

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL  
FIFTY-SIXTH PARLIAMENT  
FIRST SESSION**

**Tuesday, 9 October 2007**

**(Extract from book 14)**

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**Select Committee on Gaming Licensing** — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

**Select Committee on Public Land Development** — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

**Standing Orders Committee** — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

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**Economic Development and Infrastructure Committee** — (*Council*) Mr Atkinson, Mr D. M. Davis, Mr Tee and Mr Thornley. (*Assembly*) Ms Campbell, Mr Crisp and Ms Thomson (Footscray)

**Education and Training Committee** — (*Council*): Mr Elasmr and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

**Electoral Matters Committee** — (*Council*): Ms Broad, Mr Hall and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

**Environment and Natural Resources Committee** — (*Council*): Mrs Petrovich and Mr Viney. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

**Family and Community Development Committee** — (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek. (*Assembly*): Ms Beattie, Mr Perera, Mrs Powell and Ms Wooldridge.

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Mr DAMIAN DRUM

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# CONTENTS

## TUESDAY, 9 OCTOBER 2007

ROYAL ASSENT .....	2941	<i>Taiwan: national day</i> .....	2955
RULINGS BY THE CHAIR		<i>Equine influenza: leisure horse industry</i> .....	2955
<i>Members: reading of speeches</i> .....	2941	JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL	
QUESTIONS WITHOUT NOTICE		<i>Second reading</i> .....	2955
<i>Victorian Environmental Assessment Council:</i>		<i>Committee</i> .....	2966
<i>river red gum forests report</i> .....	2941, 2943	<i>Third reading</i> .....	2970
<i>Brambuk Aboriginal Cultural Centre:</i>		ADJOURNMENT	
<i>management</i> .....	2943	<i>Drought: Glen Eira sportsgrounds</i> .....	2970
<i>Mobil: Newport pipeline</i> .....	2944	<i>Traralgon bypass: inquiry</i> .....	2971
<i>Bushfires: heavy equipment</i> .....	2945	<i>Yes West: conduct</i> .....	2971
<i>Tiger Airways: operations</i> .....	2945	<i>Hepburn: performance</i> .....	2971
<i>Bushfires: water sources</i> .....	2946	<i>Rail: Epping–South Morang line</i> .....	2972
<i>Melbourne Convention Centre: Ortech</i>		<i>Public transport: timetables</i> .....	2972
<i>Industries</i> .....	2947	<i>Mental health: Mindlinx program</i> .....	2973
<i>Duck hunting: season</i> .....	2947	<i>Disability services: carers allowance</i> .....	2973
<i>Regional and rural Victoria: land release</i> .....	2948	<i>Rail: Nunawading level crossing</i> .....	2973
<i>Supplementary questions</i>		<i>Preschools: funding</i> .....	2974
<i>Victorian Environmental Assessment Council:</i>		<i>Police: crime prevention technology</i> .....	2974
<i>river red gum forests report</i> .....	2942, 2944	<i>Rail: Laverton station</i> .....	2975
<i>Bushfires: heavy equipment</i> .....	2945	<i>Water: Bendigo district supply</i> .....	2975
<i>Bushfires: water sources</i> .....	2946	<i>Water: fluoridation</i> .....	2976
<i>Duck hunting: season</i> .....	2948	<i>Elmore: equestrian facility</i> .....	2976
QUESTIONS ON NOTICE		<i>Responses</i> .....	2977
<i>Answers</i> .....	2949		
PETITIONS			
<i>Water: north–south pipeline</i> .....	2949		
<i>Disability services: severe language disorder</i>			
<i>funding program</i> .....	2949		
<i>Aboriginals: cultural heritage management</i>			
<i>plans</i> .....	2949		
SCRUTINY OF ACTS AND REGULATIONS			
COMMITTEE			
<i>Alert Digest No. 13</i> .....	2950		
PAPERS .....	2950		
GAMING: PUBLIC LOTTERIES LICENCE .....	2951		
SELECT COMMITTEE ON PUBLIC LAND			
DEVELOPMENT			
<i>Membership</i> .....	2951		
BUSINESS OF THE HOUSE			
<i>General business</i> .....	2951		
MEMBERS STATEMENTS			
<i>Graffiti: Bentleigh</i> .....	2951		
<i>Police: service medals</i> .....	2951		
<i>Burma: pro-democracy protests</i> .....	2952		
<i>Primary Industries: Spirit of the Bush concert</i> .....	2952		
<i>Abortion: legislation</i> .....	2952		
<i>Cerebral Palsy Education Centre: achievements</i> .....	2952		
<i>Rail: Lakeside station</i> .....	2953		
<i>Multicultural affairs: community events</i> .....	2953		
<i>KPMG: former Premier</i> .....	2953		
<i>Patrick White</i> .....	2954		
<i>Rail: early bird tickets</i> .....	2954		
<i>Education and Training Committee: student</i>			
<i>parliament</i> .....	2954		



**Tuesday, 9 October 2007**

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

### ROYAL ASSENT

**Message read advising royal assent on 28 September to:**

**Confiscation Amendment Act  
Gene Technology Amendment Act  
Grain Handling and Storage Amendment Act  
Land (Revocation of Reservations) Act  
Legal Profession Amendment (Education) Act  
Planning and Environment Amendment Act  
Royal Children's Hospital (Land) Act  
Summary Offences Amendment (Upskirting) Act.**

### RULINGS BY THE CHAIR

#### Members: reading of speeches

**The PRESIDENT** — Order! Members will recall that when the Council last met, the question of members reading speeches was raised. In response I indicated I would look closely at members who read slavishly from notes. As this is the first occasion the Council has met since then, I propose to take this opportunity to reiterate the longstanding practice of the Council regarding the reading of speeches — putting aside the fact that I am reading this, slavishly!

The practice governing the reading of speeches in the Council is outlined in *May's Parliamentary Practice*, 23rd edition, at page 425, as follows:

In principle, a member is not permitted to read his —

or her —

speech, but he —

or she —

may refresh his —

or her —

memory by reference to notes. Similarly, a member may read extracts from documents but such extracts and quotation should be reasonably short. The purpose of this rule is to maintain the cut and thrust of the debate, which depends upon successive speakers meeting in their speeches to some extent the argument of earlier speeches; debate is more than a series of set speeches prepared beforehand without reference to each other. For the same reason, the Speaker has urged members to

remain in their places after they have spoken and to return to the house for the concluding speeches of a debate.

*May* goes on to say that this principle has been strongly reinforced by the recommendation of the Select Committee in the Modernisation of the House of Commons, which has been endorsed by that house.

I propose to ensure continued adherence to this principle in the Council. Members will always be permitted to refresh their memories by reference to notes. By established usage, ministers and members may read second-reading speeches. The reading of short extracts and quotations from documents is also permitted, as is the quoting of detailed technical material. However, these should be reasonably short to maintain the spontaneity and cut and thrust of debate. I advise members that I will strictly police the reading of speeches, and I ask members for their cooperation.

### QUESTIONS WITHOUT NOTICE

#### Victorian Environmental Assessment Council: river red gum forests report

**Mrs COOTE** (Southern Metropolitan) — My question is to the Minister for Environment and Climate Change. In its investigation of stressed river red gums, the Victorian Environmental Assessment Council recommended:

That the environmental outcomes for the investigations sought through the public land category system are dependent on a volume of water in the order of 4000 gegalitres for a floodplain event at least every five years.

On 27 September the Premier emphatically rejected the proposal to provide 4000 gegalitres. Does the Premier's statement represent the government's formal position on this issue?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank the member for the opportunity to outline to the house the interesting challenge that confronts the Victorian Environmental Assessment Council (VEAC), Victorian communities and the Victorian government in responding to the environmental challenge that has been outlined and given to VEAC, which is to make sure that we provide environmental management, land management and water flow management practices and try to do our best to revive and maintain the rich river red gum forests in the northern part of Victoria. That is a challenge that VEAC has worked assiduously on by undertaking various environmental, economic and social assessments for the last two years.

VEAC has furnished an interim report which canvases those issues and which has resulted in a very interesting response from various parties within the Victorian community, including those in the environmental movement that applaud the assessments VEAC has undertaken of the precarious nature of the wellbeing of those river red gum forests and the ways in which they can be appropriately managed in the future. That involves recommendations about the amount of water that should be available to ensure the survival of those forest species and the biodiversity within those forests.

Those recommendations have led to great conversations and some degree of anxiety in the Victorian community, which is very aware of the longevity of the drought and the lack of availability of water. The community is very aware of the politics and economics of water availability and environmental flows throughout this nation, through the Murray–Darling Basin, which obviously have an impact on the quality of Victorian forests and Victorian waterways and on the capacity for Victorian irrigators to go about their business.

Within that very complex set of environmental controls and water arrangements are the complexities of being able to provide for certainty of economic activity within the Victorian community. These are issues that the Victorian government has engaged with the community over, been very concerned about and advocated for on behalf of Victoria, at great cost in some instances, in respect of applying the lowest-common-denominator position that the commonwealth would have forced down our throats. The Victorian government has actually stood up time and again to protect the wellbeing of Victorian irrigators and to make sure that the availability of water in Victoria provides for the productive use of Victorian land.

The comments and statements made by the Premier that the member referred to were totally consistent with the commitment this government has made in trying to provide for certainty and confidence in the agricultural irrigation sector in Victoria. They were totally consistent with our concern to ensure there is an amount of water available so we can satisfy the needs of that economic activity and maintain the social infrastructure and social cohesion that depend upon a viable agricultural industry.

The Premier was very concerned to make sure that in the consideration the Victorian government undertakes of the Victorian Environmental Assessment Council recommendations it does not lose that focus and commitment to our communities and to a viable agricultural irrigation sector in the state of Victoria. We

as a community are charged, and VEAC is charged, with the responsibility of making the appropriate assessment of the environmental values and what is required in terms of land management practices and of reflecting on the amount of water that should be available to protect those river red gum forests now and into the future.

I can absolutely assure the member, assure the house and assure the Victorian community that VEAC is very mindful of addressing the sensitivity of those issues in a considered and comprehensive fashion. VEAC is very mindful of the concern that the Victorian government has expressed — that the Premier has expressed and that I have expressed in my contribution today — and of the range of issues that have to be considered in terms of what the final VEAC recommendations will say and the response of the government to them to appropriately address the environmental, social, economic and agricultural concerns that will be impacted upon by those recommendations.

This is not a simple matter. This is not a simple range of issues that could be easily dismissed and not treated seriously. VEAC is treating those issues seriously, and the Victorian government is responding to those issues seriously. The government will be concerned to ensure that the VEAC recommendations are couched in terms that are most likely to be successful in achieving the integrity of the initial terms of reference that were provided by the government to protect river red gum forests. We will be particularly mindful of making sure that we do not desert our obligations to the Victorian community and that we have productive agricultural activity within the state of Victoria in years to come.

*Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — Given that the Premier has already rejected a key premise of the VEAC report, is not the remaining process now a total sham?

**Mr JENNINGS** (Minister for Environment and Climate Change) — The member should have listened to my contribution. She seemed to take notes, yet her supplementary question gives the lie to the fact that she has considered the range of issues that I responded to in my substantive answer. My substantive answer indicated the complexities of the issues that VEAC is charged with responsibility for under the act and the terms of reference given by the Parliament and the government. It is assiduous in its work. It is mindful of the range of the complexities of the issues I have outlined to the house, and it will work them through. Once it issues its final report, the government will

respond accordingly in relation to the viability of those recommendations and their practical implementation. It is definitely a process that the government is concerned to make sure maintains the integrity of the original terms of reference given to VEAC.

**Brambuk Aboriginal Cultural Centre:  
management**

**Ms TIERNEY** (Western Victoria) — My question is to the Minister for Environment and Climate Change. Can the minister inform the house of the outcomes of the PricewaterhouseCoopers audit of compliance with the service agreement between Parks Victoria and the Brambuk Aboriginal Cultural Centre?

**Mr JENNINGS** (Minister for Environment and Climate Change) — The last time I was asked this question I gave an undertaking to the Parliament that at the first opportunity I would report the outcomes of an examination of the profit-and-loss statement of Gariwerd Enterprises undertaken by PricewaterhouseCoopers after it had been referred by Parks Victoria. In fact I am a little bit disappointed that the opposition spokesperson, who actually asked me the first question of each of the preceding sitting weeks, missed the opportunity to provide me with the chance to answer that question first up.

*Honourable members interjecting.*

**Mr JENNINGS** — I am pretty disappointed that members have a limited shelf-life interest in the issues. I am glad Ms Tierney has provided me with the opportunity to answer this question. I am very pleased to say that an independent audit of Gariwerd Enterprises has been provided to Parks Victoria. As I reported to the house in the last sitting week, Parks Victoria and the government were wanting to make sure that there was appropriate independent external scrutiny of those profit-and-loss statements to ensure that we as a community, government and Parliament can have confidence about the rigour of those accounts.

I am pleased to put to the house that, following receipt of the PricewaterhouseCoopers report, Parks Victoria has been prepared to confirm that those statements are in accordance with the management service agreement. Specifically that report has indicated that all grant funding from Parks Victoria was found to be fully accounted for as income in the Gariwerd profit-and-loss statements. Further to that, the transaction listings for sales, income and expenses including wages were found to agree with the balances reported in the profit-and-loss statements. On that basis Parks Victoria has confirmed that grant funding provided by Parks

Victoria was used for the purposes of delivering the service requirements under the management service agreement.

**Victorian Environmental Assessment Council:  
river red gum forests report**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for the Environment and Climate Change, Mr Jennings. Now that the Premier has ruled out supporting recommendations for flushing 4000 gegalitres of environmental flows, will the minister rule out supporting any other recommendations that will result in job losses to Murray River communities?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I indicated in my previous answer in relation to VEAC (Victorian Environmental Assessment Council) recommendations that the government is seriously considering the environmental, social and economic implications and the land management matters that fall out of the VEAC recommendations.

In fact it is very appropriate for all members of the community to take a bit of a deep breath. VEAC is charged with the responsibility of issuing in the new year, 2008, a report to deal substantively with these issues, which the government will subsequently respond to. The usual process is that the government responds within a six-month period of the final report being delivered. I report to the house that it continues to be the intention of the government to allow VEAC to digest the significant community consultation process that it has embarked upon. If members of Parliament believe that they are engaged in a few hours of conversation with members of the community about the various issues relevant in relation to this, I can assure them VEAC has made it pretty crystal clear to me that it has spent hundreds of hours considering these matters — hundreds of hours in consultation with community members about the environmental, economic and social outcomes of the recommendations.

VEAC is charged with a responsibility under an act of this Parliament to assess those and make recommendations to the government. Its track record is exemplary in following the fine tradition of the Land Conservation Council and other bodies that have undertaken this work on behalf of the Victorian people. It is doing it again; it is doing it to the best of its ability with a degree of integrity. The government will consider and respond to the VEAC recommendations. They will not be knee-jerk responses or fly-by-night

considerations, but detailed considerations and responses.

*Supplementary question*

**Mr DRUM** (Northern Victoria) — The minister has mentioned that his government is going to wait six months for this process to run its course before it rules on it, but that has not been the case with one recommendation and in fact the recommendation that has been detailed to be the most significant recommendation within the report. I ask the minister: how many other recommendations within the report have already been decided on by this Labor government.

**Mr JENNINGS** (Minister for Environment and Climate Change) — I have given Mr Drum my answer — —

**Mr Drum** — No, you have not.

**Mr JENNINGS** — I have given the answer I am going to give, Mr Drum! VEAC is considering the complexities of these issues. It is trying to have a balanced response to those suite of issues. It will make final recommendations, and the government will respond accordingly.

**Mobil: Newport pipeline**

**Mr PAKULA** (Western Metropolitan) — My question is also to the Minister for Environment and Climate Change. Can the minister inform the house how the Environment Protection Authority is keeping the community informed about actions to address a petroleum leak from an underground pipeline in Newport?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I am trying to demonstrate to the chamber today my preparedness to be accountable on a range of matters that may have been raised on a number of occasions. I welcome the degree of scrutiny that the Parliament brings to bear, and I am happy to take the earliest opportunity to report back to the chamber about those various matters.

Previously we discussed a most unfortunate petroleum leak that occurred in the Newport area on 6 December last year, which led to some contamination of groundwater by petroleum through a wide-ranging area within Newport and led to some degree of community concern, quite rightly, which has been expressed in a variety of ways, including questions that have been raised in this chamber. I gave an undertaking last time

this was raised to make sure that we are vigilant in relation to this.

The Environment Protection Authority was put on notice that this Parliament and the community have very high expectations of its performance and its delivery. The EPA has reflected on that urging, and it has provided me with some reassurance that it takes the project to restore and rehabilitate this land very seriously. It has indicated to me that at the last count around 120 000 litres of petroleum product has been extracted from the Newport area as part of this rehabilitation work. The EPA reports to me that it has worked in collaboration with Mobil after a clean-up order was issued to Mobil and is expecting Mobil to comply with that clean-up order, which it understands will take quite some time. It is working in collaboration with an environmental auditor, Hobsons Bay City Council, Melbourne's City West Water and Energy Safe Victoria to ensure there is appropriate compliance with those arrangements.

