not care about them.

It is very telling that one of the first things this government did when it came to office in 2000, after the Parliament had been sitting for only a short period of time, was move to reintroduce pain and suffering compensation for victims of crime. I am very proud of that record, and I am very proud of the many other reforms and supports for victims of crime and their families that this government has put in place since it came to office.

As members would be aware, the legislative framework that enables financial compensation to be provided to victims includes the Victims of Crime Assistance Act. The act authorises the Victims of Crime Assistance Tribunal, or VOCAT as it is known to members of the community, to pay financial assistance, including special financial assistance, to victims of crime if VOCAT is satisfied that an act of violence was

committed against the person and that the person has suffered a significant adverse effect as a direct result of that act of violence.

It is important to note that it is not necessary that a conviction be recorded against an offender in order for the victim of crime to access that compensation. What is required is that eligible victims apply for assistance within two years of the occurrence of the act of violence and demonstrate to VOCAT that the relevant criteria and test have been satisfied. VOCAT must be satisfied that an act of violence was committed against the person, that the person experienced or suffered a significant adverse effect as a direct result of that violence and that the act of violence is a category A, B, C or D offence, as was explained, for the purposes of the legislation.

As an aside, it is important that members become familiar with VOCAT and the various rights and entitlements of victims. New members of Parliament will find that constituents will come to them and seek assistance in order to access that compensation, and it is very important that MPs and their staff familiarise themselves with that compensation system so they can provide useful advice to the community.

It is important to stress that people can access compensation, not only for pain and suffering but also for things like loss of earnings and any medical expenses incurred. In relation to relatives of homicide victims and people who are injured when they witness a crime, it is possible for people to receive compensation of up to \$50 000, and that is outside of the provisions that we are talking about with respect to this bill. I wanted to mention that fact because it is important that people understand this is part of a broader legislative framework that includes other provisions as well. Members should be aware that victims can also receive up to \$60 000 for counselling, medical expenses and other expenses.

As I said at the outset, what we are seeing with this particular bill is the implementation of an election commitment given by the government to increase the special financial assistance provided under the Victims of Crime Assistance Act by approximately 30 per cent — in the case of category A offences, by 33 per cent to be precise. In the case of the top category, the increase is \$7500, to a maximum of \$10 000. This is a significant increase. As I said, it is part of the government's commitment to supporting victims of crime and their families.

I state strongly that I do not think this increase or the position the government has taken gets the previous

Kennett government off the hook. I was surprised that the lead speaker for the opposition sought to preface his remarks on that basis. As I said by way of interjection earlier, he is certainly young enough to not have to come in here and defend the legacy of the Kennett government. I know he was not around at that time, and I do not hold him personally responsible for the legacy of the Kennett government.

If we are going to have debates about these issues, it would perhaps be more constructive for members of the opposition to come here and articulate for the community what their vision is for supporting victims of crime and what their policies are rather than putting forward a defence of the appalling act by the Kennett government in taking away people's rights in that callous fashion.

As I said, this is an important initiative that forms part of a very long and proud track record of the government in supporting victims of crime. Last year I was very proud to be able to stand in his house and debate the introduction of the victims charter, which was a first for Victoria. It has for the first time effectively enshrined victims' rights in one document, which spells out clearly for all government agencies and organisations, including the Director of Public Prosecutions and Victoria Police, what their obligations to support victims are, so as to make sure that all agencies treat victims with the respect they deserve and that they are provided with the information and support they need.

In last year's budget the government committed \$3.3 million to support the implementation of the victims charter to ensure that the community, particularly the victims, find out about the victims charter and their rights. In addition to that, a great number of practical measures have been implemented, such as streamlining access to the counselling and financial assistance available to victims of crime; the establishment of the Victims Support Agency, the statewide network of local victims services in 2004, and the victims of crime helpline to provide information and referrals to appropriate support services for victims; and many other reforms that support victims.

In particular in last year's budget there was a very large package of reforms relating to victims of sexual assault. The \$34.2 million package was about changing the way the justice system treats victims of sex offences, particularly by being sympathetic to the particular needs and circumstances of children who are victims of sex offences, and about changing court practices to ensure that victims do not get revictimised through the court process itself.

Mr Finn — That would be a very good thing.

Ms MIKAKOS — I certainly agree — it is a very important thing to ensure that particularly victims of sex offences do not have to again experience the trauma by virtue of giving evidence in the court. That is why we have implemented measures such as ensuring that those victims can give evidence through closed-circuit television mechanisms so that they do not need to be physically in the courtroom and be confronted by the offender.

We have also introduced a range of measures in relation to victims of family violence. In the 2005–06 budget the government gave a very significant commitment of over \$35 million to deliver a new approach to dealing with family violence. I want to particularly commend the Chief Commissioner of Police, whom I know is a favourite person of Mr Finn's. The Chief Commissioner of Police is one of Mr Finn's favourite people.

I commend the chief commissioner on her leadership in addressing the issue of family violence. She has made it a very high priority of Victoria Police. She has put procedures in place in the police manual to ensure that these offences are treated with the seriousness they deserve. The chief commissioner recognised that there needed to be a culture change in how these offences were dealt with by the police and ensured that took place. That has been supported by other changes the government has put in place, such as the pilot of the dedicated Family Violence Court that is running at the moment. One is operating in my electorate at the Heidelberg Magistrates Court and the other is in Ballarat. It is about ensuring that victims of family violence are treated appropriately in the court process and that a specialty is developed amongst the magistracy to deal with these types of issues.

There have been many other reforms. For example, the government has ensured that victims have a voice by their having a say in sentencing reforms through the Sentencing Advisory Council. We have already put through a number of reforms that were recommended by the Victorian Law Reform Commission in *Defences to Homicide — Final Report*. We have abolished the archaic defence of provocation and have clarified the law of self-defence to ensure the defence can apply in appropriate cases in the future. We have also asked the Law Reform Commission to look at our family violence laws, and I am certain there will be further reforms in this area in the future. To date we have already put in place amendments to the family violence legislation to protect children who are witnesses of family violence.

The government has put in place many other measures to support victims of crime and their families, but I will not go into those in any further detail. Can I say that while this is a short bill, it is a very important bill. It is important that we have these kinds of provisions in a stand-alone piece of legislation. It highlights to the community the importance that we as a government place on this issue and the support that we feel victims of crime deserve. All members of Parliament should feel very proud of this bill and of being able to participate in this debate to support this legislation and to continue to send the message to victims of crime that we care about them, that we want to support them as a community and that we are very interested in their needs and concerns.

Mr FINN (Western Metropolitan) — This government is a miserable government. It is a government that has put forward in this bill a number of increases in compensation for victims of crime that can best be described as pathetic. Here we have a government that is rolling in money, that is bringing in GST alone of \$40 million a day. Every morning when Steve Bracks wakes up he has got \$40 million extra in his back pocket — and that is — —

Mr D. Davis — Burning a hole.

Mr FINN — Burning a hole indeed, Mr Davis, and that is not counting the pokies tax, the land tax, and God knows every other tax that this government imposes upon the people of Victoria. Millions and millions of dollars come into the pockets of this government every day, yet what can it come up with for victims of crime? I draw attention to category D. The minimum amount is \$130 or the higher prescribed amount that is applicable in prescribed circumstances. The maximum amount is a massive \$650 or the higher prescribed amount that is applicable in prescribed circumstances. How stingy is it to have an amount of \$130? How mean and miserable is this government that all it can come up with is a miserable \$130 when it has so much money at its disposal and is rolling in the moolah. That says a lot about this government. I know that the victims of crime know they do not have a friend in the Bracks government — and this merely confirms it. When one considers the amount paid out to the lunatics down at the World Trade Centre and around the casino, the S11 protesters — the hundreds of thousands of dollars that went into their pockets and into the pockets of their accomplices, Slater and Gordon — one says, 'God help us all — —

Mr D. Davis — Labor lawyers.