As recently as March this year a health risk assessment was furnished to the EPA, which has been conveyed to the local community and which indicates there is no imminent health risk. That is not to say that members of the community do not need to continue to be concerned about that matter. They need to be informed and provided with ongoing confidence about that matter. As recently as 31 August Mobil provided the EPA with an environmental audit around the range of environmental issues and the rehabilitation program. As recently as 28 September Mobil provided the EPA with its clean-up plan in accordance with that environmental audit and in accordance with its obligations.

I am pleased to report to the house that it is the intention of the EPA to ensure the local community is mindful of what the environmental audit says and what the status of the clean-up plan is. Its intention is to be able within the next month to provide community meetings at which information will be distributed to the local constituents. In fact it is prepared to undertake a doorknocking campaign in the areas that are most affected to ensure that there is face-to-face contact between the EPA and members of the local community. Indeed it is very prepared to support people within their neighbourhoods if they want to undertake things such as soil testing in order to provide them with confidence going forward.

I believe the EPA takes this matter extremely seriously, and certainly I take this matter extremely seriously in the name of supporting members of the Newport community now and into the future.

### **Bushfires: heavy equipment**

**Mrs COOTE** (Southern Metropolitan) — My question is for the Minister for Environment and Climate Change. Preparations for the upcoming fire season depend upon the recruitment of paid and volunteer firefighters and the sourcing and coordination of heavy equipment. I refer to a letter from a contractor who provided excavators and bulldozers during the Mansfield bushfires last year. The contractor was asked by Mr Kevin Mahey of the Department of Sustainability and Environment to move his 30-tonne and 25-tonne machines to Mansfield and await further directions. Despite its request, DSE now refuses to pay the \$118 000 cost of moving those machines to Mansfield, claiming it does not have the paperwork. My question to the minister is: what type of paperwork is required in such a situation?

**Mr JENNINGS** (Minister for Environment and Climate Change) — In fact I was wondering, in the twists and turns of this question, whether it was going to be similar to a question raised by Mr Hall at a previous time in relation to the unfortunate loss of heavy-duty equipment during the firefighting season, which Mr Hall and I, along with his constituent, have actually discussed on a number of occasions. I am very concerned about the actions of volunteers and the potential cost to them in relation to the use of equipment, so I am particularly mindful of — —

**Mrs Coote** interjected.

**Mr JENNINGS** — I am mindful of the issue that Mr Hall raised and I am reflecting upon that. It is a useful segue to Mrs Coote's point, which in fact concerns the issue of the availability of equipment. Last sitting week I reported to the house about the significant investment made by the Brumby government to ensure that we are fire ready for the next summer, which from memory included \$7.8 million being allocated to our firefighting effort this year. It involved a range of equipment, with bulldozing equipment being a major feature of our investment strategy, but also included refuelling capacity for the aircraft that undertake firefighting and a significant investment in mobile fire camps and support for firefighters.

I reported to the house that, yes indeed, we did have a significant increase in the number of paid firefighters that we were recruiting. In fact we are well on track to achieving the 600 new full-time firefighters. We have dedicated some considerable effort to ensuring that the spring leads to the appropriate degree of fuel reduction burning — burns of 130 000 hectares will be undertaken during the course of this spring — to try to

reduce the fire load within the forests. We take these issues extremely seriously.

In terms of the detail of the unnamed person that Mrs Coote refers to, I am happy to be provided with relevant information, verbally or in writing, to be able to pursue this matter, because the way this issue should be remedied does not seem to me to be insurmountable. It could be addressed in a variety of ways, rather than my becoming a clerk for the Department of Sustainability and Environment.

#### *Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — In the future should contractors decline to respond to emergency requests from the Department of Sustainability and Environment unless paperwork is provided up-front?

**Mr JENNINGS** (Minister for Environment and Climate Change) — President, that sounded to me like a statement rather than a question.

**Mrs Coote** — Would you like me to repeat it?

**Mr JENNINGS** — No, it is all right.

### **Tiger Airways: operations**

**Mr EIDEH** (Western Metropolitan) — My question is to the Minister for Industry and Trade. Can the minister inform the house of any recent announcement that will mean cheaper air travel and more flights for Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I thank the member for his question. As someone whom I know does a bit of travel, I am sure he will be interested in my response to his question.

Yesterday I was very pleased to open terminal 4 at Melbourne Airport, which is the new Tiger terminal — it will be the home of Tiger Airways. I might say that attracting Tiger Airways into Victoria was the result of a collaboration between the Victorian government and Melbourne Airport in putting a package together. Part of that package was that Melbourne Airport would facilitate Tiger's home by constructing the new terminal. The terminal was built at a cost of more than \$5 million, so it is a significant investment by Melbourne Airport. It will allow 600 passengers per hour — or in excess of 2 million passengers per annum — to be processed through it. It is an exciting new development for Melbourne Airport and for

Victoria, because it brings increased competition into Victoria.

This is not just about providing cheaper air fares for people who are travelling to and from Victoria, the people who are actually travelling anyway, although it will deliver those cheaper air fares as well. It is also about bringing extra people — new people — who would otherwise not have come into Victoria as tourists because of the barrier of cost. Those people will now be attracted in increasing numbers, and that will add to economic activity in the state.

This is a huge win for the state. As part of celebrating the terminal opening, as many of you would have heard, a raft of cheap air fares were offered by Tiger. I hasten to add that unfortunately I was not able to get to a computer fast enough to benefit from it, and neither were some of my colleagues, but I am sure that the 15 000 Victorians who did benefit would have been pleased to pick up air fares to Tasmania for \$10 or air fares to Perth for as low as \$40. But the issue here, as I said, is not just about cheaper air fares; it is also about the fact that it will stimulate lower fares in the other airlines as well and will stimulate employment.

Tiger has estimated that 1000 jobs will be created directly and indirectly. Tiger Airways headquarters will have cabin crew and support staff, and there will be new maintenance jobs at the John Holland Aviation Services facility, which members would remember was the old Ansett maintenance area. It has been taken over by John Holland and is another significant success story for Victorian aviation and the aviation industry. Of course there will also be indirect jobs, especially in the tourism industry.

This is a significant event. Tiger Airways has decided to not only become Australia's low-cost airline but to make its home here in Melbourne. That is significant for all those maintenance and other jobs. It is starting off with five aircraft. Bear in mind that all five of those aircraft will fly back into Melbourne every night, park at the new facility and be ready to fly out the following morning. Melbourne really will be the hub of this expansion.

I am very pleased to be a part of making those announcements because in the lead-up to the Spring Racing Carnival, the Australian Open tennis championships and the Australian Formula One Grand Prix many more people will be able access these cheaper fares and come to Melbourne for our major events. I am very pleased with the outcome of these negotiations. It shows that Melbourne is once again leading the way in attracting investment into this state.

## Bushfires: water sources

**Mrs PETROVICH** (Northern Victoria) — My question is to the Minister for Environment and Climate Change, Mr Jennings. I refer to the minister's announcement of the availability of 34 firefighting aircraft for this summer's bushfire season. Will the minister inform the house of what water sources will be made available for Department of Sustainability and Environment firefighting operations?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mrs Petrovich for her question and her concern about making sure that Victoria is fire ready and that we are well prepared in terms of the equipment, personnel and resources we have allocated to our firefighting effort. I assume members would be acutely aware that during the course of the last firefighting season a commercial arrangement was struck by the government through the auspices of Department of Sustainability and Environment with people in the community for them to provide their domestically available water supply for the firefighting effort.

An extraordinary thing I discovered was that in a very large fire season — over 1 million hectares of Victoria was burnt during the course of last year — there was a very limited use of water for this purpose. During the course of last summer only 12 megalitres — a very small amount — of water was purchased through Victorian water-holders to fight fires. It is a fact that the majority of firefighting effort is dry firefighting, which is achieved by land clearing and other fire control methods. Most members of our community probably do not understand that is the case. It is a very surprising thing. The degree to which that occurred and the comparatively small amount of water used for that purpose was a surprise to me when I inherited the portfolio responsibility. The government, through DSE, is embarking upon a similar process this year so we are able to provide certainty and confidence going forward. I believe the program we implemented last year is very likely to be successful and to be operating during the course of the coming summer.

### *Supplementary question*

**Mrs PETROVICH** (Northern Victoria) — Will the minister assure the community that the government will compensate all landowners whose water is taken for use in Department of Sustainability and Environment firefighting operations?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank the member for the

opportunity to clarify and to do what I obviously did not do in my substantive answer, which is to say yes.

### **Melbourne Convention Centre: Ortech Industries**

**Mr THORNLEY** (Southern Metropolitan) — My question is for the Minister for Major Projects. Can the minister inform the house of recent developments that will see Victorian companies benefit from the construction of the new Melbourne Convention Centre at Docklands?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — I thank the member for his question. The 5000-seat Melbourne Convention Centre is a major new development. It is part of a \$13 billion infrastructure program which the Brumby government will be involved in over the next four years. Just so that members understand the size of the infrastructure and major projects budget that is going forward, the capital spend will be at a rate on an annual basis of in excess of three times more than was ever spent under the Kennett government. That is the size of the additional capital spend this government is undertaking to make up for the fact that during the Kennett years very little was done in the way of providing new infrastructure — very little was done other than the privatising of existing infrastructure.

**Mr D. Davis** — What about CityLink?

**Hon. T. C. THEOPHANOUS** — You do not like hearing the truth, Mr Davis. What happens when you actually involve yourself in major construction of major projects is that it allows innovative local firms to be able to get business which they otherwise might not be able to get. I just want to mention one of those firms which has been involved in the development of the convention centre — the Bendigo company Ortech Industries. This company produces construction panels which go into the roof and provide insulation in the roof space. We have used these panels once before in the construction of the \$207 million synchrotron.

The importance of these panels, which are called Durra panels, is that they are very much eco-friendly because they are made from wheat and rice straw. It is an amazing innovation to be able to use wheat and rice straw to produce panels that are good enough commercially to be put into a building like the Australian Synchrotron, or in this case the Melbourne Convention Centre. Not only that, the company has now begun to export this product overseas to a significant number of countries including China, Indonesia and Greece.

It is a way of showing that when you have an innovative company that comes up with a product and you have a government that is involved in a major project, that company can gear off that major project to prove its product at a commercial level. What you get is the critical mass not only for the company to go forward but also for that company to then export to the rest of the world. This is a huge success story. It just shows that our strategy to get increased exports has been a real success. The figures that you are now seeing in the context of a higher dollar and in the context of a drought — a 7 per cent increase over the last 12 months in goods exports — do not happen by accident. They happen because you have the right policy framework in place and you are gearing off things like major projects that the government itself is involved in.

### **Duck hunting: season**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change. It is in relation to next year's duck hunting season. In light of the reported 80 per cent reduction in waterbird numbers due to the ongoing drought, what scientific information will the minister be collecting in making his decision as to whether to have a duck hunting season next year? What consultations with interested parties has the minister had or will he be undertaking?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Barber for the opportunity to respond to this question. I am very pleased to say I have not had many conversations with many people up until now about the potential for a duck hunting season during 2008, given that I know those sorts of conversations inevitably tend to be fairly circular, fairly entrenched and fairly passionate — in fact probably disproportionately passionate — in relation to the ongoing question of whether a duck hunting season is a good idea or a bad idea. To try to deal with that in as dispassionate a fashion as possible, I will digest scientific evidence talks about the viability of our wetlands and waterways and the viability of duck species.

From my vantage point that will be the prime determiner for whether the season should go forward or not. Regardless of the passionate positions about whether this should or should not happen that may come in from 360 degrees around the community, I will be swayed by the evidence.

**Mr D. Davis** — What about the eastern Australian bird count?

**Mr JENNINGS** — That is included.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — In relation to that decision, when is that scientific information likely to be released so that we can all have a look at it?

**Mr JENNINGS** (Minister for Environment and Climate Change) — It sounds to me as if Mr Barber is hoping to be engaged in conversation about this matter. Mr Davis, by interjection, indicated that he has a viewpoint that I should make sure my environmental consideration includes the numbers of duck species, which I thought it might have. But I am very happy to put on the record that from my vantage point the number of birds will be part of the evidence that is considered as part of this assessment. As much as possible, given that I am charged with the responsibility of making the final determination, I would like to consider this on the basis of a dispassionate analysis, rather than making it something that might bedevil the chamber or the community. I will probably not be able to stop people from entering into the debate about it despite my best endeavours, but I am going to try to minimise it rather than maximise it.

**Regional and rural Victoria: land release**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Planning, Mr Madden, who is just here. I am very pleased to say that the Brumby government has shown a strong commitment to creating cohesive and vibrant communities right across Victoria, including in country and regional Victoria. I ask the minister to advise the house on what the Brumby government is doing to promote land supply and sustainable development in regional Victoria, especially in northern Victoria.

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Ms Broad's interest in this area and also the fact that she wanted to formally ask me this question in the chamber. Even though we could easily have had this conversation informally, person to person, I am very pleased that she was able to ask me this question in a formal manner. As we have made the case very often and continue to make the case, we, the Brumby government, are very committed to regional and rural Victoria. While we know the Kennett government referred to regional and rural Victoria as the toenails of the state, we are committed on every front to providing for regional and rural Victoria.

Part of that is not only about providing land and development opportunities, it is about building stronger, more robust communities. One of the best ways we can do that is not only by providing land but by providing substantial development opportunities that develop strong communities.

As recently as the week before last I was in Swan Hill as part of the community cabinet process, and I announced VicUrban's latest land release exercise at Tower Hill. I know this is of particular interest to members who have a particular interest in Swan Hill. It also reflects the enormous growth that is taking place not only in Melbourne but right across the state and particularly in regional and rural Victoria. I suspect Mr Drum would be interested in this, if he chose to listen, because this is the sort of territory that is probably part of his heartland.

Can I say that I had the good fortune to be able to release land for 52 new homes. In somewhere between 5 and 6 hours we saw 15 of those lots taken up by members of the community. It is part of managing population growth but also of providing land releases right across regional and rural Victoria. This release is part of the Tower Hill development, and that development will ensure that over time we will see 1100 new homes in the region housing an estimated 2500 people with a total development site covering 150 hectares. That is not bad for a regional town.

As well as that, we are seeing community development on the site. Part of that development is the local TAFE, which is a critical component in providing the community with employment opportunities, and the Alcheringa aged care facility, which is currently under construction. This development not only provides housing for families and individuals but also provides people with the opportunity to live and work in that community, to be educated in that community and to be provided with aged care services in that community. People are not only buying in as families but are buying in to be close to aged care services for their aged family members — their parents — and so that their young family members can be part of the TAFE community.

As well as a land subdivision we are seeing a tremendous opportunity to develop the community. As well as the 5-star energy rating that applies to the vast majority of the housing, this has involved water-sensitive urban design initiatives, stormwater management, the establishment of wetlands to filter and recycle water and drought proofing of the landscape. There will be walking paths, bike tracks, picnic facilities and parkland. It has it all, including high-quality residential outcomes. What we are seeing

is a new way of developing suburbs and providing opportunities for all members of those communities. We are not doing this just in Melbourne; we are doing it in regional Victoria. That reinforces our credentials and those of VicUrban in making Victoria a great place to live, work and raise a family.

children with other speech impairments will have little or no access to speech pathology.

The petitioners therefore request that the state government immediately reinstate the severe language disorder funding program thereby improving Victorian children with autism, Asperger's syndrome or other language disorders' access to quality speech pathology.

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

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 328, 348, 353, 365, 366, 369, 370, 385, 388, 420, 422, 423, 441, 451, 501, 505, 509, 510, 541, 542, 675, 688, 719, 758, 763, 765, 766, 771, 794, 810–12, 859–62.

**By Ms LOVELL (Northern Victoria) (78 signatures)**

**Laid on table.**

**Water: north–south pipeline**

To the Legislative Council of Victoria:

This petition of citizens of the state of Victoria wish to draw to the attention of the Legislative Council of Victoria the proposal to develop a water-carrying pipeline which would take water from the Goulburn River and pump it to Melbourne.

**PETITIONS**

**Following petitions presented to house:**

**Water: north–south pipeline**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council of Victoria the proposal to develop a pipeline which would take water from the Goulburn River and pump it to Melbourne.

The petitioners are opposed to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment and lead to further water being taken from the region in the future.

The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the basin.

The petitioners are opposed to this project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the basin.

Your petitioners therefore request that the state government abandons their proposal to pipe water from the Goulburn River to Melbourne and calls on the state government to address Melbourne's water supply needs by investing in recycling, capturing stormwater, drains and desalination.

Your petitioners therefore request that the state government abandons their proposal to pipe water from the Goulburn River to Melbourne and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

**By Mr DRUM (Northern Victoria) (90 signatures)**

**Laid on table.**

**Aboriginals: cultural heritage management plans**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the significant cost and the burden of red tape which will affect land-holders as a result of the state government's proposal to introduce compulsory cultural heritage management plans and payment of a registered Aboriginal officer to evaluate property prior to conducting a wide range of activities.

**By Ms LOVELL (Northern Victoria) (10 signatures)**

**Laid on table.**

**Disability services: severe language disorder funding program**

To the honourable the President and Members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its concern that due to the Bracks government's decision to abolish the severe language disorder funding (SLDF) program —

The petitioners therefore request that the Legislative Council support a motion to postpone the introduction of the regulations until such time as a regional impact study has been prepared, evaluating the social and economic costs to the community from this proposal; and the state government undertakes to pay those costs.

children with autism and/or Asperger's syndrome will have little or no access to speech pathology;

**By Mr DRUM (Northern Victoria) (11 signatures)**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

***Alert Digest No. 13***

**Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 13 of 2007, including appendices.***

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

Agriculture Victoria Services Pty Ltd — Report, 2006–07.

Crown Land (Reserves) Act 1978 — Minister’s Order of 14 September 2007 giving approval to the granting of leases at Dunkeld Memorial Park Reserve.

Duties Act 2000 — Treasurer’s reports of exemptions and refunds arising out of corporate consolidations and reconstructions for 2006–07 (two papers).

Fisheries Co-Management Council — Report, 2006–07.

Freedom of Information Act 1982 — Statement of reasons pursuant to section 65AB(2) of the Act.

Major Events (Aerial Advertising) Act 2007 — Event Order of 18 September 2007 in relation to the 2007 AFL Finals Series.

Melbourne 2006 Commonwealth Games Corporation — Report for the period 1 July 2006 to 30 November 2006.

Phytogene Pty Ltd — Minister’s report of receipt of 2006–07 report.

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

Ballarat Planning Scheme — Amendment C81.

Bass Coast Planning Scheme — Amendments C25 and C71.

Boroondara Planning Scheme — Amendment C59.

Golden Plains Planning Scheme — Amendment C31.

Greater Geelong Planning Scheme — Amendments C124 and C131.

Knox Planning Scheme — Amendment C72.

Manningham Planning Scheme — Amendments C53 and C64.

Melbourne Planning Scheme — Amendment C109.

Moreland Planning Scheme — Amendment C80.

Nillumbik Planning Scheme — Amendments C13 Part 1 and C52.

Shepparton Planning Scheme — Amendment C50.

Victoria Planning Provisions — Amendment VC45.

Warrnambool Planning Scheme — Amendment C47.

PrimeSafe — Minister’s report of receipt of 2006–07 report.

Radiation Act 2005 — Declaration under section 4 of the Act.

Victorian Broiler Industry Negotiation Committee — Minister’s report of receipt of 2006–07 report.

Victorian Strawberry Industry Development Committee — Minister’s report of receipt of 2006–07 report.

Statutory Rules under the following Acts of Parliament:

Borrowing and Investment Powers Act 1987 — No. 101.

Child Wellbeing and Safety Act 2005 — No. 102.

Confiscation Act 1997 — No. 99.

Gambling Regulation Act 2003 — No. 100.

Infringements Act 2006 — No. 105.

Magistrates’ Court Act 1989 — No. 103.

Metropolitan Fire Brigades Act 1958 — No. 111.

Motor Car Traders Act 1986 — No. 106.

Planning and Environment Act 1987 — No. 110.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 107.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 104.

Tobacco Act 1987 — No. 109.

Transfer of Land Act 1958 — No. 108.

Subordinate Legislation Act 1994 —

Ministers’ exception certificates under section 8(4) in respect of Statutory Rule Nos. 96, 103 and 104.

Ministers’ exemption certificates under section 9(6) in respect of Statutory Rule Nos. 99, 102 and 105.

**A Proclamation of the Governor in Council fixing an operative date in respect of the following Act:**

Gambling and Racing Legislation Amendment (Sports Betting) Act 2007 — 1 October 2007 (*Gazette No. G38, 20 September 2007*).

**GAMING: PUBLIC LOTTERIES LICENCE**

**The CLERK** — I lay on the table a letter from the Attorney-General on behalf of the executive government dated 27 September 2007, advising the Council that the executive government on behalf of the Crown makes a claim of executive privilege in relation to each document that falls within the terms of the resolution of the Council of 19 September 2007.

The Attorney-General further advises that as the claim of executive privilege on behalf of the Crown has been made, the documents will not be produced to the Legislative Council.

**Laid on table.**

**SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT****Membership**

**Mr LENDERS** (Treasurer) — By leave, I move:

That Mr Viney be discharged from the Select Committee on Public Land Development and that Mr Thornley be a member of that committee in his place.

**Motion agreed to.**

**BUSINESS OF THE HOUSE****General business**

**Mr P. DAVIS** (Eastern Victoria) — By leave, I move:

That general business on Wednesday, 10 October 2007, be taken in the following order:

- (1) the notice of intention relating to the introduction of the Health (Fluoridation) Amendment Bill 2007 standing in the name of Mr Kavanagh; and
- (2) the notice of motion standing in my name in relation to the production of documents by the Leader of the Government to be taken cognately with the notice of motion to take note of the Attorney-General's letter of 27 September 2007 in relation to the same matter.

**Motion agreed to.**

**MEMBERS STATEMENTS****Graffiti: Bentleigh**

**Mrs COOTE** (Southern Metropolitan) — My concern is for the people of Bentleigh, who are

particularly concerned about graffiti in their area and how appalling and confronting it is. People who live in and around the rotunda area of Centre Road, the Bentleigh shopping strip, the McKinnon shopping strip and numerous areas along the railway corridors are particularly concerned about the unsightly graffiti that confronts them every time they walk into these vicinities. It is an indictment against the way people wish to live their lives and is confronting to these people.

It engenders a lack of pride in the city, and in fact people are concerned that these so-called graffiti artists are out there doing exactly what they wish to do not only on the weekend and at night-time but increasingly during the daytime. These so-called artists are intimidating, and people find it very concerning. It tends to be the start of the downhill path for the graffiti artists, and many of them end up with criminal records. Something needs to be done to address this issue very quickly.

Last week we saw a prolific graffiti menace, who had been on a three-year train-vandalising spree across Melbourne, allowed to walk free by the courts. The people of Bentleigh are very concerned and want to see —

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

**Police: service medals**

**Mr HALL** (Eastern Victoria) — Last Wednesday, in the company of three of my lower house colleagues — Russell Northe, Peter Ryan and Gary Blackwood — and in the company of my federal colleague Peter McGauran, I attended the National Medal and Victoria Police Service Medal award ceremony held in Morwell. On that particular occasion some 47 officers of the Victoria Police coming from the Bass Coast police service area, the Baw Baw police service area and the Latrobe police service area were acknowledged by Superintendent Geoff Newby and Assistant Commissioner Paul Evans for various periods of service each of those persons had given to Victoria Police. On such occasions it is appropriate to reflect on the outstanding commitment, dedication and contribution made by police officers in this state, and particularly their efforts to maintain community safety.

Policing must be one of the most difficult professions to practise. It is a profession where personal courage is an attribute more frequently called upon than in many other professions. I want to thank and congratulate all of those people and express my greatest admiration for

the officers who received recognition last Wednesday and for their colleagues in the Victorian police force. I particularly want to mention one officer who received recognition at that ceremony, and that is Detective Senior Sergeant Keith Gilbert, who is with the criminal investigation unit based in the Latrobe Valley. Keith has actually chalked up 35 years service with Victoria Police and has been an outstanding member of the force over that time.

### **Burma: pro-democracy protests**

**Ms PENNICUIK** (Southern Metropolitan) — We are all aware of the recent pro-democracy protests in Burma and of the horrifying and appalling reprisals against Buddhist monks and other protesters by the ruling military junta. It has been estimated that since the junta seized power more than a million people have been displaced and 600 000 murdered. There are more than 700 000 Burmese in Thai refugee camps and the Burmese military has destroyed up to 3000 villages and terrorised the inhabitants. The countryside of Burma is riddled with landmines. Since the latest protests, there have been reports of up to 200 deaths and 4000 people detained. The true figures may be much higher.

These issues are always difficult for the international community to grapple with, but we must always be on the side of the ordinary people of Burma who have been suffering for far too long under this terrible regime. Senator Kerry Nettle has called for Australia to suspend all security cooperation with Burma, in particular Australian Federal Police training of Burmese officials and police under the auspices of the Asia-Pacific Economic Cooperation and the Association of South-East Asian Nations. The activities of any Australian companies operating in Burma should be examined to see if their investments support the regime in any way.

Australia needs to maintain pressure on the military regime to release all political prisoners, including Daw Aung San Suu Kyi, for the negotiated handover of political power from the military regime to the elected representatives of the Burmese people and for new elections to be held as soon as possible.

### **Primary Industries: Spirit of the Bush concert**

**Ms PULFORD** (Western Victoria) — The Public Relations Institute of Australia recently announced a state award for excellence for a special event. The Department of Primary Industries (DPI) won the award for the successful Spirit of the Bush concert held near Horsham in March this year. Communities across Western Victoria are doing it pretty tough at the

moment and opportunities for people to get together, reconnect with each other and enjoy some fun are so important at this difficult time. It is great to know that staff at DPI will go the extra mile to help rural and regional communities temporarily forget about some of the hardships created by this terrible drought.

I would like to congratulate DPI on its efforts in supporting the free concert at Longerenong which attracted a crowd of over 20 000 people, and included performances by Lee Kernaghan, Leo Sayer, Gina Jeffreys and Diesel. I would also like to wish DPI the very best of luck in running for the national award.

### **Abortion: legislation**

**Mr ATKINSON** (Eastern Metropolitan) — I wish to express my dismay and a level of concern about the terms of reference conveyed to the Law Reform Commission in regard to abortion law reform. I am particularly concerned that the reference went to the commission on grand final eve in an apparent attempt to ensure that it would be lost so far as the media was concerned. I am also concerned about the fact that the response period for submissions is limited to 9 November. Members would be aware that a significant number of people wrote to us about this issue. It is a significant issue in the community and it deserves full and thorough debate.

I am concerned that the terms of reference are unduly narrow, and whilst I applaud the Premier's reference to the Law Reform Commission as a way of dealing with this complex and sensitive issue in a thorough and proper way, I am dismayed that the terms of reference would suggest that a number of issues may well not be looked at adequately. One of the concerns I have with abortion is that there is a presumption that it is a woman's choice. My major concern with that presumption is that I believe in many cases women are in fact coerced by other people into having abortions — sometimes their parents, sometimes by a male partner and sometimes by other people. I am not sure that these terms of reference are going to address that issue, among others.

### **Cerebral Palsy Education Centre: achievements**

**Mr LEANE** (Eastern Metropolitan) — With the Melbourne marathon having recently been run I would like to pay tribute to one of its official charities, and that is the Cerebral Palsy Education Centre.

Cerebral palsy is the most common physical disability in childhood for Australian children. I went out to the

centre, thanks to Mr Garry Prigg, who is inspirational. He gave me a run-down of the excellent work done there in assisting families from right across the state. This facility is now internationally renowned taking much of its intellectual property and systems around the world. It is a fantastic centre, and they do fantastic work there. Mr Prigg was a recipient of the Tattersall's enterprise and achievement award for community unsung heroes. He is so inspirational that when he found out that I was an electrician he inspired me to commit to wiring a power point for the centre's new plasma screen. I would like to thank Mr Antenna, especially John Bridges, for putting his hand up to assist in getting the antenna working because that is something my electrical skills do not cover.

**The DEPUTY PRESIDENT** — Order! I trust you still have the appropriate red card, or whatever it is, Mr Leane.

### **Rail: Lakeside station**

**Mr O'DONOHUE** (Eastern Victoria) — Last Wednesday evening, together with my colleague Mrs Peulich, I was pleased to attend a meeting of the Casey-Cardinia Communities for Transport coalition. That group was formed out of sheer frustration at the lack of infrastructure and lack of investment in public transport facilities in the rapidly growing south-east growth corridor. I was pleased to see a large number of people there, and pleased to see the community drawing together to respond to this government's lack of infrastructure.

**Mrs Peulich** — No Labor MPs!

**Mr O'DONOHUE** — You are right, Mrs Peulich, not one Labor member of Parliament was there. The lesson from the city of Casey, which has grown rapidly, is that unless public transport infrastructure is developed and built before a population moves in, people's transport patterns are established. Invariably they are car based and once those patterns are established they are very unlikely to go back to public transport, even if public transport facilities are developed.

The lesson for the shire of Cardinia as it grows through the growth corridor is to develop that infrastructure now before the population moves in and develops its transport patterns. I call on the government to expedite the construction of the Lakeside railway station now.

### **Multicultural affairs: community events**

**Ms MIKAKOS** (Northern Metropolitan) — Recently I had the opportunity to attend a number of

local events that reflect the multicultural character of our state. On 25 September I attended the Whittlesea Moon Festival organised by the Whittlesea Chinese Association. The moon festival is an important event of the Chinese community and is associated with the mid-autumn harvest, the eating of moon cakes and bringing together family members.

On 29 September I was pleased to attend the Muslim Women's Welfare Council of Victoria's Iftar dinner, which was themed 'Bringing Australian communities together in celebrating the essence of Ramadan'. Ramadan is regarded as being one of the pillars of the Islamic faith.

I congratulate the organisers of both of these events. We are fortunate to live in a state that embraces people of all cultures and faiths. That is why I was dismayed at the Howard's government's most recent pre-election effort to again politicise Australia's immigration program which until 1996 enjoyed bipartisan support.

*Honourable members interjecting.*

**The DEPUTY PRESIDENT** — Order! Ms Mikakos, to continue without assistance!

**Ms MIKAKOS** — I call on the Howard government to get its head out of the sand and to support Australia's humanitarian refugee program without seeking to again denigrate particular people and politicise our reputation around the world as being a country that embraces people from all backgrounds.

### **KPMG: former Premier**

**Mr D. DAVIS** (Southern Metropolitan) — My matter today concerns the decision by the former Premier, Steve Bracks, to take a \$100 000-a-year job for a day a week at KPMG. This has occurred just eight weeks after the Premier stepped aside. It is hard to think of a more shabby or unfortunate step that could have been taken by the former Premier. In effect what he is seeking to do is audit reviews — we are aware of at least 15 that are under way now — and probity audits that have been ordered by the Premier and his mates here.

**Mr Pakula** interjected.

**Mr D. DAVIS** — Now he is over at KPMG, and he is going to continue the review over there.

**The DEPUTY PRESIDENT** — Order! Mr Davis will direct his remarks through the Chair and not engage in a conversation with Mr Pakula.

**Mr D. DAVIS** — I strongly predict that Mr Bracks will give himself, his former government and ministers a tick. All of us in this chamber remember 1999. There was a policy called Integrity in Public Life. The then Leader of the Labor Party said in seeking the highest office in this state

... it is essential I articulate my expectations. These expectations include standards that I set for my government and myself, and express the obligations that I would return for my place in public life. These are the standards by which I would want to be judged; they are the standards to which I will hold my government.

That was Steve Bracks, Labor leader. I say he is shameful; I say —

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

### Patrick White

**Mr SCHEFFER** (Eastern Victoria) — I congratulate *Age* journalist, Chris Middendorp, on his article last Sunday reminding readers that 2007 marks the 50th anniversary of the publication of Patrick White's novel *Voss*. Patrick White is the only Australian to receive the Nobel prize for literature, and it is important to recognise his achievement at this time. Patrick White is not read as much these days as he was in the 1960s, 1970s and 1980s, and it is regrettable that his books are not as available as they once were. But for those who have read him, White is a huge influence on their understanding of Australian society, because his novels create an unexpected and unlikely distinctiveness and poetry out of the Australian language. White showed that the speech of his people was capable of the deepest expressiveness.

The success of the novels that include *The Tree of Man*, *Riders in the Chariot*, *The Eye of the Storm*, *A Fringe of Leaves*, *The Solid Mandala*, *Voss*, *Flaws in the Glass* and *The Vivisector* gave Australian readers a new and powerful perspective on their country and its people. White's novels disturb and threaten the myths Australians tell themselves. His relentless probing stripped bare middle class complacency and pretension and showed that spirituality and true humanity exists where it is least expected. When *Voss* was published 50 years ago it was applauded overseas but rejected in Australia. White famously remarked that on the whole the world was convinced but in Australia the dingoes howl unmercifully. *Voss* is not an easy read but is arguably Australia's greatest novel, and it is important to recognise its first 50 years.

### Rail: early bird tickets

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise concerns about the early bird train ticket fiasco to be piloted on the Frankston and Sydenham train lines. Let me quickly explain the difficulties in finding correct information on the early bird tickets and the strict criteria for such tickets. First of all, no firm date has been set for the commencement of the pilot. Secondly, retail outlets my office has contacted do not know anything about this scheme.