Mr FINN — Yes, Labor lawyers indeed. Consider the hundreds of thousands of taxpayers dollars that went into their pockets and then compare that to the miserable \$130 prescribed for victims of crime. Does that not say it all? You do not have to say too much; I think people can draw their own conclusions very quickly indeed.

Ms Mikakos — and I note it is in the second-reading speech — made some reference to the abolition of a former compensation scheme by the previous government. Sometimes I sit in this house and think to myself, ‘Maybe the world only began in 1992’, because according to government members the world fell apart and the sky fell in in 1992 when the Kennett government was elected. My memory goes back a little bit further than that. I ask members to remember why there were the cutbacks during the Kennett years. I was a member of the Kennett government, and I remember why we had to do what we did. I remember the pain that was inflicted on us personally. It was not an easy time. We were forced to do things that we did not want to do. But we had to do it, because on 3 October 1992, when the Kirner government was defeated, thankfully, we inherited a state that was an economic basket case. If the state of Victoria had been a private company, the liquidators would have been called in and the board of directors would have been sent to jail. That is how bad things were, and that is why — —

Mr Guy interjected.

Mr FINN — Former Premier Kirner’s chief of staff may well like to help us out on that one and explain how we got into that situation. But the government of the day had to make the hard decisions — I can assure members they were very, very difficult decisions — and it got this state back into a situation where Victoria was the pride of Australia and was the leading state once again.

We were proud to go interstate and say, ‘We are Victorians’. No longer were there such jokes as: What is the capital of Victoria? — \$1.50! No more were those jokes told about Victorians, but I would ask members opposite — and indeed members everywhere — to always remember why, when they talk about the cutbacks of the Kennett years, those cutbacks were necessary. They were necessary because of the decade of darkness which had preceded that government — the Cain-Kirner years — and which had ripped the guts from Victoria, had destroyed our economy, had put people out of work, had brought businesses down and had left us a financial basket case. I ask members opposite to remember that. They should remember what their government did to the people of

Victoria before getting up and pontificating in this house about the difficult decisions the Kennett government had to make. Of course the decision on the issue of crime compensation made by the Kennett government was a very difficult decision, but it was one that had to be made. Unfortunately at that time it was necessary.

Of course come 1999 there was a change of government — some of us remember it better than others. The incoming government inherited a surplus of around \$1.8 billion, which members of the first Bracks government blew in about its first six weeks. Members of the Bracks government have been spending money like drunken sailors ever since. I have never seen a government that is so wasteful and does not have its priorities in order. I have never seen a government that can go through dollars on frivolous matters and leave victims of crime, for example, with \$130! These are the priorities of the Bracks government as we come into 2007. I think it is worth remembering — and I say this to all members of this house and indeed to the general public — that this government is mean and miserable, and that is shown in no small way by this legislation.

I am also pleased that Ms Mikakos made reference to the fact that this is not just a monetary issue. It is far more than that, because there is one thing that victims of crime want, need and crave more than monetary compensation. More than dollars in their pockets, they want justice, which is increasingly hard to find in this state. Victims want a police force that will protect them and put the law, victims and the potential victims as its no. 1 priority. Unfortunately under the leadership — and I use that term extremely loosely — of the current Chief Commissioner of Police that is just not happening. I know that victims of crime will join me in once again calling for the removal of the Chief Commissioner of Police from her position for the sake of all Victorians, in particular victims of crime.

Once we have the police force sorted out we can move on to the legal system. What we need in this state is not so much a legal system as a criminal justice system. We have got to put justice back into the legal system. The Attorney-General in the other place sits in his office stacking the judiciary with his mates, whoever they might be on this particular day of the week. He stacks the judiciary with his mates — with like-minded people who, it would seem, have a very low opinion of the law.

We see criminals, some of whom have committed appalling crimes, walking free on bail, getting slapped on the hand and being told, ‘You are a naughty boy or girl. Do not do it again!’. That is not good enough.

What message does that send to victims of crime? The message that sends to victims is that the legal system — the judiciary and the government of this state — does not care about them and the circumstances they find themselves in. It tells victims that the system does not care about the crime that has been committed against them and does not care about justice in this state. That is the message that victims get loud and clear, and unfortunately it is becoming more common right throughout the legal system in this state.

To a certain extent I agree with Ms Mikakos that this is far more than a monetary issue, but I ask members — and Ms Mikakos may care to take this matter to the caucus — to raise the issues that I have raised tonight with the Attorney-General, with the Minister for Police and Emergency Services in the other place and with the Premier so that victims of crime may well think they are getting a half-decent go from this government, because quite frankly at the moment they are coming a very distant last, which is not good enough for them, not good enough for me and not good enough for anybody.

We need to take a good look at the judges and magistrates in this state and to put them back on the straight and narrow — indeed to put some of them back on the straight and narrow for perhaps the first time in their lives.

Ms Hartland — On a point of order, Deputy President, I know I am very new to this process, but I really would like a ruling on the issue of relevance. This is a very straightforward bill, and we have now suffered 11 minutes of Mr Finn not being able to add one point of relevance to the debate on this bill.

The DEPUTY PRESIDENT — Order! The question of relevance is important in debates, and I think this is a fairly narrow bill. I would have to say that I think Mr Finn is probably focusing more on some of the issues of the bill than perhaps he was when I resumed the chair. It occurs to me also that his remarks about the police commissioner being sacked would make her a victim of crime. I think Mr Finn is coming to the end of his contribution and that he is addressing the main issues of the bill at this point in time. I thank Ms Hartland for her point of order. There is some validity in members maintaining a relevance to the legislation before the house. On this occasion I would not rule in favour of the point of order, but I do ask Mr Finn to conclude his remarks.

Mr FINN — Thank you, Deputy President, and I thank my Green friend for her assistance. I will conclude my remarks by merely reflecting on the table

in the legislation itself. These are pathetic figures. The bottom line of \$130 for a victim of crime is one of the most disgraceful figures that I have seen in my life. This must make victims of crime reel with disgust at the attitude that this government — —

An honourable member interjected.

The DEPUTY PRESIDENT — Order! Mr Finn, without assistance.

Mr FINN — This must make victims of crime reel with disgust. It must turn their stomachs when they consider how this government treats them.

Mr Leane interjected.

The DEPUTY PRESIDENT — Order! Mr Leane will have an opportunity to speak in a moment.

Mr FINN — Whilst the opposition will not be voting against this bill, I can assure you, Deputy President, that speaking from a personal point of view it falls far short of the mark, and I can only hope that the government will give it a better go next time.

Ms Mikakos — On a point of order, Deputy President, I note that during the course of his contribution the member made a number of offensive comments about the judiciary as a whole. I draw your attention to standing order 12.19, and ask the member to apologise to the judiciary for the offensive nature of his comments.

The DEPUTY PRESIDENT — Order! I thank Ms Mikakos for her point of order. It would be my view on the portion of the debate that I actually heard that in fact Mr Finn was referring collectively and in a debating style to the judiciary. I do not think he reflected on any individuals. I think there is an opportunity in the course of this debate for other members perhaps to comment on his remarks if they believe there are issues raised by his contribution. I thank the member for the point of order, but I will not uphold it on this occasion.

Mr HALL (Eastern Victoria) — I am pleased to have the opportunity tonight to express the view of The Nationals on the Victims of Crime Assistance Amendment Bill 2007. I indicate at the outset that we are happy to support this bill. I think it has been described by previous speakers as implementing some modest changes, which is the best description one could apply to the provisions in this bill. But at least they go in the right direction, so in that regard we are happy to support them.

On the general issue of victims of crime I am sure we all feel extremely sympathetic towards those in our society who are the victims of crime. It is bad enough to be the victim of a crime at the lower level, perhaps to be the owner of property that has been damaged or stolen, but I think it must be horrific to be the victim of a serious crime of a personal nature. In that regard I am sure we all feel very sympathetic towards those people.