The Metlink customer service provided different responses. When it was called to obtain information it said the scheme was already operating when clearly it was not. The Metlink homepage does not make mention of the early bird tickets except for a press release, which states that early bird tickets can be provided over the counter at premium stations on the Frankston and Sydenham lines as well as at city train stations. Of course 7 out of the 11 train stations on the Frankston line located in my electorate are not premium stations, which means that the vast number of people would not be able to take advantage of the pilot even if they actually got up at 5.44 a.m. to make the cut-off time.

Mr Brumby has clearly made this announcement without advising Connex or the Minister for Public Transport beforehand and without putting in place the planning necessary to make this pilot a success. It is again policy on the run, and while the early bird may catch the worm, Mr Brumby is hoping that train travellers will be taken in hook, line and sinker by this poorly planned farce of a policy affecting a range of marginal seats —

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

### Education and Training Committee: student parliament

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak about the student parliament that was conducted in this chamber on Thursday, 6 September 2007, with children from Victorian primary schools. It was a terrific experience and one I highly recommend to my parliamentary colleagues sitting on both sides of the house. I am sure Mr Hall will agree. The event was organised by the Education and Training Committee, and I congratulate the executive staff on a job well done.

I was delighted to follow up this experience by delivering in person certificates to those children from

my own electorate who currently attend Spensley Street Primary School in Clifton Hill. On Thursday, 20 September, the day before the school holiday break-up, I presented five children with certificates of attendance prepared by the Education and Training Committee. The children were very excited, but I suspect they were thinking about their school holidays. I am sure that the proud parents of these children will treasure the certificates and put them away for posterity.

### **Taiwan: national day**

**Mrs KRONBERG** (Eastern Metropolitan) — Tomorrow, 10 October, marks the national day for our Taiwanese community. Over the past few days I have had the pleasure of joining with many members of the Taiwanese community here in Melbourne as they celebrated the 96 years since the Chinese revolution and the founding of the Republic of China in 1911. My thanks go out to Mr Calvin Yen, director general of Taipei Economic and Cultural Office, and Mr John Huang, president of the Melbourne chapter of the Taiwanese Association of Australia, for their hospitality.

In commemorating their national day, Taiwanese reflect on the leadership of Sun Yat-sen, who is regarded as the father of the nation. Of course today Taiwanese take enormous pride in their liberalised political system and freedoms. After many decades of travails and political conflict, we now see a true multiparty democratic state and a free people. Taiwanese in Victoria have made and continue to make an astounding contribution to our economic wellbeing and cultural exchange. With a population of almost 23 million people, Taiwan is a dynamic capitalist economy boasting growth above 4 per cent and an unemployment rate below 4 per cent. This economic powerhouse in the region is testimony to the hard work, spirit of enterprise and commitment so typical of the Taiwanese people. How lucky we are to have our own Taiwanese-born citizens working alongside us today.

### **Equine influenza: leisure horse industry**

**Mr VOGELS** (Western Victoria) — Last week the Premier, the Honourable John Brumby, announced the government would provide \$500 000 in grants to not-for-profit recreational horse organisations that have cancelled events to help reduce the risk of spreading equine influenza in Victoria. While this funding is welcome, 210 pony clubs and 125 agricultural societies across Victoria are \$5000 out of pocket on average, I am informed, due to this virus.

I would like to quote from a typical letter I have received. It says:

Wonthaggi Pony Club is writing to voice our concerns that our club has been significantly disadvantaged financially due to the equine flu outbreak and our voluntary lockdown.

During the month of September we had finalised two major fundraisers: a two-day clinic and the West Gippsland zone qualifier showjumping day. From these events we have lost \$3550 in fundraising moneys.

Wonthaggi Pony Club has a very low fee structure to cover instructional costs. Each rally costs an average of \$700. We rely heavily on fundraising events throughout the year to continue running.

We feel that we have been hard done by in that funding has been made available to New South Wales and Queensland and not Victoria. Is there any possibility that this issue can be raised at the appropriate time in Parliament?

Our annual running costs are \$10 000 and at this stage we wonder how we will find moneys for the next year if we cannot run events. The biosecurity regulations to run horse-based activities are well beyond our club's infrastructure capabilities.

I call on the Brumby government to show its appreciation to Victoria's recreational horse organisations by increasing this funding package to \$2 million — —

**The DEPUTY PRESIDENT** — Order! The member's time has expired. For the benefit of the house, I indicate that members are allowed to refer to notes while making members statements. The matter has been raised with the Chair. The rationale for this decision is based on, firstly, the fact that a members statement is not part of a debate as such, and secondly, but clearly, the fact that members have a very short time frame in which to make their contributions. Referring to notes allows them in some cases to get their total contribution out and keep to the time allowed.

## **JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL**

*Second reading*

**Debate resumed from 23 August; motion of  
Hon. J. M. MADDEN (Minister for Planning).**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased, on behalf of the Liberal Party, to rise and make my contribution to this bill before the house. It is an interesting bill. I note the third order of the day is also a justice legislation amendment bill. Having read that, it

could have been incorporated into this amendment. But that being said, we will go through the process of debating and talking through this and then go to that bill. Notwithstanding that issue, this is the Justice and Road Legislation Amendment (Law Enforcement) Bill 2007. It is essentially broken into four parts, which I will go through in some brief detail given that they appear straightforward and given that the opposition will be supporting the legislation as it stands. I understand also that Ms Pennicuik proposes to move amendments in committee, which I will refer to later.

I first turn to part 2. A brief explanation appears at page 3 of the bill. It sets out the new indictable offences concerning the disclosure of information and matters relating to the Sex Offenders Registration Act in terms of failure to comply with reporting obligations. It makes those offences triable summarily in a Magistrates Court. That stands to reason, because you do not want to tie up the County and Supreme Courts on matters such as this. We note that magistrates courts can deal with matters like these. That is more of a machinery-type amendment and it has the support of the state opposition.

Part 3 of the bill amends the Police Regulation Act. These issues have been flagged by the Greens, and in particular Ms Pennicuik has flagged amendments. I suggest this is really codifying, as it were, the use of photographs for release to the media such that the media is then able to utilise the photographs for particular stories or to assist in investigations. I am somewhat surprised that the Greens would see fit to bring in the changes they have flagged, but I will get to that issue a bit later.

As we know, the media and the police often work side by side. What may appear to be the media releasing information is often a ploy used by the police to put pressure on an offender or a suspect — it is not necessarily to entrap someone — such that they may end up confessing or admitting to the crime or the crimes. The details of the application for the giving of agency photographs are extensively outlined in clause 7, which inserts part VIC, agency photographs, after part VIB of the Police Regulation Act. The interesting point is that nearly eight pages of this amending legislation significantly detail the processes to be undertaken and the consideration that is to be given by the commissioner.

Anyone reading the legislation in full would see that there are quite clear codified lines which the commissioner and the law enforcement agencies must comply with in terms of ensuring that the agency photographs, or mug shots, that are used are reasonably

accessible and can be used by the media. Let us be clear: there are people in this community who commit crimes and who continue to commit crimes even after they have been arrested, fingerprinted and had their DNA sample and photograph taken. It seems strange that we have before the chamber for consideration an amendment to the Police Regulation Act that will require that the chief commissioner must not make an authorisation unless the person who had the photo taken was notified in writing that they may be subject to an authorisation.

I cannot understand that. If we are trying to get information out into the broader community, often the use of a photograph is an appropriate mechanism to do that. I can see no reason for that provision, given the amount of detail in this bill to the extent that it puts in place lots of restrictions and processes that must be taken into account. It also includes proposed new section 118U, which is headed 'Offences as to use of agency photographs'. Penalties will apply for media organisations or journalists who step outside the code as provided by the legislation. Notwithstanding that, proposed new section 118U(2) provides a further penalty, as it were, and I will read this:

If an authorised media organisation is found guilty of an offence under subsection (1) —

which I just mentioned —

the Chief Commissioner may revoke the authorisation of that media organisation.

I know that on occasions the media may want to step outside the boundaries in terms of getting information.

**Mr Barber** interjected.

**Mr DALLA-RIVA** — Occasionally it does happen, Mr Barber. You say it with some cynicism but, as we know, the facts are, as I said, that on particular occasions the police utilise the media to assist in their investigations of quite serious crimes. I do not want to be specific, but we have seen recent events where certain individuals have come out in front of the media expressing their sorrow at the deaths of their loved ones, notwithstanding the fact that subsequent to photographs and information being published they have been found guilty of murder at different levels. I do not see this as a potential abuse of power. It is just codifying a particular process that has been followed for many years, and it will give surety to the police commissioner and other members of Victoria Police and the media organisations that utilise the photographs by the appropriate mechanism.

Proposed new section 118V outlines a notification process which is very similar to that proposed in the Greens amendments. I will read this because it is the important part:

On deciding to authorise the giving of an agency photograph to a media organisation under section 118R —

which I just indicated goes on for a quite extensive number of pages in terms of codifying —

the Chief Commissioner must, without delay, notify the person photographed that the decision to authorise the giving of the photograph has been made.

That notice must be undertaken under proposed new subsection (2), which is pretty straightforward. I must say that I find it fascinating. If the police are trying to chase or locate somebody who has left, it is pretty useless to send the notice by ordinary mail to the last known address when you know it will come back with 'not known at this address' on it. Notwithstanding that, a process will be in place. On balance, members of the opposition agree with the legislation, in particular part 3, which contains the amendments to the Police Regulation Act.

Moving on from that, the bill increases the penalties for offences by members of Victoria Police in disclosing unauthorised information and documents. That would be, for example, misusing the LEAP (law enforcement assistance program) database or indeed any other information. You could imagine that somebody working in, for example, a high-level operation, whether it be within the drug squad or an organised crime section, could release information to other persons. The penalties for that have not been high enough to dissuade police personnel as listed in the bill, not necessarily just members of Victoria Police, from revealing information.

The personnel are detailed in the definitions on page 6 of the bill and include members of Victoria Police, executives and employees employed in the office of the chief commissioner, police reservists, protective services officers and police recruits appointed under section 8A of the Police Regulation Act. That is a quite exhaustive clarification of exactly who are police personnel, and my understanding is that it extends to those working close by. The offences are quite serious, and the bill provides for 240 penalty units, which is \$24 000 plus or two years imprisonment or both.

The other amendment to the Police Regulation Act that I consider more important is on page 16, which sets out proposed new section 127A(1AB), which provides that the information must not be disclosed if it is known that it may be used to:

- (a) endanger the life or safety of any person; or
- (b) commit, or assist in the commission of an indictable offence; or
- (c) impede or interfere with the administration of justice.

The penalty is significant: \$60 000 plus or imprisonment for five years or both. My understanding is that this would stop people who, as I said, are dealing with serious organised crime and those types of offences, from releasing information that may apply to matters such as those referred to in paragraphs (a), (b) and (c). They will think twice before committing that offence.

Another provision in the legislation that I consider has merit is clause 8(5) on page 17, which substitutes new provisions for section 127A(2) of the Police Regulation Act. New section 127A(2) states:

A person who is a former member of police personnel must not access, make use of or disclose any information that has come into his or her knowledge or possession ...

It goes on further, but my understanding is that essentially it relates to the recommendations of the Office of Police Integrity made in response to the Silk-Miller case as reported in *One Down, One Missing*. A then current serving member wrote a book that reported the particular tragic circumstances of the two police officers who were killed in the line of duty. Previously the penalty was 20 penalty units, and that will now be increased substantially to \$24 000 plus or two years imprisonment or both, which is appropriate given the circumstances. It would apply even to me as a former member of the police force. I do not know if I have much information left to provide, but certainly if I faced the threat of imprisonment, I would not release any information I had.

Proposed subsection (4) of section 127A of the Police Regulation Act, which contains paragraphs (a), (b) and (c) identical to those I detailed earlier in relation to proposed section 127A(1AB), specifically relates to former police personnel. Penalties under this subsection are a \$60 000 fine and/or five years imprisonment. Given the potential for five years imprisonment, I can guarantee that nothing is going to come out. It would be clearly irresponsible for former members of the police who had information to act in a way that might create those concerns. The state opposition agrees with part 3 of the amending legislation.

The third component of my speech relates to part 4 of the bill, amendments to the Road Safety Act, which begins on page 19. This is a new offence of driving a motor vehicle and not stopping when directed to stop

by police. We know that there are occasions when people who are directed by police to stop at a booze bus or drug bus for a test plough on and try to escape being apprehended. Previously no offence covered this unless a motor vehicle was used to try to run down a police officer. In such cases there might have been an assault charge in addition to whatever other road offences were involved. The bill creates the offence of not stopping. I notice that proposed subsection (5) on page 20 defines the phrase 'direction to stop' and lists examples. They include:

- (a) the giving of hand signals or the display of signs by the member of the police force;
- (b) the —
  - (i) flashing of headlights of; or
  - (ii) use of red and blue flashing lights on; or
  - (iii) the sounding of an alarm, siren or other warning device from —

a motor vehicle that is being driven by a member of the police force ...

I am pretty fortunate in that I think I am the only member in this chamber who has been involved in police chases. Thankfully I was not the one being chased; it was the other way around.

**Mr Hall** — You could have been in the front car.

**Mr DALLA-RIVA** — That is right. It is a dangerous situation when you engage in a police pursuit. We have seen death and injury result many times over when people have not stopped. I am very pleased that significant penalties, including up to six months imprisonment, are being put in place. If someone is stupid enough to do it again — and that does happen; some people, usually young people, who have stolen a car and been pursued do it again because of the thrill and the adrenaline rush — the legislation provides for 12 months imprisonment. There is some merit in that; that is an appropriate term, given that in the past the only offence available in such cases was theft of a motor vehicle. If you were involved in a police chase in a stolen car the offence was theft of a motor vehicle and whatever road offences were committed. Having been involved in pursuits, I am very pleased to support the legislation that makes it an offence to conduct such dangerous activities on our roads.

There are other minor changes relating to extending the period of time police have in which to process the impoundment or confiscation of the car of a person caught offending by an electronic detection device.

Under the anti-hoon legislation, an offender's car can be impounded or confiscated. Those amendments are near the end of that part of the bill.

Finally, part 5 makes straightforward changes in clarifying aspects of the Sex Offenders Registration Act. I remember speaking on that legislation when it was brought into the chamber back in 2004. We supported the Sex Offenders Registration Bill then, and we support the amendments that are before the chamber now. However, I stand by my original statement that I am surprised that a person who is on the sex offenders register has to make the application. I would still like it to be an automatic recording so that it would be taken out of their hands. There are penalties for persons who fail to provide details, and there are further amendments concerning the information sex offenders must provide. The penalty for the offence of failing to comply with reporting obligations and the like is in clause 16 on page 23 of the bill. Whilst the penalty is significant, my understanding — unless I am corrected — is that the onus is still on the sex offender to provide the information to the Chief Commissioner of Police or a person authorised within a certain time line, a time line which escapes me now.

I understand that the bill removes the clause allowing a sex offender who is convicted of a single class 2 offence to avoid registration. Again, this is just closing a loophole that was in there. The legislation requires sex offenders to provide the police with computer information details on top of providing up-to-date contact and residential details. That sounds appropriate, given the types of offenders they are.

It is interesting that when talking about this bill you can forget about some of the things it does. The bill closes a loophole that allows a registered sex offender to work with children if the sex offender is self-employed. That brings back memories of when I was with the asset recovery squad investigating a sex offender who had his own sewing machine business. That was his own business, and he used it for the purpose of sodomising young boys. He was self-employed and utilised that business for that purpose, unfortunately. This bill will tighten that loophole in the legislation.

I will not go any further, other than to say that the Liberal Party is supportive of this. We see one area that could have been attended to, and we call for this every time — that is, the bill should have provided the ability for the chief commissioner to access all changes of name and data from the register of births, deaths and marriages to track criminals trying to avoid detection by changing their name. There is an issue with new part 5A dealing with changes of name, which is on

page 25 of the bill. In that in my view there is still no capacity for the chief commissioner to be advised of name changes. If it is in the legislation, then I will stand corrected. I hope it is, but I do not think it is other than on a voluntary basis. That having been said, the Liberal Party will support the legislation, and we look forward to its implementation very soon.

**Mr HALL** (Eastern Victoria) — My contribution to the debate this afternoon will announce The Nationals' support for the Justice and Road Legislation Amendment (Law Enforcement) Bill. As we will be supporting the bill, my contribution need not be a lengthy one. The bill amends four acts of Parliament: the Magistrates' Court Act 1989, the Police Regulation Act 1958, the Road Safety Act 1986 and the Sex Offenders Registration Act 2004. I will make a couple of comments on the amendments to be made to each of those four acts.

First of all I refer to the amendments to the Magistrates' Court Act of 1989, which are contained in part 2 of this amending bill. Essentially the amendments will allow for certain indictable offences under the Police Regulation Act and the Sex Offenders Registration Act to be heard and determined summarily. It is important to note that the new indictable offence under the Police Regulation Act to which this provision applies is defined in clause 8 on page 16 of the bill.

Clause 8 goes to some length. I will not quote it all, but essentially it is headed 'Unauthorised disclosure of information and documents' and outlines that a person who is a member of police personnel must not access or make improper use of certain information. The penalty for doing so is 600 penalty units or imprisonment for five years or both. Very significant penalties are attached to that provision. Under the amendments to the Magistrates' Court Act that offence and certain matters in the Sex Offenders Registration Act can now be heard and determined summarily.

The amendments to the Police Regulation Act are contained substantially in clause 7, which is a significant part of this bill. It concerns the release of photographs of convicted criminals. The government argued the need for this provision on the second page of the second-reading speech, where the minister said:

The bill will set up a process for release of mug shots of convicted offenders to the media. The government is of the view that Victoria Police needs to have the ability to release mug shots of convicted offenders in order to:

fulfil its community policing functions;

as a deterrence measure; and

as a means of enhancing the feeling of safety in the community and publicising the work of Victoria Police and the criminal justice system.

The Nationals certainly support the Chief Commissioner of Police having the ability to release, upon application from the media, photographs of people convicted of crimes. I think there are circumstances in which that provision can be usefully employed for the benefit of community safety. We have no objections in principle to the Chief Commissioner of Police being able to release such photographs.

I note in particular — and I need to qualify my comments in regard to this — some of the provisions of clause 7, which inserts a new part in the Police Regulation Act headed 'Part VIC — agency photographs'. It has quite an extensive range of associated provisions. I draw the attention of the house to new section 118T headed 'Considerations to be taken into account in authorising the giving of agency photographs'. That provision at page 10 of the bill sets out the different areas that need to be considered before the chief commissioner will approve the release of a photograph that is the subject of an application. The public interest needs to be taken into consideration, and the legislation is very explicit as to what areas need to be taken into account when considering the public interest in the release of such photographs.

Subsection (b) talks about the interests of the victim and of any witness, and sets out three or four criteria by which that provision needs to be assessed. The bill talks about the interest of the person photographed also needing to be taken into consideration in making that decision, so there are some safeguards. I am sure that ultimately we need to have trust in our police officers, particularly our chief commissioner, that that provision will be used wisely. I am grateful that Sue Pennicuik of the Greens has notified me of some intended amendments to this clause. The Nationals will look at those carefully, will listen to the arguments put forward by the Greens and will make a decision as to our support or otherwise of those amendments. We are certainly prepared to look at them.

Part 4 of the bill contains amendments to the Road Safety Act. The amendments include, and I will not detail all of them, making it an offence to fail to obey directions to stop a motor vehicle. The creation of the new offence of driving to evade police is an initiative to reduce the number of high-speed police chases. I agree with the lead speaker for the opposition, Richard Dalla-Riva, that high-speed police pursuits are a dangerous exercise which we should try to deter with every possible measure. I would hope that the creation of such an offence will be a new deterrent to that

practice and will be effective. We are certainly prepared to support it and give it a go.

Part 4 of the bill also contains an amendment which increases the time within which the cars of motorists detected by fixed cameras to be exceeding the speed limit by 45 kilometres per hour can be impounded. The Nationals have supported the impoundment of vehicles where there is a significant breach of speed limits in this state and would support an extension of time in which that can be undertaken if there is some delay in producing the photographic evidence of such a breach of speed limits.

The final part of the bill, part 5, makes amendments to the Sex Offenders Registration Act. The changes to the act will essentially toughen up some of the provisions, as outlined in the second-reading speech. The amendments will mean that people who have committed certain offences will no longer be exempt from being placed on the sex offenders register, so there will be more entries on the sex offenders roll. There will also be some increased requirement for registered sex offenders to provide police with the name of any internet service providers they may subscribe to, again because of the reported increased use of the internet by people who commit child-sex offences.

The bill will also reduce the number of days covered in the definition of regular, unsupervised contact with a child residing in the same household from 14 days to 3 days. Again, although that may seem fairly tough, in circumstances where such crimes potentially could be committed we have no hesitation in putting the rights of the child at the forefront. The bill goes on to make a number of other amendments to the Sex Offenders Registration Act 2004 that I would call strengthening provisions.

The Nationals, as I indicated at the outset, see the measures introduced in the four acts this amending bill addresses as being very balanced and sensible, and we are certainly prepared to indicate our support this afternoon.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens have some comments to make on this omnibus bill. First I would like to reiterate comments I have made before in the chamber about omnibus bills. With omnibus bills we often have perfectly sensible amendments to particular acts that are easy to support interspersed with amendments to other acts that there may be some issues with. A large omnibus bill amending a few acts puts members of the house in a position where they cannot separate out the arguments. I suggest to the government that it reduce its use of

omnibus bills, particularly when there are quite a few unrelated things bunged in together.

I now turn to the Justice and Road Legislation Amendment (Law Enforcement) Bill itself. As previous speakers have said, it makes a number of amendments, which I have just alluded to. I will briefly talk about some of those amendments. We are broadly in support of the road safety measures. Of course, we would like to see less police pursuits on the road. For me they have always been a problematic aspect of policing. Often people are pursued on the roads by police officers for committing offences such as car theft. While car theft is a serious offence, pursuing people who may have stolen a car and putting them, the police and other members of the public at risk seems to me to be an overreaction to the actual crime. We know the rate of death and injury is already too high in such instances, so rather than putting people on the roads at risk, other measures should be used, such as notifying ahead the direction they have taken or something similar so that the vehicle can be recovered later. That is a sensible measure we can support.

We also support the increased penalties for police officers who disclose information they should not disclose. We support the consequential amendments to the Magistrates' Court Act, notwithstanding comments I might make now about other aspects of this bill.

The bill, as Mr Dalla-Riva and Mr Hall have outlined, makes some amendments to the Sex Offenders Registration Act. While they are not major amendments, some of them are supportive. I refer in particular to the amendment which reduces from 14 days to 3 days the time before a registered sex offender must inform police when they have been living in the same household or have had regular unsupervised contact with a child. In the interests of child safety that is a good thing. The provision that registered sex offenders must supply, along with a whole lot of other information they are already required to supply, the name of their internet service providers and their email addresses does not seem to be too onerous.

The issue really is about the effect of sex offender registers in and of themselves. That is probably a wider debate than the debate on this bill, but it is worth taking the opportunity to make the comment that sex offenders register may be more symbolic than actually effective. The evidence is not in showing that they are actually effective, even though having them is a popular move. The range of people who are on the register and the way people are put on the register and removed from the register could be also up for debate. We know, for

example, of a recent case in which a person had been convicted of a minor sex offence some time in the distant past when they were young. Their whole livelihood was put at risk because of that minor sex offence that was never repeated and is never likely to be repeated. In the words of Mr Bill O'Shea, a former law institute president, 'Any law which provides no discretion for individual circumstances is a bad law'. We need to keep looking at any black-and-white law which does not allow for circumstances where people have been rehabilitated and could and do lead productive lives, but forces them to be on a register when they do not pose a risk to the community.

Another point that can be made is that sex offender registers are aimed primarily at non-related and stranger child-sex offenders. While such offences are terrible, and nobody is saying they are not — I am certainly not — they are the minority of offences. We know that the majority of offences are committed by persons known to the victim, so there may be many people who are not on the register. We need to realise that just having a sex offender register does not in and of itself mean that we have the issue under control. I am not saying we do not do some of this, but we need to direct efforts and money towards prevention and education rather than just towards law and order measures — for example, counselling for victims and offenders.

Programs within Australia, such as the Western Australian program SafeCare, and public campaigns in the UK and Britain, such as Stop It Now!, have had considerable success in getting offenders to anonymously confess and to start treatment. These are things that we need to be looking at and resourcing as well as the policing, supervising and surveillance of people convicted of sex offences. Those comments are intended to raise the issue of how effective sex offender registers are. It is something that as a community we should keep an eye on, collect data on and always be revising in determining the best way to deal with these obviously serious and upsetting issues.

I now turn my attention to the part of the bill that sets up provisions for the release of police agency photos to the media. I foreshadow that I have some amendments to clause 7 in part 3 of the bill. I am happy for those to be circulated.

**Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.**

**Ms PENNICUIK** — Clause 7 in part 3 of the Justice and Road Legislation Amendment (Law Enforcement) Bill amends the Police Regulation Act to

allow a media organisation to apply to the Chief Commissioner of Police for the release of police agency photographs of persons found guilty of a crime. The media organisation has up to six months after the time a person is found guilty of a crime to apply for the release of that photo. That is a problem in itself, because there is a difference between being found guilty of a crime and being convicted of a crime. There may be circumstances whereby a person may be found guilty of a crime but not have a conviction recorded. Under the existing act we have the situation where the police can and do release photos of persons. The present act provides that that can be for a law enforcement reason or for a community policing reason.

We know that the police will release photos, for example, if somebody has escaped from custody or a person is suspected of committing a crime. The police release the photo to the community via the media to see if they can find out more information about crimes that may have been committed by that person. There was a recent example in Victoria of a person who had allegedly put some substances into hot chocolate to make the victims drowsy or fall asleep. The police were concerned that those victims did not even know that a crime had been committed against them. Therefore, for a law enforcement reason and a community policing reason, the police released photos.

The point I am making is that we already have a provision whereby the police can release photos of persons, which fulfils a law enforcement or a community policing function. This bill will change that so that a media organisation will be able to apply to the police commissioner for a photo of a person who has been found guilty, not for a community policing reason or for a law enforcement reason but, as the explanatory notes state, to assist journalism — that is, to actually augment a media story that the media organisation might want to write about a person. There is nothing in this bill that limits this provision to any person. The person could be a person who had been convicted of shoplifting. It could be a person who had been convicted of murder. It could be a person who had been convicted of a sex offence. It could be a person who had been convicted of fraud. There is no limitation as to what crime the person could have committed.

If this bill is passed, we will have the situation that a person can have their photo released to the media on application from a media organisation. The police commissioner must take into account some things:

- (a) the public interest, including but not limited to the following —

- (i) the nature and seriousness of the offence referred to in section 118R(1);
- (ii) the age of the person photographed;
- (iii) the sentence given to the person photographed ...

I really wonder about this. I am not convinced that there will be any deterrent effect on the releasing of photographs. The police commissioner has to take into account possible legal constraints under other acts, the interests of the victim and of any witnesses to the offence, the interests of the person photographed, including any special circumstances, physical or mental, and any risk to the person photographed or their family that might occur as a result of the giving of the photograph. The bill says that the police commissioner must notify the person without delay if he or she decides to authorise the giving of a photograph.

In a nutshell, without reading them out in all their technicality here, what I am trying to achieve with my amendments is that, rather than the police commissioner notifying the person without delay that he or she — it is a she at the moment — has authorised the release of the photograph, the police commissioner will notify the person on application by the media organisation. If the person were notified as soon as the police commissioner received the application, it would extend some natural justice to the person whose photograph may be released. Remember, that person could have been found guilty of a minor rather than a major offence. This amendment would not only extend natural justice to that person, but it would also assist the police commissioner in fulfilling the criteria outlined in the bill. In particular it would assist the police commissioner to find out whether the release of the photograph would in any way impact on that person or that person's family, and the person would be able to apprise the police commissioner of any other unforeseen circumstances.

My other amendment is a consequence of the whole change to the act that this bill brings about. The bill widens the reasons for a photograph of a person being released. In the current circumstances a photograph would only be released by the police for a law enforcement or community policing reason such as I outlined before — that is, to identify someone who has escaped from custody or other law enforcement measures. The new provisions would mean that a media organisation could make an application, and as long as the chief commissioner takes into account all these considerations they could agree to authorise it, but the use of that photo would not be for a law enforcement or community policing reason, it would be to augment a media story. Notwithstanding that the second-reading

speech talks about such things as deterrent measures, enhancing the feeling of safety in the community and publicising the work of Victoria Police, I am really not convinced of those particular reasons. I cannot see how just releasing a photo of someone is a deterrent to further criminal acts. It does not seem to me to make sense. Publicising the work of Victoria Police can be done in many ways without releasing photos of people.

As has been pointed out by people who have made submissions to the government on this, once a photo has been released, it cannot be taken back; it is out there forever. The privacy commissioner and the Law Institute of Victoria have talked about issues of privacy and the current practice whereby the media is allowed to take photos of people entering and leaving court. Over the last couple of months we have seen that in the terrible case of the three children who lost their lives at Winchelsea. We saw footage of the person accused going to court and leaving. The media can already do that. What the privacy commissioner and the law institute are saying is that we need to be careful that we do not continue to punish people. It is not the role of the media or the police to continue to inflict punishment on people by allowing their photos to be used for a purpose that is not a law enforcement purpose.

My second amendment goes to the consequences of this bill. At the moment, if you have a police agency photo taken, you would perhaps be aware — let us presume you are aware — that that photo could be used for a law enforcement purpose. If these changes to the act are passed, you would not be aware unless you were told that from the time when these amendments to the act come into force your photo could be used by a media organisation for its purposes. My second amendment goes to that — and I must say parliamentary counsel have done a great job in trying to work through this amendment for me, and I thank them for their work. What I was trying to say is that, if this bill is passed and the amended act comes into being, from then on any person who has a police agency photo taken should be informed in writing that that photo can be used for a purpose above and beyond what it has up to now traditionally been used for. That to me is natural justice.

My amendment is that the chief commissioner must not make an authorisation unless the person photographed was at the time of the photograph being taken notified in writing that the photograph may be the subject of an authorisation under this act. They should also be notified of the chief commissioner's duties under the act — that is, the criteria that the police commissioner must take into account before authorising the release — and of the person's rights under the act to let the police

commissioner know of any circumstances regarding the release of that photo and any rights they have to appeal or make a submission about that.

The law institute also raised the issue of people who live in small country towns or even in local areas being put in danger from, for example, vigilantism against them as a result of the release of their photo. I have not researched this in any great detail, but I have certainly been told that in other parts of the world where photographs have been released that type of behaviour — vigilantism, with rocks being thrown through people's windows and that sort of thing — has increased. I was quite inclined to propose an amendment to remove the whole clause, because I do not feel that there should be release of photos by police for other than law enforcement reasons.

However, I understood that there probably would not be support for that, so I have thought long and hard about the amendments, which still allow this to go ahead, even though I personally do not agree with it, but mean that the person who is photographed is made aware, at least at the time their photograph is taken, of the law with respect to the release of their photograph. We are talking here about a police agency photograph. It is not a nice photo taken of you sitting on your balcony with a cup of tea. I have tried to not use the term 'mug shot', but I will use it now because that is what it is. It is a photo that is taken in a particular way, and when people see that photo they immediately think you are a criminal because of the way the photo is taken. What I am saying is that these photographs are prejudicial in and of themselves, and they should only be used for law enforcement purposes.

However, if the Parliament agrees that this needs to be done, my amendments will let a person know at the time the photo is being taken that this is now the law, that a media organisation could request that photo and that the chief commissioner could authorise the release of that photo — and what their rights are under the new act in respect of that. I think that is the least natural justice that can be afforded to the person whose photo is taken. The provisions of the bill currently require the police commissioner to notify the person without delay once the authorisation has been made, but that is a little bit like shutting the door after the horse has bolted. You tell the person, 'We have agreed to release your photo, but we did not notify you earlier so that you could let us know if there were any matters we should take into account before the release of that photo'.

They are the reasons I have foreshadowed these amendments. I hope the house will see its way clear to support them. I do not think they take away from

whatever the intention of the government is with this provision. However, they extend some natural justice to the person whose photograph is released, because once it is released it cannot be unreleased.

**Mr SCHEFFER** (Eastern Victoria) — I rise to speak in support of the Justice and Road Legislation Amendment (Law Enforcement) Bill. The bill covers four areas: police information handling; the release of photographs of individuals who have been convicted of offences; amendments to the Road Safety Act relating to drivers who fail to follow police directions; and offenders who are listed on the register of sex offenders. These four broad areas are addressed through amendments in this omnibus bill to four acts: the Magistrates' Court Act, the Police Regulation Act, the Road Safety Act, and the Sex Offenders Registration Act. I will address each of these acts separately.

In relation to the Police Regulation Act the bill does three broad things. It increases penalties for police personnel who inappropriately use information that they have access to by way of their work. The bill also contains a new offence relating to where this information, which has been improperly obtained, is used to endanger life or risk the safety of persons, where it assists others in perpetrating a criminal act, or where it interferes with the administration of justice.

The amendments to the Police Regulation Act also give the Chief Commissioner of Police the power to provide to the media photographs of individuals who have been convicted of offences. The provision of such photographs is not automatic. I listened with some interest to Ms Pennicuik's contribution to the debate in relation to this, and I must say it was a very important contribution. Proposed section 118T sets out the considerations the Chief Commissioner of Police needs to take into account in authorising the release of agency photographs. There are some nine requirements of which the chief commissioner needs to be satisfied about before such photographs can be surrendered. It seems to me that they are fairly exhaustive. They are divided into different categories and it is probably worth my going through them very briefly.