The state has some legal and moral responsibilities to address those cases of particularly serious crimes. First of all, I think there is a legal responsibility for the state to make every effort to apprehend the perpetrator of those crimes and see that justice is administered. Secondly, I think it is also legally a responsibility of the state to make every effort to see that if those who are charged with the crime are able to, if they have the means, they recompense society for the crime they have committed.

Thirdly, I think the state has at least a moral responsibility — and in fact this act gives it a legal responsibility — to support the victims of crime in overcoming the trauma caused to them by the crime. As I said, if it is not a legal responsibility, it is certainly a moral responsibility of the state. To this end, the Victims of Crime Assistance Act 1996 sets out various means by which victims of crime may be assisted in overcoming the trauma of the crime inflicted upon them.

There are provisions within the principal act that enable, for example, special financial assistance to be made available to the victims of the most serious types of crimes. I am sure the categories of the most serious types of crimes have already been expanded on by previous speakers. This special financial assistance reflects what was termed by the minister in the second-reading speech to be reflective of pain and suffering as a result of crime. There are certainly other provisions within the Victims of Crime Assistance Act that go to compensating people for such things as medical expenses incurred, loss of income and the like.

This legislation addresses one particular issue — that is, the special financial assistance made to address what is termed ‘pain and suffering’. That is the only area of compensation that this very narrow bill addresses. It is only for the serious crimes, as I said, and the maximum increase imposed by this modest piece of legislation is 33 per cent for the most serious category of crime and 30 per cent for other areas of crime, so that for this particular area of special financial assistance the maximum that can be paid for the most serious crimes is now up to \$10 000. As I said, it is a very modest change that I hope will assist with some but certainly

will not address all the aspects of concern to victims of crime.

I want to say this in conclusion: for many, no amount of money will ever erase the trauma of crime. I think we need to acknowledge and recognise that assisting victims of crime is not all about handing out money. While the modest changes in this bill are welcomed, I hope that the efforts of government and society are focused on prevention of crime rather than just addressing the consequences of such actions. I think we all have a collective responsibility to promote security, to promote tolerance and to promote cohesion within the world in which we live. Only then with our collective effort might we hope to reduce the incidence of crime in the world.

Mr LEANE (Eastern Metropolitan) — I strongly support the Victims of Crime Assistance Amendment Bill which increases the amount of pain and suffering compensation that may be awarded to victims of crime. I agree with the previous speaker, Mr Hall, in saying I am sure no amount of money could compensate someone who has personally been a victim of crime or has had a loved one who has been a victim of a violent crime. But in saying that, in building on the support that has been made available for victims of crime by the Bracks government in reintroducing compensation for victims of crime, it is not the amount of money that is important; it is the acknowledgement from the broader community to victims of crime that they have been through a lot of pain and anguish. The 30 per cent increase proposed by this bill reinforces that principle.

The opposition will say that the government should recruit more police so as to reduce the crime rate, but this could not have been its policy when it was in power, because since 1999 the Bracks Labor government has made up for the Liberals’ apathy about crime prevention. It has introduced 1600 police officers in Victoria and has allocated the largest budget — \$1.6 billion — Victoria Police has ever had.

We would all be fooling ourselves if we thought we could get to the point where there would never be victims of crime. We cannot have a member of the police force at every petrol station, in every pub and club, or of course in everyone’s home 24 hours a day, 7 days a week. Even if we reached that point we would still have victims of crime in the community.

Unfortunately we have to accept that we live in a society where people will be victims of crime. We have to acknowledge the situation they have had to endure and assist them in the way this bill proposes. What these people have had to go through is real pain and

suffering, unlike the pain and suffering that Mr Finn in his address on this bill said that he went through when he was a member of Parliament and actually voted out compensation for victims of crime. Rather than concentrate on rebuilding what the opposition took out while in government, he seems to be stuck on attacking the Chief Commissioner of Police. I think he has to get into this century and realise it is okay for a woman to hold a high office of power. Mr Finn needs to get over it and grow up.

One of my favourite movies the kids used to watch when they were young was called the *Little Rascals*. In the movie there was a club called the He-man Woman Haters Club. I can just imagine Mr Finn sitting between — —

The PRESIDENT — Order! I remind Mr Leane his contribution should be relevant and ask him to return to the bill.

Mr LEANE — Maybe he could wear his scout toggle there. I support the action the Bracks government has taken and is continuing to take to repair the damage caused by the Kennett government with regard to victims of crime. In actually acknowledging there are victims of crime, Mr Finn brought out a table from this legislation and complained about the amount in each category. When he voted, he voted for those categories to have zero dollars. He can complain about the amounts, but he voted that each and every one of those categories have nothing. Opposition members cannot shy away from the fact that they sacked police. We have increased the number of police to stop crime. We have brought back the compensation for victims of crime that was taken away by them.

Mr ATKINSON (Eastern Metropolitan) — I obviously support this legislation in the context that it is an improvement to the compensation payable to victims of crime. However, I share the concerns of a number of members that the compensation to people who suffer in some cases quite horrendous experiences at the hands of other people is inadequate. Whilst members more recently in this debate have referred to previous governments and to different attitudes over a period of time, I think that it is important to recognise where we are today. It is often easy to judge past governments with 20/20 vision and say they ought to have done more in a particular circumstance, but the reality is that government is very much about balancing priorities.

In certain circumstances governments deal with a complex, diverse and wide-ranging agenda. It is not always possible for governments to address adequately all of the issues before them that are of concern to a

community. Therefore there is some relevance in judging these matters in a contemporary sense. We should be mindful of previous administrations where it is perceived that there has been some insensitivity or some lack of support to victims of crime — and I do not suggest that was the case with the Kennett government. We should see that there are opportunities in a more contemporary sense to judge these matters and to recognise that community attitudes also move on. The treatment of legal proceedings by courts, the experience of people going through investigations and through the court process and the penalties for those perpetrators of crime are all issues that have actually moved on as a matter of course in the context of the society in which we live.

To that extent, as I said, it is important for us to judge this legislation on its merits. It is fair enough to have a debate that canvasses previous times, but one would have to say that now, with the resources that are available to governments, with our understanding of the impact of crime on many people — and particularly some of the more horrendous crimes that we are aware of in the community and which cause all of us deep distress and concern — it is important to look at the legislation on its merits and as it stands today.

In that context many of us would say that this is to some extent legislation which provides a token compensation for people. In many ways and for many people that might be enough. For many victims of crime there is an issue of closure. There is an issue of justice, as was mentioned previously by Mr Finn, but I do not extrapolate his arguments on the importance of that justice factor for people. There is an issue of grieving where people have been victims of crime, and in that context people are looking for closure concerning some events.

In some respects and for some people a token amount might well represent part of that closure. In that context this legislation is relevant. But the amount of money provided as compensation under the separate categories in this legislation would appear, on any sensible measurement, to be inadequate for the suffering of many people.

I look from time to time at the statistics on crime that come to my office, and I have to say I am alarmed at both the compilation of and the trends in some of those statistics. I notice for instance that in the city of Whitehorse crimes against people have in fact increased quite markedly in the latest period, and that is a matter of real concern to me. I am particularly concerned, as I have indicated to this house before, about the drug culture that seems to permeate some sections of our

community. I accept that drugs are not confined to any particular postcode or any particular profession or status in life, but it certainly seems to me that in terms of some of the nightclub activity and so forth there is a very high degree of experimentation with drugs by many young people.

What is of great concern to me is that many of the drugs that are part of that experimentation are manufactured drugs with variable impacts on people's personalities and behaviours, which often result in violent behaviours that are obviously unacceptable to the community but which also result in people being injured, assaulted and murdered. In the context of the severity and the increasing incidence of some of those behaviours in our community, I am not sure that this legislation in fact addresses what are the very real impacts on, and the very real trauma for, some people who are victims of crime.

I think this legislation is a step in the right direction and a continuation of a commitment that has been suggested by the government's previous actions, which I think it would be true to say have had the support of the Parliament as a whole, but I think we have a long way to go. I think we also need to be very cognisant of the fact that some of our addressing of crime statistics and managing of crime in our community needs to be a lot less about spin and trying to make figures look good and people look good and a lot more about achieving safer, more secure and happier communities. I hope that is the endeavour of all members of Parliament rather than, as I said, the spin and public relations activity that seems to accompany too many of the statistical releases that come before this Parliament and before members of Parliament and the community generally.

As I said, I believe this legislation is deserving of support because it is a step in the right direction. It is part of a continuation of a process that recognises that people who are victims of crime have a right to be compensated and that the community in many cases needs to support those people. Indeed, as has been mentioned by other members of Parliament, that support obviously needs to be not just in terms of financial compensation but also very much in terms of support services. For instance, there is quite a range of services that need to kick in to support people who are victims of domestic violence — that is, people who are in situations where they have been abused by people who are known to them, people whom they have loved, people whom they have lived with and people whom they are very close to.

We need to be mindful that the services to victims need to extend a lot further than the financial compensation

outlined in this bill. I hope the government shows a continuing and expanded support for those services and indeed that this legislation is reviewed again in the not-too-distant future to try to have a more contemporary view of what compensation levels ought to be appropriate for people who are victims of crime.

Ms PULFORD (Western Victoria) — I have been very interested in listening to members of the Liberal Party trying to justify their comments and their concerns about this bill with such expressions as 'too much compensation' or 'not enough compensation'. The question in my mind is: if they had won the election in 1999, would pain and suffering compensation for victims of crime have been reinstated? I do not think it would have been.

The record is pretty clear. There has been a lot of discussion about history in Victoria, but the last time the Liberal Party was in government it abolished pain-and-suffering payments to victims of crime. It has a long history of trampling on the rights of the most vulnerable members of our society. In one of its very first actions the Bracks government restored pain-and-suffering compensation to victims of serious violent crimes through the introduction of special financial assistance awards, so this government has a strong record in standing up for victims.

The debate has been wide ranging, and I would like to make a couple of comments. Since the election of this government, crime has come down by more than 20 per cent, and I think it is timely to remind members opposite of the effect their government has had on the police force in terms of numbers and morale. During last year's state election the government said that if re-elected, it would build on its record in this area, firstly, by increasing the amounts payable to victims of crime by 30 per cent and, secondly, by legislating to ensure that a judge in sentencing can consider compensating the victim of a crime as part of the sentencing process, removing the need for victims to apply separately.

Mr Finn raised the matter of the judiciary. He insinuated that any members of the judiciary who had been appointed during the life of this government had not been appointed on their merits. I wonder if that is because this government has had an excellent record in appointing women to the judiciary, as Mr Finn certainly seems to have some problems with women in positions of authority and responsibility. In Victoria, no doubt to Mr Finn's disappointment, we have a woman in the most senior role in the police force, we have women on the judiciary and — shock and horror! — we have women in the Parliament as well.

The Victims of Crime Assistance Tribunal, or VOCAT, provides financial assistance to victims of crime to meet costs arising from the crime, including medical expenses and loss of income. Special financial assistance awards, which are what this bill deals with and which were introduced in 2000, are made in circumstances where an act of violence is committed against a person who has experienced or suffered a significant adverse effect as a direct result of that act of violence. We are talking about pain-and-suffering compensation, which is distinct and separate from compensation for loss of earnings and compensation for medical and other expenses.

These acts of violence include serious sexual offences, attempted murder, indecent assault, armed robbery, threats of death, conduct endangering life, offences involving a threat of injury, assault, and attempted assault. This bill will increase payment amounts by 30 per cent, and the new maximum payment will be \$10 000.

This type of compensation does not restore a victim's confidence or make an injury go away, but I hope it expresses some formal recognition of the suffering endured by victims of the types of horrific violent crimes that we have spoken about in this debate. I spent many years prior to coming to this place dealing with matters of compensation for victims not of violent crime but of workplace injury. I imagine there are some similarities between the impact on a person of a sudden injury and the impact on a victim of crime.

The long-term impacts of an injury — physical, psychological or both — arising from an incident that is often severe and sudden in its effect are the same as the long-term impacts of a violent crime. In my experience recognition of the wrong, even if not a total recovery of costs or if not comparable to damages perhaps payable at common law, is a really important part of recovery. Pain-and-suffering compensation gives legitimacy to the anxiety, suffering and fear experienced by victims in many circumstances. Recognition of this is very important. I am pleased that with this bill the government will improve the amount of this compensation by 30 per cent. I commend the bill to the house.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise to offer my support and the Liberal Party's support for the Victims of Crime Assistance Amendment Bill. I welcome Ms Pulford's 3 minutes and 31 seconds of contribution to the debate on legislation that covers four pages, the last page of which is blank. It just demonstrates again that this government brings in pieces of legislation that are so minute and irrelevant

that it makes you wonder about its parliamentary agenda. It does not know what on earth it is doing. It brings in pieces of legislation which we support but which are really a waste of time in the sense that they could be put together in an omnibus bill and dealt with together with other particular issues.

But putting that aside, we are pleased to see that the government actually supports legislation that was introduced by the Kennett government in 1996. We see that it is actually supportive of the Kennett government's approach to reform for victims of crime. We heard Ms Pulford's contribution. She can only make contributions about the union movement. She came from the National Union of Workers, and if you look at the union's website, you see it says 'National Union of Workers: organising for power'. So its main interest is in power, not support for victims. What we heard about before was not about the victims but about how great the union was.

What this legislation before the chamber is about is victims of crime. What Ms Pulford should remember and what the members on the other side of the chamber should remember is that this is a piece of legislation that was brought in by the Kennett government. They are making amendments to the Kennett government's legislation. If they thought it was so bad, they would bring in their own legislation and call it Victims of Crime Legislation 2007 under the current Bracks government, but they are not doing that. They are happy with the legislation that we brought in under the previous regime. What they are trying to do is tinker around the edges by bringing in a three-page amendment, which really in my view just wastes the Parliament's time, because we are finding time and again that this government has no agenda. It has no vision, it has no focus; it does not know what it is doing. All it wants to do is look after its factional union mates in planning their transition into the roles we see on the other side now.

What we should be doing is debating serious legislation. What we have before us is a moderate increase in the compensation payable to the victims of crime. If you were serious about victims of crime, you would have been down there on 13 March at the Flight of the Angels held by the Crime Victims Support Association. I did not see any Labor members there.

Mr Leane interjected.

Mr DALLA-RIVA — I don't want to make a political point about it, but the fact of the matter is that government members talk here with a forked tongue

and do not even appreciate it. They are laughing over there, President.

The PRESIDENT — Order! Mr Leane!

Mr DALLA-RIVA — Mr Leane is indeed laughing. He is laughing about the victims of crime. I think it is a disgrace that we have a member of Parliament laughing about the victims of crime when we have a serious piece of legislation before the chamber. You can laugh about them. You have no idea. The only victims of crime you are worried about — —

The PRESIDENT — Order! Mr Dalla-Riva will speak through the Chair.

Mr DALLA-RIVA — All they are worried about is their union mates. What this legislation is about is ensuring the victims of crime are rewarded accordingly. Again all I can say is that the Labor Party only brings in legislation through which it gains a political advantage. It does not really care about what its members are talking about. We have heard the government speakers. They read off what has been given to them by their masters. They read it, and when they cannot find any further details they go to their factional mates in the union movement. But having said that, I am very supportive of the Victims of Crime Assistance Amendment Bill. I wish it a speedy passage.

Honourable members interjecting.

Mr DALLA-RIVA — You might indicate, Mr Pakula, your dismay about this legislation. I know you wanted Mr Crean's position. Bad luck, you didn't get it and you will have to sit here until the next preselection for the federal election.

The PRESIDENT — Order! Mr Dalla-Riva!