In the first instance, prior to making such an authorisation, the chief commissioner needs to be satisfied that the public interest is served in providing such photographs. The bill says this includes but is not limited to the nature and seriousness of the offence; the age of the person photographed; the sentence given to the person photographed; whether any suppression orders involving the person photographed have been obtained; any effect that giving the photograph might have on any other court proceedings that might be in

train; and any deterrent effect that might result from the giving out of the photograph. I will not go through all the considerations, but I think that gives the house an idea of the tightness of the provisions.

Secondly, the bill clearly requires the chief commissioner to give consideration to the interests of the victim and of any witness to the offences referred to in the bill. These are also stipulated — for example, the chief commissioner must consider whether the identity of the victim or any witness to an offence referred to could be divulged through the releasing of the photograph, and the likely impact of the releasing of the photograph on the victim or any witness.

Lastly, section 118T(c) indicates that the interests of the person photographed must be considered, including but not limited to any special circumstances such as their physical or mental health if there are any issues relating to those areas, and any risk to the person photographed or his or her family by the release of the picture.

It seems to me that overall, when you look at the bill in detail, the matters Ms Pennicuik has raised are covered in the amendments. One of the earlier speakers, I think it was Peter Hall, indicated that a level of trust must be placed in the police and the chief commissioner. That deals with the changes to the Police Regulation Act.

The key amendment to the Road Safety Act is the new offence that is created when a driver who knows that they have been directed by police to stop for one reason or another continues on their way. That person will now have committed an offence. This will assist the police in restraining people who are inclined to behave in that way.

The third area I want to pick up on briefly relates to the amendments to the Sex Offenders Registration Act. Under the provisions of this bill registered sex offenders will be required to provide police with their telephone number, their email address and their ISP or internet service provider's details. Importantly, registered sex offenders will be required to report to the Chief Commissioner of Police within three days if their circumstances change in relation to their dealing in an unsupervised way with children or if they change their place of residence so they are living in an ongoing or permanent way with a family where they would have access to children without appropriate supervision. The purpose of reducing that period from 14 days to 3 days is to ensure the police have more time to intervene if that needs to occur. There is also a requirement in the amendments that a registered sex offender needs the written agreement of the Chief Commissioner of Police before they can take action to change their name.

It is the objective of the government in introducing these amendments to the house to strike a balance between the improvement of community safety, which is of course extremely important, and strengthening police accountability. In doing this it is important to ensure that the rights of offenders are not unreasonably affected. If a person has been convicted of an offence, it does not mean that person then has no legal rights and that they should not be dealt with fairly. On the other hand, it is important that the government ensure that citizens are protected from individuals who have been convicted of crimes and who may continue the practices which led them to be apprehended in the first place. That is basically where we are up to in the legislation. I think it is good legislation which strikes the appropriate balance. I commend the bill to the house.

**Mr LEANE** (Eastern Metropolitan) — I intend to speak very briefly in support of the Justice and Road Legislation Amendment (Law Enforcement) Bill 2007. In doing so I want to touch on one part of the bill that includes a specific pursuit offence that hopefully will act as a deterrent for drivers who seek to evade police by driving away at high speeds. Hopefully the amendments to the Road Safety Act in part 4 of the bill will decrease the incidence of high-speed pursuits. There has been a decrease in recent years in the number of police pursuits but obviously there have been recent incidents that reinforce the need for such a law. As a member of the Road Safety Committee I expect that these amendments will increase the impact of the hoon laws that were recently introduced in the Parliament. It is interesting to see the number of people of all ages crying crocodile tears when their hotted up V8s with twin exhausts and fluffy dice are impounded. That has been working well as a deterrent.

Numerous statistics on accidents, casualties and deaths involving high-speed pursuits have been produced in recent years. It is always easy to dwell on statistics but in talking about statistics in this area every statistic is someone's son or daughter, a close family member or a friend. I think in May a man involved in a high-speed crash after being in a short pursuit with police in Doveton pleaded guilty. Police ended that pursuit in Doveton, but unfortunately soon afterwards the vehicle hit an electric light pole causing the death of a 17-year-old boy and serious injury to his brother. Research into that crash revealed that the mother of the teenager who was killed had almost lost her life in a vehicle crash at the same age. It came home to her because one of her sons was killed and her other son was seriously injured.

Because that mother had been involved in a serious crash when she was a young person she had always warned her children to be careful about who they got into a car with. I have two daughters who have recently gone through their teenage years and I fully understand that. All parents stress to their teenage children the importance of being careful about who you get in the car with. Unfortunately sometimes young people get into cars driven by people who get themselves into situations that are out of the control of the passengers. Ms Kempster of Doveton lost her son Harley and her son Josh was seriously injured. She said that her four-year-old grandson had started asking her where Uncle Harley was. Harley was a very popular person in the area and for weeks after his death she had friends ringing up asking for him, which further increased her distress.

I commend the bill and the amendments it makes to the Road Safety Act. I hope they will act as a deterrent to people being involved in these sorts of police pursuits. Ms Kempster said that she hoped the death of Harley would show young people the tragic consequences of reckless driving. She said she was sure Harley would be happy if his death saved one life. I am sure if these amendments lead to the saving of one life, the bill will have been worthwhile.

**Mr THORNLEY** (Southern Metropolitan) — I rise to support the Justice and Road Legislation Amendment (Law Enforcement) Bill 2007 as others have done. Other members have gone through the detail of the bill, and I will raise a couple of additional matters in support of some sections of the bill. I refer in particular to the amendments to the Road Safety Act concerning police pursuits — that is, the efforts we are making to reduce the number of pursuits and the incidence of drivers leaving a scene when they should stay. My colleague Mr Leane has covered some of the tragic consequences of such conduct and that alone amplifies the importance of this bill.

My staff have done some research to look at the magnitude of this problem. Since 2002 there have been 358 police pursuits ending in collisions and since 2000 there have been 14 fatalities. The challenge of trying to prevent offenders and potential offenders from making high-speed exits is very real and, as Mr Leane has pointed out, can have very real and sometimes tragic consequences if we are unable to prevent people doing it. I note also that some of the actions already taken by the government appear to be having some success. The number of car chases fell from 723 in 2005 to 528 in 2006. If this bill can add to that decline, that can only be a good thing. It is a challenge that is faced around the world. I note that even a city like Los Angeles, which

from the television we tend to associate with this type of challenge and problem of police pursuits and which has a much larger population than we have in this state, had 700 pursuits reported in 2002.

Others are getting ahead of us on this, and given the truly outstanding road safety record that we enjoy in this country and in this state — we commented on it recently following the passing of the Honourable Walter Jona — if we can get measures to further improve our performance and avoid these types of problems to an even greater extent it will obviously be very worthwhile.

Finally, on the issue of the releasing of mug shots, I will reflect on the purpose of the criminal law. The reason we have criminal laws is that the community regards certain conduct and actions as so abhorrent that it takes it upon its collective self to see that offenders are brought to justice by being prosecuted. Indeed part of the purpose of that is to avoid the type of vigilante or taking-the-law-into-your-own-hands conduct that Ms Pennicuik said earlier she wanted to prevent. In the modern world, the ability to release photographs of convicted offenders, particularly in circumstances where it is possible they have committed additional offences or there may be some danger of them doing so, enables the community to be collectively vigilant as participants in the criminal justice system in trying to prevent further offences or bringing offenders to justice.

I have had a good look at section 118T of new part VIC of the Police Regulation Act, which is inserted by clause 7, and the way it is drafted. I thank Mr Dalla-Riva for his thoughts on this matter too. It seems to me that pretty much the right balance is achieved. Prior to the release of a photograph the Chief Commissioner of Police must take into account first and foremost the public interest, and rightly so. I have talked about the nature of the public interest and the role of the community in a criminal system. Of course the interests of the victims or the witnesses to the offences, or potential offences, are also taken into account in ensuring the release will not bring them further harm. The bill also requires the chief commissioner to take into account the interests of the person photographed. In this instance it is a person who has been found guilty of a criminal offence, who has done something sufficiently abhorrent against the collective rules of our society that our society has found it necessary to bring them to justice. The releasing of photographs is presumably needed to ensure that further breaches are not committed or that any that have been committed are uncovered.

I think the community is also entitled to know that the criminal justice system is working and that when offences have been committed and people have been found and brought to justice, that those events have occurred. It is not clear to me that that purpose, which may not be strictly in the first-round sense simply a law enforcement purpose, is an illegitimate purpose. I think, therefore, that this bill strikes an effective balance between the interests of, first of all, the community, secondly, the victims and witnesses, and thirdly, the offenders, to make sure we and the media can utilise the materials for those types of purposes. On that basis I commend the bill to the house in its unaltered state.

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on and support the Justice and Road Legislation Amendment (Law Enforcement) Bill 2007. There are four acts involved in these amendments: the Police Regulation Act 1958, the Road Safety Act 1986, the Magistrates' Court Act 1989 and the Sex Offenders Registration Act 2004. The changes to the Magistrates' Court Act 1989 will allow magistrates to deal with certain indictable offences at the same time. This will save time, money and most importantly provide speedy justice to the victims of crime and their families.

We all know justice delayed is justice denied. This omnibus bill provides mechanisms for making Victoria a better and safer place to live and for making members of our police force more accountable for their own actions, particularly as they relate to disseminating information to parties who may have no business knowing the private and personal data of individuals within our community who have a right to expect privacy.

It is absolutely and totally necessary for all Victorians to feel secure in the knowledge that their personal and private information cannot be accessed and used by anyone in the performance of their public service duties — for instance, police personnel — and then released for whatever reason to other unknown persons. Handling of sensitive information by the police has to be undertaken with clarity and probity, and proper punitive measures need to be taken against officers who abuse the trust placed in them by the community.

I fully support the right to privacy, but I also fully support equipping our police with the appropriate tools to make our state safer. There are certain occasions when the public has a right to know about dangerous criminals who have been released from jail back into the community after serving prison terms for serious offences. It is essential that our law enforcers manage and reduce the risks to the weak and the vulnerable in

our community. The provision of police photo mug shots is also an effective preventive measure.

The Chief Commissioner of Police ought to have the capacity to release mug shots of convicted felons to an authorised media organisation. I believe this would assist in informing the public that there are persons in our community they need to be very wary of indeed. Additionally it would aid the police in the event that a criminal who escaped and reoffended was at large, because a public awareness campaign could lead to the actions of an escaped felon in the community being prevented or at least to the effects of such actions being lessened.

I now want to talk about the changes to the Sex Offenders Registration Act 2004. It has long been recognised by criminologists and the medical profession that there is no substantive cure for repeat sexual offenders. Often the perpetrators have been victims of sexual abuse and so this vicious cycle continues in perpetuity. The proposed changes seek to strengthen the effectiveness of the sex offenders register. Since 2004 and the advent of this act, the commission of what were once considered by some to be minor offences — for example, indecent assault — did not incur a custodial sentence and this effectively meant that people who committed such offences were exempt from inclusion on the register. This proposal will ensure that such so-called minor offenders can be tracked and monitored by the police to ensure so far as is possible that they do not reoffend or, worse, graduate to more serious sexual offences against the defenceless within our community. I commend this omnibus bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 6 agreed to.**

**Clause 7**

**The DEPUTY PRESIDENT** — Order!

Ms Pennicuik has circulated amendments. I call on her formally to move her amendment 1, which I understand is a test for her amendments 2 to 5. The amendments relate to the authorisation process to be followed by the Chief Commissioner of Police for the release of photographs to the media.

**Ms PENNICUIK** (Southern Metropolitan) — I move:

1. Clause 7, page 9, after line 10 insert—

“(3) The Chief Commissioner must not make an authorisation under subsection (1) unless the person photographed was, at the time at which the photograph was taken, notified in writing—

- (a) that the photograph may be the subject of an authorisation under this Part; and
- (b) of the Chief Commissioner’s duties under this Part; and
- (c) of the person’s rights under this Part.”.

My amendment 1, as I mentioned in the second-reading debate, is an amendment consequent to the amendment that this bill makes to the act which changes the provisions or circumstances under which a photograph of a person who is found guilty of a crime — not a person convicted of a crime, as some members said in the debate, but a person found guilty of a crime — may be released. A person can be found guilty of a crime and later not have a conviction recorded, so there is a technical difference between those two things. It is one of the technical issues I have with some of the provisions in this bill.

Notwithstanding that, this bill changes current and traditional practice from a regime of the police releasing their own and agency photographs of people found guilty of crime for purposes of law enforcement and community policing to a regime whereby a media organisation for whatever reason it may have — it does not have to be for a reason of law enforcement or community policing— can make an application to the chief commissioner.

I understand there are provisions and matters which the chief commissioner must have regard to, such as the public interest, other acts of Parliament, court proceedings, the interests of the victim, any witness to the offence and the family of the victim, the interests of the person photographed and any special circumstances regarding that person or their family. I understand all that, but we are still changing the provisions under which a photograph may be released and the reasons for doing so.

My amendment 1 provides that from the time this bill is passed and a new act comes into force a person who has their photograph taken will be made aware of the changed reasons that their photo may be released to the media and thereby the public at large. It is intended to extend natural justice to the person who is photographed so that they know in the future that this

may happen and are made aware of the chief commissioner’s duties under the act and their rights in terms of making a submission about the release of their photo or making the chief commissioner aware of any consequences or circumstances around the release of that photo. Under my amendment such a person will be made aware of their rights in terms of the release of that photo. I commend my amendment to the house.

**Mr DALLA-RIVA** (Eastern Metropolitan) — The state opposition has looked at the amendments and, as I indicated in my speech in the second-reading debate, I think there is significant protection afforded in the processes outlined in clause 7 as it currently stands in the bill before the house. There are substantial considerations that must be provided for. As one of the Labor members indicated, under section 118T in new part VIC, there are considerations that must be given regard to before the chief commissioner can give an authorisation to release a photograph. There is not an automatic right for a photograph to be provided. There are quite clear guidelines in terms of the public interest of the persons photographed in terms of their age and the nature and seriousness of the offence.

Ms Pennicuik indicated that somebody who was convicted of shoplifting might be at risk of having their photograph splashed across the newspapers. The issue is not at that level. It is more about the seriousness of crimes that have been committed subsequent to the taking of the photograph by Victoria Police or an agency. There is significant protection already in place. On page 11 of the bill new paragraph (ix) says the commissioner must have regard to ‘any other relevant matter’. The commissioner also needs to take into consideration the interests of the victim and any witnesses who relate to that person’s photograph so that potential victims are not impacted on by a photograph being utilised.

The state opposition believes there is significant protection in the legislation and the amending bill before the chamber. Whilst we understand Ms Pennicuik’s sentiments and her concerns for natural justice, I think there are significant protection mechanisms in the bill before the chamber that provide natural justice in the circumstances as outlined. On that basis the opposition will not be supporting the amendment proposed by Ms Pennicuik.

**Mr HALL** (Eastern Victoria) — I said in the second-reading debate that I would listen to the views expressed by other speakers with respect to these amendments. I listened to the contributions from various speakers from the opposition and the government, and I listened to Ms Pennicuik when she

moved these amendments. It will come as bit of a disappointment to Ms Pennicuik that The Nationals have come to a decision to not support these amendments, but I want to give her the courtesy of explaining why.

First of all, I have no philosophical reason to object to the fact that at the time a photograph is taken people should be warned or told that ultimately the photograph may be used for media purposes or could be subject to a media application and be released depending on a certain range of safeguards that are built into the bill. I have no objections to that component of these amendments. But I am concerned about the process suggested in the amendments proposed by Ms Pennicuik to bring about the release of those photographs.

There will be, as I see it, a significant time element between the time of application to the time of release of the photographs if the process, as defined by these amendments, is pursued — that is, these amendments require the Chief Commissioner of Police to notify the subject of the application by mail, and there is also a time period. Although it has not been specified, it is suggested in the amendments that a certain time frame should be defined in that correspondence enabling time for the person involved to make a submission back to the Chief Commissioner of Police.

News is rather timely and a more opportunistic type of media, and if there is a significant delay between the time of application for a photograph and permission to release that photograph, that opportunity may well be lost. Consequently it comes down to achieving a balance between what is in the public interest and what are the natural justice rights of the person concerned. A balancing act needs to be applied.

As I said in the second-reading debate, clause 7 of this amendment bill defines in a fairly significant way those factors which need to be taken into account by the Chief Commissioner of Police or the delegate of the Chief Commissioner of Police before a decision on the application to release a photograph is taken. Ultimately, as I also said in the second-reading debate, there needs to be an element of trust in the people who make these decisions. I have confidence in members of the Victoria Police that they will make decisions on such matters based on logic and will demonstrate common sense in the best interests for all concerned. I think that balance will be achieved by the provisions within the bill and that the process defined in these amendments will involve a considerable time distance between the time of application and the ultimate decision whether or not

to release a photograph. It is for those reasons that The Nationals will not be supporting these amendments.

**Hon. J. M. MADDEN** (Minister for Planning) — I certainly appreciate the comments by members of the chamber. The critical issues here, as mentioned by previous speakers, are what we all believe is in the public interest, the timeliness in the release of photos, what warrants their release and the fact that the chief commissioner's authorisation must be in writing and must specify conditions.

I understand and I am informed that it is also worth appreciating that the policy in relation to the proposed release of police mug shots has taken a significant amount of time to develop and has entailed lengthy consultation in seeking to balance the public interest with the person's right to privacy. I understand both the views of the Victoria Police and the privacy commissioner were actively sought in the development of that policy. Whilst we acknowledge the respective interests of Ms Pennicuik in this matter, we believe this section of the bill maintains public interest and the ability to deal with these matters in a reasonable way through the authorisation of the chief commissioner, making sure it is in writing and that it may specify the relevant conditions, and the timeliness which no doubt would relate to the need to release images in order to progress any investigation that the police may be eager to resolve.

**Ms PENNICUIK** (Southern Metropolitan) — I was wondering if in drafting these provisions the government took into account the effect of the changes on a person who is photographed in that there is no provision to inform a person when their photo is taken that the whole regime for the use of those photos is changed from one which is the use of the photos for law enforcement purposes to the use of the photos for whatever purposes a media organisation may have. Notwithstanding the criteria the police commissioner has to take into account, the regime has changed from one thing to another. Did the government take into account the need to inform persons whose photographs are taken that the regime has changed and that their photograph is no longer just used for what they have been used for probably since photos were taken of convicted persons?

Also, there is an anomaly in the bill. One of the things the chief commissioner is required to take into account is any effect on or interest of the person being photographed. But if the chief commissioner does not have to make contact with the person and inform or advise them that an application has been made, they may not know what those interests, circumstances or

consequences are if the chief commissioner just relies on other sources of information and not the person themselves, which my amendment 5, which relies on the success of amendment 1, would provide. It would assist the chief commissioner to find that information, and it would allow the person some time under the principles of natural justice to provide that information.

**Hon. J. M. MADDEN** (Minister for Planning) — Again I certainly acknowledge Ms Pennicuik's interest in this matter and the issue Ms Pennicuik raised at the end of her comments, in relation to timeliness and the time that is available to provide information to anybody that there may be a release of an image — a photograph — of that person. As I mentioned in my comments previously, that has been considered in discussions with Victoria Police in forming the policy and also with the Victorian privacy commissioner. Whilst on balance Ms Pennicuik might want to give sufficient time for the individual to respond to the possibility of the release of an image, basically the release of an image would really be to assist in investigation. I suspect that in most instances it would be not only to clarify the identity of a person but also to locate that individual. That would be my anticipation for the release of any images in the light of any investigation or for any other use.

Whilst I recognise that there are issues about individual privacy and also about locating that person to provide information to the police, I suspect that in the instance where an image would be released to the media the reason would be predominantly to locate that person — that is, to give the police greater ability to either seek or determine the location of that person. Hence the government believes the bill provides the appropriate balance in the public interest.

In terms of the issues Ms Pennicuik raised about the time when a photograph or mug shot is taken by law enforcement agencies, I suspect that, when an individual has a photograph taken, whether the information about the use of that image is provided at that time or at a later date, there is no doubt in the mind of that individual about the impact of the photograph and that it would be used by the police as a resource if it were warranted in relation to any further or pending matters. Whilst I recognise the issues raised by Ms Pennicuik, the government believes the legislation addresses the balance and is in the public interest.

**Ms PENNICUIK** (Southern Metropolitan) — In his answer the minister said that the major use of the provision would be for locating a person. He seemed to imply that it would be for a law enforcement reason. If he is saying that, why do we need this provision? It

already exists; the police already have the power to release a photo for law enforcement purposes, such as to find someone who has escaped. This provision is about a media organisation applying for a photo for any other reason, not a law enforcement reason. I would just like some clarification on why the government considers that we need this provision when we already have a provision for the police to release photos for law enforcement reasons. I have not heard a proper justification for this provision from any government speaker.

The minister said that on the taking of their photograph a person would be aware that it could be used for any purpose. I do not believe that is the case. It has never been the case until now. I do not think it would be onerous for the police to have some sort of written information that could be given to any person who has a police agency photo taken. Perhaps the minister could give me some indication as to whether that could be done, whether or not my amendment is agreed to.

**Hon. J. M. MADDEN** (Minister for Planning) — Again I appreciate the matters Ms Pennicuik has raised in terms of the provision of information on the use of a photo to any individual who may have their photo taken. In most instances where the law is involved it is predominantly up to the individual to be aware of the law. Without getting into a long dissertation about how the law is enacted, in the eyes of the law ignorance is no defence.

Whilst Ms Pennicuik is seeking to have additional information provided to individuals, currently, as she mentioned, images can be released. This legislation provides that the release of any images will be by authorisation by the Chief Commissioner of Police, that that authorisation must be given in writing and that it must specify conditions. It is not a discretion or to be given at the whim of the chief commissioner; the chief commissioner must give that authorisation in writing and must specify the conditions. I expect that the chief commissioner would not authorise the release of any images unless the chief commissioner believed the release of those images was in the public interest. It will not be done at the whim of tabloid journalists but rather by authorisation by the chief commissioner in the public interest.

**The DEPUTY PRESIDENT** — Order! If there are no further contributions, I propose to put the amendments. The committee will vote on amendment 1 standing in Ms Pennicuik's name, which is a test for her amendments 2 to 5, relating to the process to be followed by the Chief Commissioner of Police for the release of photographs to the media.

**Committee divided on amendment:***Ayes, 4*

Barber, Mr  
Hartland, Ms (*Teller*)

Kavanagh, Mr (*Teller*)  
Pennicuik, Ms

*Noes, 36*

Atkinson, Mr  
Broad, Ms  
Coote, Mrs  
Dalla-Riva, Mr  
Darveniza, Ms  
Davis, Mr D.  
Davis, Mr P.  
Drum, Mr  
Eideh, Mr  
Elasmar, Mr (*Teller*)  
Finn, Mr  
Guy, Mr  
Hall, Mr  
Jennings, Mr  
Koch, Mr  
Kronberg, Mrs  
Leane, Mr  
Lenders, Mr

Lovell, Ms  
Madden, Mr  
Mikakos, Ms  
O'Donohue, Mr  
Pakula, Mr  
Petrovich, Mrs  
Peulich, Mrs  
Pulford, Ms  
Rich-Phillips, Mr (*Teller*)  
Scheffer, Mr  
Smith, Mr  
Somyurek, Mr  
Tee, Mr  
Theophanous, Mr  
Thornley, Mr  
Tierney, Ms  
Viney, Mr  
Vogels, Mr

**Amendment negatived.****Clause agreed to; clauses 8 to 22 agreed to.****Reported to house without amendment.****Report adopted.***Third reading*

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

That the bill be now read a third time.

In doing so I wish to thank respective honourable members for their contributions.

**Motion agreed to.****Read third time.****ADJOURNMENT**

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

That the house do now adjourn.

**Drought: Glen Eira sportsgrounds**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening for the Minister for Sport, Recreation and Youth Affairs in another place concerns sporting surfaces in a drier climate.

I acknowledge that the Municipal Association of Victoria has formulated a joint alliance for a whole range of councils across Victoria to work together towards raising the issue of sporting grounds in drought conditions. It put out a statement, which I think is quite interesting, entitled *Strategies for Managing Sports Surfaces in a Drier Climate* in 2007. It is worthwhile understanding some of the statistics it speaks of. It states:

Victoria has an estimated 2000 grassed sports services (approximately 1645 are in metropolitan areas).

An estimated 50 per cent are managed by councils, with the remainder under committee control or in private hands ...

Approximately 90 per cent are capable of being automatically irrigated, but less than 1 per cent of affected municipal sports surfaces were, and only with non-potable water, in the last irrigation season.

Further on it says:

Sport delivers critical social benefits to communities including improved physical and mental health levels, and reduced obesity, antisocial behaviour, alcoholism and crime.

I think all of us here will acknowledge that drier seasons will be with us as a matter of course well into the future, so it is imperative that we address these issues and make certain that we come up with a strategy that will enhance our sporting fields in dry climates.

An article in the *Moorabbin Glen Eira Leader* of 25 September speaks about the particular issues affecting the City of Glen Eira. It says:

Glen Eira council has joined the fight to save the municipality's 45 parched sportsgrounds.

...

Glen Eira spokesperson Paul Burke said sportsgrounds would most likely close this summer if water restrictions were increased and the council did not receive money from the government.

I represent the people of Glen Eira, and it is very important that these sporting grounds receive the allocation of water that they need, because the people in the municipality need to be able to continue to play cricket and take part in all the other sorts of sporting activities that are expected in a municipality of its size.

I call on the government to provide sporting organisations in the city of Glen Eira with sufficient funding to employ strategies such as the use of drought-tolerant grasses and improved irrigation methods. I believe the sporting facilities in Glen Eira are important, and once again I call upon the minister to provide sporting organisations with sufficient funding

to employ strategies such as the use of drought-resistant grasses and improved irrigation methods.

### **Traralgon bypass: inquiry**

**Mr HALL** (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Planning. I am pleased that he is in the chamber to take this matter personally. It concerns the Traralgon bypass supplementary inquiry. The inquiry was established earlier this year to take a further look at the decision on the route chosen by the original advisory committee inquiry in 2004 on bypassing Traralgon. In particular the focus of this supplementary inquiry was on the proposed Princes Highway bypass route on the western side of Traralgon. On 12 April this year I made a submission to the supplementary inquiry, which is chaired by Keith Hamilton, a former member for Morwell in the other place.

Recent inquiries directed to the government regarding progress on this study resulted in some advice being given to my colleague the current member for Morwell, Mr Russell Northe, by the then Premier, Steve Bracks, in a letter dated 18 June. In that letter Mr Bracks said:

The committee is currently preparing its report, which will be submitted to the Minister for Planning, the Minister for Energy Industries and Resources, and myself.

Importantly he mentioned:

The committee's report is not expected to be completed until 3 July 2007.

I remind the minister that today is 9 October. It is more than three months since the report was due to be completed, and we have still received no word. This is an important matter for the future development of the city of Latrobe and in particular for the corridor between Traralgon and Morwell. The action I seek from the minister is that he make available the report of the supplementary inquiry and that he announce as a matter of urgency the government's decision regarding the preferred bypass route.

### **Yes West: conduct**

**Mr PAKULA** (Western Metropolitan) — My adjournment matter is directed to the Deputy Premier in the other place in his capacity as Minister for Industrial Relations. It concerns an employment placement service known as Yes West, which operates in Melbourne's western suburbs. The Yes West agency, which has offices in Taylors Lakes, Newport, Melton, Sunshine, Footscray and Werribee, was the subject of an extremely concerning report in the *Hobsons Bay Leader* of 25 September. The story alleged that federal

police had raided two offices of Yes West and taken files away. It went on to quote an ex-employee as saying that job seekers who had approached that agency had been tempted by offers such as petrol cards and work clothing to sign 13-week and 26-week support outcome claim forms. The article went on to allege that the agency had been submitting claims to the relevant federal department as if employment had been found for job seekers by the Yes West agency, even though the job seekers had found their own employment.

All of these things are a feature of the federal government's contracting out responsibility for finding people work to private companies which are inherently driven by a profit motive. This is the risk that is run when job seeker support becomes less about genuinely finding work for the unemployed and more about squeezing dollars out of the federal government. One ex-employee said that the agency got about \$1000 every time a job seeker signed a 13-week or a 26-week support outcome claim form. I spoke to the journalist who wrote the story, and she said that other job seekers had been in touch with her with similar claims.

My concern is for workers in the western suburbs. More than most, unemployed people in Melbourne's west need job-search providers to be vigorously endeavouring to place them in employment and not principally concerned with lining their own pockets. So that I can assure the unemployed in Melbourne's west that they are being appropriately supported in their efforts to find work, my request to the Minister for Industrial Relations in the other place is that he refer this matter to the workplace rights advocate and that the workplace rights advocate conduct his own inquiries and report back to me. That would enable me to provide the unemployed in Melbourne's west with some assurances about the conduct of this particular agency.

### **Hepburn: performance**

**Mr KAVANAGH** (Western Victoria) — My adjournment matter is for the attention of the Minister for Local Government in the other place. It relates to the Hepburn Shire Council. I have been receiving reports of deep problems at the shire. It has been alleged to me that Hepburn shire is locked in conflict and is in danger of becoming dysfunctional. In particular there are allegations that there is ongoing workplace bullying, that council meetings closed to the public have been called without the required resolution of council, that senior council officers have entered into agreements without the required authorisation of the council and that councillors, contrary to their duty as

the elected representatives of ratepayers, have been prevented from raising certain matters in council.

I ask the minister to urgently investigate this matter and to take action to prevent the further slide of the council towards dysfunctionality and to do what he can to restore the Hepburn Shire Council so that it can perform its proper role of serving its ratepayers.

### **Rail: Epping–South Morang line**

**Mr GUY** (Northern Metropolitan) — My adjournment issue tonight is for the Minister for Public Transport in the other place. It concerns once again the issue of the Epping–South Morang railway extension. As members will be aware, this railway line is the most critical piece of infrastructure that is missing in the northern suburbs. The Whittlesea City Council recognises this, as do all community groups in the area and the Liberal Party. We have recognised it for many years. It was our election promise in 1999, 2002 and 2006 that the line would be built. The only people who do not recognise that fact seem to be members of the state government. It is telling that Labor members in this chamber and certainly the members for Yan Yean and Mill Park in the other place very rarely, if ever, raise this issue. That is most likely because they are embarrassed to do so.

Despite promising to build the railway line extension in 1999 the Labor Party has broken that promise a few years later, claiming it could not be built because of cost constraints. The Labor Party claimed that the promises it had made in 1999 and in 2002 had to be abandoned because the cost of building a 3.5-kilometre section of single-track railway with two small level crossings and a minor bridge would be more than \$70 million. That not being a big enough exaggeration, the Labor Party's rhetoric escalated the figure to, amazingly, \$300 million — almost the cost of building the 70-kilometre long Mandurah railway line from Perth. That \$300 million figure espoused by the government would mean the extension would cost over \$85 million per kilometre, which is absurd.

It needs to be remembered that when the Labor Party first promised the South Morang extension in 1999 it was to be done for just \$8 million. The community is not stupid; none of us is stupid. We knew that this was spin and rhetoric. I and local community groups such as the South Morang Rail Alliance have for some time sought from the government the full costings of the railway, but we have been denied. In spite of the government, it appears the full costings have been revealed. It is from these costings that tonight I seek action from the Minister for Public Transport. The

figures show the cost of the railway extension is not \$300 million, it is not \$70 million — it is indeed \$16 million. It is about the same amount of money Labor has paid in the last 12 months to consultancy firm Shannon's Way.

Tonight on behalf of the people of the northern suburbs I seek action from the Minister for Public Transport to explain why the Department of Infrastructure report on the Epping–South Morang railway extension by Parsons Brinckerhoff was not made public and why the government has been misleading the people of the northern suburbs about the true cost of this vital piece of urban rail infrastructure.

### **Public transport: timetables**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter is for the Minister for Public Transport in the other place, Ms Kosky. It relates to tram and bus timetables. Every day I use a tram and a bus or one or the other. I have long been annoyed by the state of timetables. I know other members of the public have long been annoyed by this issue as well. Sometimes there is no timetable. Just recently several bus stops near me have had the timetables arbitrarily removed, so when you arrive at the bus stop you have no idea whether the bus has just left or is due to come in 25 minutes or 45 minutes, notwithstanding the fact that buses often do not run to the timetables. I would have thought it would be a basic requirement of a bus company or a tram company to provide a timetable at every stop so people would know when they arrived at a stop whether a bus was just about to come or had just left and they might as well start walking.

I really cannot see why in this day and age we cannot supply these basic things to members of the public. Even where there is a timetable, inevitably the print is so small — I have joined the ranks of those needing glasses — that you need to carry a magnifying glass with you so that you can read it. People who are older than me or who have a sight impairment struggle to read the timetables because they are written in about 10-point font. Not only that, once it becomes dark, if there is a light anywhere in the vicinity of the timetable, it is usually shining away from the timetable or into your eyes while you are trying to look at the timetable.

All these things are a constant annoyance to people who use trams and buses. There may be no timetable or the timetable cannot be read, but I have to say that what has taken the cake is the latest one in the city of Port Phillip, where I live: a bus timetable that is actually one of the better ones — I can read it and there is some light there — has lately had a rubbish bin put right in front of

it. If you want to read the timetable, you have to look over the rubbish bin, and you get a nice whiff of what is in there. I do not know who came up with the bright idea of locating that rubbish bin right there.