Mrs KRONBERG (Eastern Metropolitan) — In rising to speak in support of the Victims of Crime Assistance Amendment Bill 2007, I must point out that this government has again brought in legislation that is merely a bandaid measure for a far-reaching societal problem. You could also call it lick-and-promise legislation which falls far short of what is required. This legislation comes into this place as the government's response to a tsunami of public protest resulting from the rise in violent crime, lenient sentencing, inadequate police resources and the perpetrators of crime seeming to get better deals than their victims.

To be generous, perhaps this legislation is this government's inept attempt to provide some form of relief to those members of the public who assembled here in this Parliament on 15 October 2006, just before

the state election. Perhaps this amending bill is the government's frugal and chastened response to rising crime rates. One can point to abundant examples of alarming trends in crime rates particularly in the areas cited in this place relating to the ascending rate of recorded sexual assault. Perhaps the government's forecasters worry that this trend of rising crime rates will make the future provision of compensation difficult.

We all recognise that victims of crime carry an enormous burden. Not only are they often dealing with grief and pain, but they are reeling from the hurt inflicted by the injustice of a system that affords more consideration to those who carry out a crime than those who remain brutalised, mutilated and traumatised, and those who watch their loved ones and try to eke out an existence — cheated of the opportunity of a full life. In our system the deviant perpetrator is remembered while the victims are forgotten.

This bill increases by 33 per cent the minimum and maximum amounts of special financial assistance for victims of crime for category A acts of violence. The new maximum amount of compensation for the crimes of sexual penetration and murder is \$10 000. Let us pause for a moment to hear an example of such a crime. The people who provide great support to the Victorian community are victims of crimes themselves. I point to Bev and Noel McNamara, who provide support through their agency, the Crime Victims Support Association. They have given as testimony their account of the murder of their daughter. These are some of the things that victims of crime have to hear and have in their dreams and thoughts every day for the rest of their lives:

On 2 March, Tracey had dinner at home with her family, then went to Meyers flat.

At approximately 10:45 on that night, neighbours heard sounds of running, scuffling and screaming, and male voice say, 'I am going to fix you, and fix you good'. Then they heard a thump-thump-thump, and that was he bashing her head on the floor.

The doctors told us she would die, but we hung on for two days hoping for a miracle.

One journalist described Tracey, 29, as being killed in one of Australia's most brutal murders.

Tracey died according to an autopsy by Victoria's head of forensic medicine, Professor Stephen Cordner, because her brain base was snapped from a number of blunt impacts to the head, hair pulled from Tracey's head the likes he had never seen before.

Hair pulled from her head scalp was found on the floor under her head, on a light switch, the back door and other rooms in Meyers flat.

There is also an increase of 30 per cent in the minimum and maximum amounts of special financial assistance for category B acts of violence, such as indecent assault, armed robbery, aggravated burglary and kidnapping. The lower category of compensation levels have been nominal in the past and unfortunately remain so. The Victims of Crime Assistance (Special Financial Assistance) Regulations 2000 framed these levels when they introduced financial assistance for counselling, medical expenses and, mercifully, the loss of earnings.

However, what is yet to be resolved and remains problematic for victims of crime is the speed of access to counselling and other support services, assistance with and consideration of their involvement in court proceedings, adequate sentencing of offenders and importantly—I do not think this has been stressed in the debate thus far—protection against the risk of revenge attacks by offenders.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — By leave, I move:

That the bill be now read a third time.

In doing so I want to thank all members for their contributions to the second-reading debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Princes Pier: restoration

Mrs COOTE (Southern Metropolitan) — The matter I wish to raise tonight is addressed to the Minister for Major Projects. Ever since the Bracks government came to power it has promised action to restore the iconic Princes Pier in Port Melbourne. For millions of Victorian migrants, Princes Pier was the

place of first entry into Victoria and Australia. It is a pier that has suffered significant damage by vandals and fire, and that presents a whole range of issues. The pier is iconic to the foreshores of St Kilda and Port Melbourne.

To give a brief potted history, the former Minister for Planning in the other place, John Thwaites, had come in with such promise. The pier is within his electorate, and when he was the Minister for Planning there were high hopes that he would raise it as a major issue and that something would be done with it.

I am aware it would be extremely costly — in the vicinity of \$30 million — to restore Princes Pier to its original glory. I also understand it would be costly to demolish it. It would seem that the promise made by the Bracks government is in fact to partially restore Princes Pier, but Ms Delahunty neglected it when she was the Minister for Planning and another former planning minister, Mr Hulls, has it on the backburner. Nothing is actually happening.

The people of Port Melbourne are tired of the numerous reviews, consultations and broken promises that relate to Princes Pier. It really is an important major project for Victoria. I have great faith in the Minister for Major Projects, who is the minister at the table, getting things done. I am sure he also understands it is something that needs to be done as a matter of urgency. I ask the minister if he will act to commence the renovations to Princes Pier as a matter of urgency and complete them within the next two years.

School buses: Tubbut Primary School

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the Minister for Skills, Education Services and Employment in the other place regarding school bus services at Tubbut Primary School, which is perhaps the most remote primary school in the state. I dare say few members of this chamber would have visited Tubbut, but if you want to get there, you can go via Buchan. About an hour's drive north you go through places like Gelantipy and McKillops Bridge and on to Tubbut. Or if you go via Orbost, you go via Goongerah and Bendoc and then onto Tubbut, which is again about an hour's drive north of Orbost, so it is a very remote part of the state.

The number of students attending the school has fluctuated fairly significantly in recent years. Whereas two or three years ago there were just over 20 students attending the Tubbut Primary School, this year the number of enrolments has decreased to 6, and of the 6 students attending the year, 3 are eligible bus

travellers — that means they live more than 4.8 kilometres from the school. Two of those 6 students would also use the bus when they are deemed to be ineligible, living within 4.8 kilometres of the school.

Up until last year the transport department funded a school bus service for students attending Tubbut Primary School, but because the numbers have now decreased and it no longer has the minimum number to retain the school bus service — by the guidelines that minimum number is seven — the department has ceased to fund that school bus service. At my plea the regional office of the Department of Education funded the service for the first six weeks of this term, but for the last few weeks of the term the school bus service was funded by the school itself.

If it is that that school bus service is permanently terminated, then there is no doubt that in the long run the school will close, given that the only option available to parents in that remote community is having to take their kids to school each day. That will not last long, and ultimately parents will opt for distance education, home-education or, if they are able to access it, the secondary school bus which goes to Bombala in New South Wales.

Obviously, and I am sure the government would agree with me, we would like to keep that remote school open and maintain educational opportunities for students who live in that area. The school council considers the provision of a bus service important, so much so it had an extraordinary meeting on 6 March of this year and decided to purchase its own 12-seater bus. The school has accumulated the funds to purchase that bus.

It is now seeking to have the government provide some recurrent funding for the operation of that bus. My plea to the minister tonight is to make available some recurrent funding to help the school operate that school bus. It was looking at an annual contribution of something like \$25 000. It is the least the government can do to support this rural community that gets precious little in the way of other government services.

Ballarat sports complex: feasibility study

Ms PULFORD (Western Victoria) — My adjournment matter is directed to the Minister for Sport, Recreation and Youth Affairs in the other place. I would like to ask the minister to assist with the funding of a feasibility study into the construction of an elite sport and community-based sporting complex in south-west Victoria, specifically in Ballarat.

At present there are no pitches available to play competition football in Ballarat due to the drought. Players have to play out of town in places such as Warrnambool and Learmonth. This affects around 1000 registered players, and it also affects the largest female-only competition in the Southern Hemisphere. The elite Ballarat state league team — the Red Devils — has to travel to Melbourne for the first four to six weeks of its 18-game season. The problems that arise from that include fixture congestion, lost revenue-raising opportunities and travel expenses which have been weighted at the start of the season.

The drought has seen a level of cooperation evolve between the Ballarat football stakeholders — the Ballarat and District Soccer Association, the Ballarat Soccer and Sports Club and the Ballarat Academy of Soccer. That has not previously occurred. They want a regional facility so that players, not only from the Ballarat area but from the western region, do not have to either constantly travel to and from Melbourne or even move to Melbourne to continue their football development. Such a facility would create a complex of football pitches in Ballarat rather than having them around the city and the region, allowing for easier maintenance and reliable playing areas.

The Ballarat Soccer Community Planning Committee proposes that six artificial pitches be built in a complex that serves the game in Ballarat and the western region. The vision is also to allow other suitable codes and local school communities to use the complex. It is also an opportunity to build a complex that is equipped to host major regional and state tournaments like the Total Girl Soccer Tournament, which had 1100 participants in Ballarat last month. Not only could this provide a great benefit to the sporting community, as part of the soccer community's vision the complex would also incorporate a water run-off which could be used as an additional water resource for the area.

For this vision, which is shared by this community, to become a possibility and for the opportunity for western Victoria to develop into a prosperous area for football, there needs to be a feasibility study conducted to establish the long-term viability of such a centre for sporting excellence. It is in that spirit that I ask the Minister for Sport, Recreation and Youth Affairs to assist with the funding of a feasibility study into the construction of the Football Federation of South West Victoria's vision for the proposed elite and community-based sporting complex.

Gas: Warburton supply

Mr O'DONOHUE (Eastern Victoria) — My issue this evening is for the Minister for Rural and Regional Development in the other place. Diversification in the types and sources of our energy is important for the economic, social and environmental wellbeing of Australia. Victorians and Australians are now importing more and more of their oil requirements from overseas. We are therefore looking to alternative energy sources; wind, solar and clean coal will all play an important part in our energy future.

Natural gas is and will continue to be an important player in this mix. Natural gas has many benefits. It is not only cost competitive with other energy sources, it is environmentally friendly when compared with oil or brown coal. We have an abundance of natural gas here in Australia.

Unfortunately, despite these advantages, the Bracks government has let down many communities by not connecting them or giving them access to natural gas. One of those communities is the beautiful town of Warburton. As some members would know, Warburton sits at the end of the Warburton Highway at the foot of Mount Donna Buang in the upper Yarra, approximately 80 kilometres from Melbourne.

Warburton, because of its altitude and proximity to the mountains, can be very cold in winter. It also has a significant number of people on low incomes as well as a vibrant and growing tourism and services industry. Access to inexpensive energy is therefore critically important to protect those with limited resources as well as to allow the businesses of Warburton to grow. The Liberal Party recognised this at the last election and promised, if elected, to extend the gas pipeline to Warburton. Unfortunately the government has refused to match our promise.

I ask therefore that the minister recognise the importance of delivering natural gas to the people of Warburton and committing to extending the natural gas pipeline to Warburton as a matter of urgency.

Housing: affordability

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Housing in the other place, Mr Wynne. As The Nationals spokesman on housing I have become aware that the Bracks government may be failing in its attempts to make home ownership more affordable for first home buyers. This week we had Treasurer Brumby bragging about how he had handed out more than 100 000 first home bonuses and making

the odd claim that because they had gone to houses costing less than half a million dollars somehow they had gone to those who most needed it. Nearly half a billion dollars has been dished out since 2004, but one must ask the question: are homes any more affordable today than they were back then? The answer clearly is no.

The truth is that the Bracks government has in a way missed the mark with the first home owner grants. Research by the Victorian Council of Social Service shows that 8.8 per cent of first home owner grants have gone to families in the lower half of the household income range; therefore 91.2 per cent of first home owner grants have gone to the wealthier families. Whilst I commend the government for making a solid investment in young home owners, the sad truth is that much of this help has gone to those who least need it. The investment is needed now more than ever. We call on the government to assist young families who need that help most.

The Housing Industry Association recently warned the government of a crisis in home affordability and urged it to slash its state fees and charges on housing. The Bracks government continues to enjoy massive windfalls from stamp duty, with skyrocketing home prices in recent years creating more revenue than ever before. I was therefore horrified to see a recent statement by the Property Council of Australia that Australia is now ranked amongst nations in the world with the least affordable home ownership. Failure to act now will leave future generations of young Australians with a dismal legacy of housing stress in a country which by any other assessment should boast the highest standards of home ownership and affordability.

I call on the Minister for Housing to put in place a policy that is strategically directed at that portion of the community which is most in need of assistance when attempting to purchase a first home. It must also be acknowledged that the \$70 million that has been handed out through the state's housing associations has also missed the mark because it is largely going to the higher end of the low-income social housing or public housing market. My belief is that up to 70 per cent of that \$70 million is going to the highest bracket of those people who are eligible for public housing. The dishing out of money through housing associations and the first home owner grant are attempts by this government to improve the lot of people who need assistance to purchase their first home, but both are largely missing the mark. I call for a strategic policy to make sure that the people at the lower end of the market are given the assistance they need.

Telstra Dome: pass outs

Mr PAKULA (Western Metropolitan) — My adjournment matter is directed to the Minister for Consumer Affairs in the other place. Last month I raised a matter for the Minister for Sport, Recreation and Youth Affairs in the other place about the pass-out policy at Telstra Dome. Since then I have met and spoken at length with Mr Nick Sautner, general manager, operations, at Telstra Dome, and with Mr Collins, the chief executive officer. Most of the rationale used by Mr Collins in the media in the last week was put to me by Mr Sautner when I met with him. The sorts of reasons raised were that people were buying drinks at Nando's and bringing them in, that people were pinching pass outs, the possibility of lawsuits because of flying footballs, the cost of putting staff on at half-time to issue the pass outs and the possibility of a terrorist threat because there were no bag checks at half-time.

I say now what I said to Mr Collins and Mr Sautner then. I said that none of those reasons seemed compelling enough to justify such a fundamental change to the way people enjoy the footy, that it was a bad idea and that Telstra Dome was going to cop a lot of heat. That has proven to be so. It is not as if ground staff have not confiscated footballs from the concourse in the past; I know they have. It is not as if patrons do not buy alcohol inside the ground. It is not as if kids have not been pinching pass outs since Adam was a pup — and I conceded in my conversation with Mr Sautner that when I was a kid I might have pinched the odd pass out — but it is a question of balance. It is about not using a sledgehammer to crack a peanut.

To be fair, Mr Collins conceded that commercial relationships were a part of the stadium's decision, but in his public comments since, he has gone further. He has been quoted as saying:

We want people when they come to the venue to stay in the venue and to use the facilities in the venue ... We are a privately funded company. We have to maximise ... returns ...

He has been quoted as also saying that Telstra Dome wanted to be able to run its business as it saw fit, without interference.

As MPs we have a responsibility to the community, to the, on average, 6000 patrons per match who leave the venue at half-time, many of whom are my constituents, Mr Finn's constituents or Mr Eideh's constituents. We have an obligation, and we are entitled to have a view about the scenes of fans being herded into cages at half-time. We have an obligation to consumers, and we

are entitled to the view that a day at the footy is a way of life. It is about more than Telstra Dome's bottom line, which I am sure will survive the reinstatement of pass outs. I have no doubt that Mr Collins would understand that better than most. My request to the Minister for Consumer Affairs is that he investigate whether the actions of Telstra Dome represent a contravention of any consumer protection laws.

Werribee Open Range Zoo: public transport

Mr FINN (Western Metropolitan) — I wish to draw a matter to the attention of the Minister for Public Transport in the other place. I am aware that there is every chance the minister may not be interested in this, as she does not appear to be interested in too much at all at the moment, but it concerns the lack of public transport on Sundays to what is a tourism icon in Melbourne — that is, the Werribee Open Range Zoo. At a recent meeting there with management and a tourism representative from the western Melbourne region I was astounded to find out that this wonderful example of what Victoria has to offer cannot actually be reached on a Sunday by public transport. This is obviously a place for families. I have been there myself with my family. It is a great place for kids. It is a place where you can go to see wild animals in their natural habitat — apart from what we see on the other side of the house!

It is a wonderful place for Victorians and a great place for the people of Werribee and the west of Melbourne. It absolutely astounds me that there is no public transport on a Sunday to this icon of Victorian tourism. It would seem to me that the minister has some responsibility to ensure that public transport is provided. The zoo is serviced by a bus service during the week, and it would seem to me more than reasonable that that service should also be available on Sundays. It is a wonderful place to visit. I invite members, including you, President, to go down and visit the zoo.

At my recent meeting there I met the management in the Meerkat Cafe, and halfway through the meeting we were joined by a meerkat staring at us through the window. It was ever so slightly off-putting, but it is the sort of place where anyone would have a very enjoyable day. It has won many tourism awards and is something that we as Victorians can be very proud of. The only problem is that many families, particularly in the west of Melbourne, rely on public transport. There is no way they can get there on a Sunday. It is many kilometres from the Werribee railway station. There is no way that the average family could walk there. If you

are a keen hiker, you might be in with half a chance but anybody else would not have a hope.

I direct my request to the Minister for Public Transport, perhaps more in hope than anything else, and ask that she act now to provide public transport to the Werribee open range zoo on each and every Sunday.

Drought: infrastructure projects

Ms TIERNEY (Western Victoria) — The matter I wish to raise relates to drought relief, and I direct my adjournment matter to the Minister for Agriculture in the other place.

On Thursday, 5 April 2006, a significant number of new drought infrastructure projects for south-western Victoria were announced — 3 projects in Corangamite shire, 6 in Glenelg shire, 1 very large project in the Colac-Otway shire, 4 in the Greater Geelong council area, 16 in the Moyne shire, 5 in the Southern Grampians shire, 2 in the Surf Coast shire, and 6 in the Warrnambool council area — amounting in value to a total of \$2.4 million.

The projects are being funded up to 100 per cent, with priority given to projects that are labour-intensive and which use local labour. I congratulate the government for making this announcement as it is yet another solid example of the Bracks government's commitment to rural and regional Victoria and its genuine understanding of the hardship and difficulties and challenges faced by ordinary Victorians.

Could the minister advise what mechanisms will be put in place to monitor the use of local labour, to highlight the work that is undertaken by locals affected by the drought in western Victoria?

Planning: St Helena development

Mr GUY (Northern Metropolitan) — I raise an issue for action by the Minister for Planning, who I note is absent from the chamber. Last December I spoke about a development at Evelyn Way, St Helena. Under Labor's Melbourne 2030 policy a high-density development was to be built right in the middle of low-density St Helena, a suburb just north of Greensborough. As anyone would understand, the locals in St Helena were furious that 51 units are to be approved under the Melbourne 2030 plan and built right in the middle of an area that was zoned for no more than a few homes. This kind of development is well outside an activities area, has very limited public transport access and, as I said, has no support of the local residents in the area.

In reply to my raising this issue I note that the Minister for Planning sent me a letter laced with smart alec and one that did not befit the position of a minister. I thought it rather befitted the position of a Bankstown councillor or something, but it certainly was not the kind of letter that one would expect to receive. I will be happy to distribute the response he has given me to the residents of Evelyn Way, as I did with the original reply from Minister Lenders to the concerns I raised regarding this important planning issue in the marginal seat of Eltham.

Turning to tonight's issue: down the road from Evelyn Way, St Helena, is Carnon Street, Greenhills. There is a vacant block in Carnon Street of around an acre. A proposal has been put forward to build 16 units on this acre right in the middle of low-density Greenhills. The buildings may be as high as 9 metres in a designated semi-bush precinct originally planned for two or three lots.

Hon. T. C. Theophanous — On a point of order, President, the member has started his question to me in relation to a development and went on for quite a bit in relation to a St Helena development about which he had received a response from the Minister for Planning. I was of the view that he was going to ask me a question in relation to that development. It certainly seemed to me that was the subject of his question.

Standing orders provide in respect of the adjournment debate that only one question may be asked of a minister. Mr Guy now seems to be going on to ask me about a completely separate or different development from the St Helena development, after spending 2 minutes informing the house of his complaint about the response he received from the Minister for Planning.

I would suggest, President, that he should be asked to conclude his matter and to ask the question in relation to the St Helena development, because that is really what he spent his time on.

Mr Atkinson — On the point of order, President, the context of the remarks that have been made by my colleague have been to the effect that he does not want a response from the minister to the matter he now brings before Parliament in the adjournment debate which is similar to the one he received on another matter. He would like a genuine response to a concern that has been raised with him in regard to a new development. I would suggest members have an opportunity to provide a preamble on an adjournment matter.

The PRESIDENT — Order! There is no way the member can debate this point of order.

Mr Atkinson — That is right.

The PRESIDENT — Order! Mr Atkinson is trying to, but he knows he cannot; therefore I am ruling the point of order out of order.

Mr GUY — On a point of order, President, for the minister's information, I have not asked a question of the Minister for Planning, I have been providing a preamble for 2 minutes. If the minister allows me to ask my question, and I still have 1 minute left, I will certainly do so.

The PRESIDENT — Order! It seems to me that Mr Guy is developing his question. I am of the view that he is in order. However, I remind the member that he may only raise a matter of consideration for a single minister. Up to date he is complying with that, and I suggest he not stray from that. We will see how it develops.

Mr GUY — In conclusion, I ask the minister to explain to the residents of Carnon Street, Greenhills, indeed to all the residents in this area who will have his reply and the previous one distributed to them for their information, why their quiet suburban street, not near a central activities area, should be the target for high-density development, to advise why the Bracks Labor government thinks it is fine to place high-density developments well away from an activities area and right in the middle of low-density suburbs, and further to advise the residents of Carnon Street, Greenhills, whether they will be the target of high-density development at any time in the future.

Schools: Go for Your Life campaign

Ms DARVENIZA (Northern Victoria) — I wish to raise an adjournment matter for John Lenders, the Minister for Education. The matter I wish to raise concerns the ban on junk food in school canteens. I start off by congratulating the minister for putting in place actions under the Go for Your Life healthy canteen program, which will see the end of the sale of high-sugar content soft drinks from school canteens and vending machines and schools taking a real lead in encouraging young people to have healthy and active lives and make healthy choices with respect to the food they eat.

Research carried out recently in Victoria shows clearly that one in four of our children who are attending school are overweight or obese. We all know that this can have very serious long-term consequences as well

as short-term consequences for the health and wellbeing of young children. Our state schools in Victoria are the first in Australia to look at the sale of confectionery, lollies and sweets, in school canteens and will phase them out through 2007 with a ban to come into effect in 2008. The government has mandated that school sport and physical education will go along hand-in-hand with this program of healthy eating, and there has been a real investment in those programs for school-age children.

My specific query is what action the minister and his department are taking in tracking how our schools are going in the implementation of these healthy eating programs and the cessation of the sale of high-sugar, high-fat content food in school canteens. I am particularly interested in knowing how our state government schools are going in rural and regional areas. We have many small schools there, and I would like to know how they are faring in the lead-up to this ban.

National Water Sports Centre: funding

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is for the attention of the Honourable John Thwaites, the Minister for Water, Environment and Climate Change in another place. It concerns the state of the National Water Sports Centre, which is located in Bangholme on the periphery of the city of Greater Dandenong, close to the border between the councils of Kingston and Frankston. It is in sort of a no-man's-land.

Some members would know that the National Water Sports Centre was intended to be an international-standard rowing course as part of the Melbourne 1988 Olympics bid; however, it has never really been finished. Part of the course is the Patterson River. There is still some quite active use of the facility for many sports such as waterskiing, jet skiing, canoeing, kayaking, course angling, radio-controlled yachts and triathlons. I was surprised to learn that it is managed by Parks Victoria and that for this fairly large facility only approximately \$14 000 was set aside for its maintenance.

Upon being invited by one of the committee members, Mr Joe Romer, to visit it with the shadow minister for youth and sport in another place, the member for Bulleen, I was able to witness the state of disrepair of this facility and saw the need to address two areas fairly quickly: the boat launching area and the potholes in the road leading into the facility.

The stakeholders, including Sport and Recreation Victoria, Parks Victoria as well as the councils — both

those responsible and those abutting — need to be brought in to develop some sort of a master plan for the future use of this facility.

The boat launching area is a health hazard. The boats are carried down a hill from the boat sheds, there is a step of about half a metre that must be negotiated before the boats can be launched, and a lot of the bank has been eroded as a result of motor sport. Many schoolchildren use that particular area as do many people with disabilities, and people are required to carry boats weighing between 40 kilograms to 100 kilograms, which makes the launching of the boats quite hazardous for them.

This area needs some action as a matter of urgency. As I said, there also needs to be the fixing of the road and some general maintenance. In addition to that I would hope the government, supported by local members of Parliament and the local government authorities, work together to develop some sort of future vision for this very important facility, which is functioning significantly below its potential. I look forward to hearing from the minister about what his plans may be, over and above the meagre \$14 000 that is set aside for its maintenance.

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

Horses: Kyneton property

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Agriculture in the other place. The issue relates to the case reported in the Macedon Ranges Kilmore area, where 30 horses died as a result of starvation and neglect. I have been a firsthand witness to this case and have never seen horses that are so thin while alive and not in a state of decomposition.

When the Royal Society for the Prevention of Cruelty to Animals (RSPCA) first attended the property in Kyneton there were 16 dead horses on the ground and a dog which had died of starvation while tied to its chain. Some of the remaining horses were surrendered by the owner to Project Hope Horse Welfare, a voluntary organisation. Its volunteers, under the supervision of the RSPCA, have euthanased a further 13 horses as those emaciated and unhandled horses were past care.

The volunteer group then set about cleaning up bodies, burying those already dead and buying in feed for the remaining horses. This cost approximately \$3000. All of the Project Hope funds are raised by volunteers through donations and the sale of key rings. This one

case has taken up most of the funds available to this group.

Why, during the worst drought in living memory, are the RSPCA and volunteer organisations such as Project Hope left to deal with the increasing number of cases of neglect and starving horses? My request to the minister is to implement measures as a matter of urgency under the Prevention of Cruelty to Animals Act. The Department of Primary Industries has the power to act in these cases, and I ask the minister to act by increasing resources to this department which is directly under his control.

WorkCover: transport company claim

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission in the other place. It is a matter relating to WorkCover which has been brought to my attention by Mr David Knight of D. J. Transport Pty Ltd. It relates to an incident involving an employee truck driver of D. J. Transport becoming involved in a head-on collision with another truck on the South Australian side of the South Australia–Victoria border in 1998.

At the time the employee of D. J. Transport was charged by the South Australian police with negligent driving and was subsequently convicted. On that basis the claim against D. J. Transport was treated as a WorkCover claim rather than a Transport Accident Commission (TAC) claim. Subsequently the conviction in South Australia was appealed by the employee and overturned by the chief magistrate in South Australia. Indeed the employee of D. J. Transport was even awarded costs. The chief magistrate noted in his finding that the other vehicle was responsible for the accident and suggested that charges could be laid against the other driver.

Since that time Mr Knight has petitioned the Victorian WorkCover Authority (VWA) to have the claim dealt with as a TAC claim rather than as a WorkCover claim. Obviously having the matter dealt with as a WorkCover claim will have a significant impact on the company's claims history with repercussions for premiums. This has been an ongoing issue since the incident occurred in 1998, and I understand the conviction was overturned around 2003. It has been four or five years since this matter has been dealt with by the VWA, and Mr Knight has attempted to have the VWA claim struck out and replaced with a TAC claim, which, based on the findings of the South Australian Magistrates Court, would be the more appropriate way of handling it.

This matter was raised by the Deputy President with the former Minister for WorkCover and the Transport Accident Commission last year. It subsequently lapsed because of the election, so I raise it now for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission. I seek his intervention in this matter with the Victorian WorkCover Authority to ensure that it is properly dealt with and is handled as a Transport Accident Commission claim rather than a WorkCover claim and that the matter of Mr Knight, which has been outstanding now for some seven years, receives the appropriate handling.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I have received a number of queries on the adjournment debate. Andrea Coote asked me, as Minister for Major Projects, a question in relation to the Princes Pier development. This is a project which is being developed under the major projects portfolio and is receiving attention from me. The intention of the government is to proceed with the development. Members would be aware of the recent fire on the pier as well, which set back the program a little bit.

I have sought a report in relation to the project. There were some heritage issues that had to be dealt with as well. I am now in a position to be able to inform the member that we will be proceeding shortly with the refurbishment, and I am confident that we will be able to complete this project by the end of 2009.

I refer to the question from Peter Hall for the Minister for Skills, Education Services and Employment in the other place in relation to the Tubbut Primary School which had purchased its own 12-seater bus. There are six students at the school, so they have allowed for expansion, which is good. Mr Hall has asked for the minister to look at recurrent funding. I will pass that on to the minister for a response.

Ms Pulford asked a question for the Minister for Sport, Recreation and Youth Affairs in the other place in relation to sporting and football arrangements for Ballarat and is seeking a feasibility study. I will pass that on for response.

Mr O'Donohue asked a question for the Minister for Regional and Rural Development in the other place in relation to natural gas extensions. As he would be aware, the Bracks government did bring in a \$70 million gas extension program, which delivered gas to many parts of rural and regional Victoria. He should

not come in here as a new member and criticise this government, when the previous Kennett government did not do very much in this area at all. However, I will pass his request on to the relevant minister for consideration.

Mr Drum asked a question for the Minister for Housing in the other place in relation to first home buyers. I understand the point he is making. Trying to create affordable housing is a difficult and complex issue, and it is important that young families get access to houses in our state. I am certainly happy to pass on his request for a fuller answer from the Minister for Housing.

Mr Pakula asked a question for the Minister for Consumer Affairs in the other place in relation to the Telstra Dome and constraints on people being able to get exit passes and get back in. I will pass that request on to the relevant minister.

Bernie Finn asked a question for the Minister for Public Transport in the other place in relation to providing public transport to the Werribee Zoo on a Sunday. I am certainly happy to pass that request on to the minister for consideration.

Mrs Peulich — An open-top bus.

Hon. T. C. THEOPHANOUS — An open-top bus. Perhaps Mr Finn might want to be the guide; that might attract a few more people.

Mr Finn — If the money's right, I'll give it a shot.

Hon. T. C. THEOPHANOUS — Ms Tierney asked a question for the Minister for Agriculture in the other place in relation to using local labour for work during the drought in country Victoria. I will pass that on for response.

Mr Guy asked a question for the Minister for Planning — or at least I thought it was one question. He asked about both the St Helena development and the Carnon Street, Greenhills, development. He was not happy with the letter of response he received from the minister.

Mr Guy interjected.

Hon. T. C. THEOPHANOUS — Ministers are required to respond, they are not required to give members letters that they like. I will pass that on.

Ms Darveniza asked a question for the Minister for Education in relation to the important issue of obesity. I will pass that on for response.

Mrs Peulich asked a question for the Minister for Water, Environment and Climate Change in the other place requesting that Parks Victoria act in relation to a boat launch area. I will pass that on for response.

Donna Petrovich asked a question for the Minister for Agriculture in the other place in relation to an unfortunate incident involving a number of horses starving to death, which we would all abhor. I will pass that request for action on to the relevant minister.

Gordon Rich-Phillips asked a question for the Minister for Finance, WorkCover and the Transport Accident Commission in the other place seemingly in relation to a dispute which goes back many years. I will pass that request on to the relevant minister for response.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.42 p.m.