My request to the minister is that she ensure that every bus and tram stop has a legible timetable that is lit in a proper way and is not inappropriately located next to a rubbish bin.

### **Mental health: Mindlinx program**

**Ms TIERNEY** (Western Victoria) — My adjournment matter is directed at the Minister for Mental Health in the other place, Ms Neville. In early September the minister announced that the Mindlinx mental health first aid course would be available at no cost to volunteers in Geelong to better support people with mental illness. I congratulate the minister on the announcement, because the course will provide information on mental illnesses such as depression and psychosis that often go untreated. The Brumby government has provided \$150 000 to health services in the Geelong region to help volunteers access the course. Essentially the course will teach skills to mental health volunteers to better manage a developing or potential mental health problem.

The action I seek is for the minister to provide me with written information on the time line for the beginning of the program, the length of time it will be available to mental health volunteers in Geelong and whether the program will be rolled out to other areas of Western Victoria Region.

### **Disability services: carers allowance**

**Mr DRUM** (Northern Victoria) — My adjournment matter is for the Minister for Community Services in the other place, Ms Neville. It concerns a recent meeting I had with Jennifer Moore from Strathfieldsaye, whose son Xavier suffers from cystic fibrosis. It has to do with the carers allowance that she is paid, which is less than \$100 a fortnight. It is extremely important to the family that they receive that small amount for looking after Xavier.

One of the things that is perplexing is the fact that once Xavier turns 16, each year he will have to be put through an intensive review by health professionals who do not necessarily have a specific understanding of cystic fibrosis and the experience that sufferers of that disease go through. Jennifer Moore is simply saying that this disease is a lifelong disease; it is incurable. Once you are diagnosed with cystic fibrosis it only gets worse; it does not get better in any way. It is genetic. It

is not contracted in any other way; it is simply passed on through the genes of the parents, and it gets progressively worse. In effect there is a continual declining of the capabilities of those who suffer from cystic fibrosis. It is ultimately terminal. As the disease progresses and takes charge of Xavier's body it actually costs her more to look after her son. How then can the government explain why it would force parents, once their child turns 16, to undergo an annual review to prove that they deserve a carers allowance of less than \$100 a fortnight? It is quite staggering.

I call on the minister to undertake a review of how carers allowances are assessed on an annual basis for diseases such as cystic fibrosis, which are incurable, lifelong, progressive and ultimately terminal. I believe the minister should instruct the Department of Human Services to apply some common sense to the assessment process. Hopefully a review would lead to a situation where parents being assessed as carers for someone with cystic fibrosis would be a once-only experience.

### **Rail: Nunawading level crossing**

**Mr ATKINSON** (Eastern Metropolitan) — I address my adjournment item to the Minister for Public Transport in another place, but she will need to have discussions with the Minister for Roads and Ports in another place on this occasion, because the matter that I raise is the Springvale Road railway crossing in Nunawading. I indicate to the house that on Friday I attended an announcement by the federal Treasurer, Peter Costello, of an \$80 million contribution towards addressing what is regarded as the worst black spot in traffic terms in the metropolitan area, that being the Whitehorse–Springvale roads intersection, which is compounded by the railway line being 100 metres shy of it. The federal government previously allocated \$25 million towards the project which is being pursued by the City of Whitehorse for grade separation of the railway line at Springvale Road. It has now increased its contribution to \$80 million but is seeking state government participation in that project.

On behalf of all residents of the eastern suburbs, and particularly my electorate of Eastern Metropolitan Region, I would implore the government to take up this opportunity that has been created by the federal government to support grade separation of Springvale Road. What I would be hoping is that the federal government's largesse extend the thinking of the state government to the extent that the railway line is lowered as the best option and outcome for the local area and that the intersections of the railway line with Mitcham and Rooks roads also be subject to grade

separation, with the line travelling beneath them. That would give the opportunity of improving public transport on this line.

The government came to power in 1999 suggesting it would add a third track, an express lane track, between Blackburn and Mitcham. That has never been accomplished because they simply cannot keep the boom gates down any longer. It would be possible if the grade separation were achieved. This is a project which the government has had a very tepid response to when it has been promoted by the City of Whitehorse. Given that this money has been put on the table by the federal government, which I am sure will be matched by the federal opposition, I believe the government should pursue this project. My direct request to the minister is that she and the government support the Springvale Road grade separation project.

### **Preschools: funding**

**Mr O'DONOHUE** (Eastern Victoria) — My matter is for the Minister for Children and Early Childhood Development in another place, Ms Morand. I have been contacted by the Kinders Together Association, which represents a cluster of preschools including Bayles, Bunyip, Lang Lang, Koo Wee Rup, Longwarry and Nar Nar Goon. All these kindergartens are in the Shire of Cardinia, which for funding purposes is considered by the government a metropolitan council, but the reality is that the majority of Cardinia is in fact rural. If we exclude the growth corridor from Beaconsfield to Pakenham, the shire is basically rural.

The issue for these kindergartens is that because they are in a metropolitan shire they have to continually reapply for additional funding as country kindergartens pursuant to the funding outside the guidelines per capita grants. These kindergartens have been doing this for several years and have continued to receive support from the state government, being recognised as rural or country kindergartens, but sadly the Lang Lang and Koo Wee Rup kindergartens have had that funding withdrawn. That will cost each kindergarten approximately \$400 per child. The house is well aware of the effects of the drought, and Koo Wee Rup and Lang Lang are towns which rely heavily on farming communities and the dairy industry. Those communities have suffered significantly under the drought and simply do not have the funds to make up the shortfall from state government funding. Moreover, there is a lack of public transport and other services to connect these towns with Pakenham or Cranbourne, and therefore the options for these people are very limited.

Bayles, Bunyip, Nar Nar Goon and Longwarry kindergartens have been told that their funding will be reviewed, and given the precedent set with Lang Lang and Koo Wee Rup, funding can by no means be assured. This is a terrible decision. These towns are struggling as a result of the drought, and they have little alternative, if funding is cut, to find replacement funding. The action I seek from the minister is to reconsider their status notwithstanding the council they fall under. They are rural towns that are struggling, and I ask that the government reinstate their funding as rural kindergartens.

### **Police: crime prevention technology**

**Mr KOCH** (Western Victoria) — My matter is for the Minister for Police and Emergency Services in another place and relates to the use of the latest technology in fighting street crime and antisocial behaviour. Many in the Geelong community have long raised concern about spiralling crime and other antisocial behaviour affecting the city centre, especially around popular nightspots. Last week I attended a community safety forum in Geelong organised by the federal member for Corangamite, Stewart McArthur. Senator David Johnston, the Minister for Justice and Customs, was invited to hear community concerns about crime and violence in Geelong. The Greater Geelong council, police and community representatives had the opportunity to discuss serious crime and safety issues affecting the central business district and the greater Geelong area.

A positive feature of the forum was the very clear focus by all present on looking for practical ways to tackle crime and violence and to protect the safety of people enjoying the city's night-life. The justice minister met numerous prominent members of the Geelong community who have long been calling for new measures to improve night-time safety. One way to improve safety and reduce crime in these areas is for police to use the latest technology in developing a mobile closed-circuit television system in which footage from strategically located cameras is transmitted directly to police on patrol. As part of a broader safety strategy Geelong council has submitted an application seeking almost \$500 000 of commonwealth funding under the National Community Crime Prevention program to supplement the city's closed-circuit TV camera network.

I commend the commonwealth on this very worthwhile initiative. The justice minister understands the concerns of the Geelong community and informed the forum that he would look favourably on Geelong's funding application. Although commonwealth assistance in

combating crime and antisocial behaviour on Geelong city streets is most welcome, it is a travesty that the community must call on the commonwealth because the state government has neglected to adequately fund and resource police with the latest technology so that they can help protect citizens enjoying Geelong's vibrant night-life.

Much has been spent by entertainment providers on in-house security and also by the taxi industry on security staff and passenger identification, but there remains an urgent need to supplement video surveillance along with improvements to city lighting that would enhance street safety at night. My request is for the minister to support Victoria Police, especially in Geelong, to provide the long overdue funding to assist with the fast-tracking and installation of this latest crime prevention technology.

### **Rail: Laverton station**

**Mr FINN** (Western Metropolitan) — I wish to address a matter to the attention of the Minister for Public Transport in another place. Since the last sitting day I had the my great pleasure of attending the Laverton railway station with the alternative member for the federal seat of Lalor, Peter Curtis.

**Mrs Peulich** — Good man.

**Mr FINN** — A very good man indeed, Mrs Peulich; and he will be an outstanding member of Parliament. We arrived at the Laverton railway station at 6.00 a.m. It was a chilly morning and there was not a lot of activity at that time. However, much transpired over the next 2 to 2½ hours. When I arrived I think mine was the only car in the car park; there may have been another one. However, over the next hour or hour and a half until about 7.30 a.m. or 7.35 a.m. the car park, which is a substantial car park, gradually filled. I should say for the benefit of Minister for Planning, Mr Madden, that Laverton is in the western suburbs; it might be somewhere he can visit one day. At 7.35 a.m. there was not a car space to be had anywhere. At that point in time commuters parked on nature strips and in all sorts of interesting ways. This showed the initiative of people in the western suburbs in finding parking spaces when, generally speaking, many of us would have said none was available.

Parking at Laverton is a major problem, but it is a problem that can be very easily overcome because there is much space available for the expansion of the car park. That expansion is desperately needed, because not only does the Laverton station serve the Laverton area but it also serves the boom areas of Point Cook,

Sanctuary Lakes and the new development Minister Madden has been getting so excited about of recent times. This particular railway station serves many thousands of people, and they are in desperate need of an extension of that car park. The land is there, it is available. I understand it is owned by what was the Public Transport Corporation, or at least by the government, so it would not take a great deal of effort or indeed a great deal of money to provide extra car parking for the many thousands of people who are already using this railway station and the many more who will require the services of that station in years to come.

I ask the Minister for Public Transport to not just investigate this matter. It is clear what the problem is, and it is clear what the solution is. I ask the minister to act immediately to provide the necessary car parking space for commuters who use the Laverton railway station, most of them on a daily basis.

### **Water: Bendigo district supply**

**Ms LOVELL** (Northern Victoria) — My issue is for the attention of the Minister for Water in the other place. It concerns the pipelines that need to be built by Coliban Water to supply potable water to the townships of Sebastian, Raywood, Bridgewater, Inglewood and Goornong. According to Coliban Water's water plan for 2005–06 to 2007–08 these pipelines were to be built in 2005–06 at a cost of just over \$5 million. However, the people of Sebastian in particular are sick and tired of waiting. Over the weekend both the Melbourne and Bendigo media reported that water in Sebastian is so chlorinated that it burns people's scalps and turns their hair green. Residents are also being forced to sign contracts with Coliban Water agreeing not to criticise the water supply. Residents have been warned not to complain or Coliban Water officials will not attend local meetings, and of course the water is not potable.

This is the latest in a long line of failures by the Labor government to address the water needs of Bendigo and district. A spokesperson for Coliban Water actually blamed Coliban's failure to deliver these pipelines to small towns on the construction of the Colbinabbin–Eppalock pipeline. The problem with that statement is these small town pipelines were due to be constructed in the 2005–06 financial year and the commitment to build the Colbinabbin pipe was not made until 30 May 2006, just four weeks before the end of that financial year. Not only has the construction of these pipelines been pushed back as a low priority for this Labor government but the cost has exploded from just over \$5 million to \$14.28 million. This has been

confirmed by Coliban Water's plan for 2007–08 to 2012–13.

The needs of Bendigo and district are being ignored by this Labor government. In effect Bendigo has three members who sit at the state cabinet table — the members for Bendigo East and Bendigo West in another place, Jacinta Allan and Bob Cameron, and a former federal member for the area, the Premier, John Brumby — but all three have remained silent when it comes to advocating on behalf of Bendigo and district. They stay especially silent on these pipelines to connect small towns to potable water supplies.

The board of Coliban Water has presided over a period of shame in Bendigo. Just last week the minister reappointed all renominating members of the Coliban Water board, and also appointed a former board member and Labor mate, Fabian Reid, as chair of the board. These are the same people who presided over this period of shame and created Bendigo's water crisis. These are the people who consigned Bendigo to a prolonged period of extended stage 4 water restrictions. These appointments show that the Labor government is more interested in jobs for the boys and supporting Labor mates than it is in representing the people of Bendigo.

My request to the minister is that he ensure these pipelines to Sebastian, Raywood, Bridgewater, Inglewood and Goornong are constructed as a matter of urgency and that alternative potable water supplies are made available to all of these communities during the construction phase.

### **Water: fluoridation**

**Mr VOGELS** (Western Victoria) — I raise an issue for the Minister for Health in the other place. It concerns the proposal to add fluoride to Warrnambool and district's water supply. It is quite clear that there are two schools of thought on this issue, both of which are strongly held, and for that reason community approval should be sought before fluoride is added. If the proponents are confident of community support, a plebiscite on this issue should hold no fears. It would be very simple for Wannon Water, for example, to put in a for-and-against flyer the next time it sends out its quarterly water bills, or perhaps we could have a plebiscite when the local council elections are held next year.

I notice that only 5 per cent of the world's people drink fluoridated water. I downloaded this information from the internet. Referring to fluoride it states: Germany, banned; France, banned; Belgium, rejected;

Luxembourg, rejected; Denmark, rejected; Norway, rejected; Sweden, rejected; Northern Ireland, banned; Netherlands, banned; Austria, banned; Czech Republic, rejected; Finland, rejected; China, rejected; Japan, rejected; and Switzerland removed fluoride after 41 years. If we are going to put fluoride in people's water, local communities should have a say on whether they want it.

There is another issue that really concerns me. I have a letter here from the Department of Human Services and one from the Australian Dental Association, Victorian branch (ADAVB), to constituents in Warrnambool. They must use the same speechwriter, because one states:

Thank you for your invitation to attend a debate in Warrnambool on 20 August regarding water fluoridation.

The one from the Australian Dental Association states:

Thank you for your invitation to attend a debate in Warrnambool on 20 August regarding water fluoridation.

The department's letter states:

Unfortunately I must decline your invitation ...

The ADAVB letter states:

Unfortunately the ADAVB must decline your invitation ...

The department's letter states:

The department, along with peak medical and scientific organisations including the Australian Dental Association, the Australian Medical Association and Dental Health Services Victoria ...

The ADAVB letter states:

The association, along with peak medical and scientific organisations including the Australian Medical Association and Dental Health Services Victoria ...

It is exactly the same letter. One is from what is supposed to be an independent association and the other is from a government department. I find that rather curious. The action I seek from the minister is that he ensure that before any fluoride is added to the Warrnambool and district water supply those consumers who will be affected have an opportunity to express their views through a plebiscite.

### **Elmore: equestrian facility**

**Mrs PETROVICH** (Northern Victoria) — My matter on the adjournment is for the Minister for Agriculture in the other place. Last Thursday both the minister and I were in attendance at the Elmore field days. I was present at the 9.30 a.m. presentation of the

proposed equestrian facility at Elmore, to be located on the Elmore field days site. I trust the minister attended the later presentation, which I think was 11.30 a.m.

I was very impressed with this proposal for a number of reasons. The Elmore site is in a central location on a large piece of land and would provide an alternative to the Werribee Park facility, which is booked out 51 weeks a year. The size of this site means there would be the capacity to establish a six-arena facility as part of stage 1, with yarding for 80 horses. The beauty of this site is that it has fantastic infrastructure already in situ, including toilets, water, telephone and power for campers.

I have been told that a small sum of money — an estimated \$150 000 — would establish a facility that would have the capacity to earn the northern Victoria region many millions of dollars in returned revenue through the competitors who would come to stay in this facility and spend money in the region. This could be verified very easily by the returns experienced by the Wyndham shire through the Werribee Park equestrian facility.

The action I seek from the minister is that he seriously consider the benefits to the equestrian community of northern Victoria and the economic boost that this would give to the drought-affected communities of that area. I seek a commitment from the minister that this project will be viewed favourably when it comes before him.

### Responses

**Hon. J. M. MADDEN** (Minister for Planning) — Mrs Coote raised the issue of sporting services in a dry climate, and I will refer this to the Minister for Sport, Recreation and Youth Affairs in the other place.

Mr Hall raised a matter concerning the Traralgon bypass and a supplementary inquiry. I am aware that is currently being processed within the department. I am not sure of its status, but I will check and seek to inform Mr Hall at the earliest possible date.

Mr Pakula raised a matter relating to the Yes West employment agency, which I will refer to the Minister for Industrial Relations in the other place.

Mr Kavanagh raised a matter concerning the Hepburn Shire Council, which I will refer to the Minister for Local Government in the other place.

Mr Guy raised the matter of the Epping railway line. I will refer that to the Minister for Public Transport in the other place.

Ms Pennicuik raised the matter of the tram and bus timetables. I will refer that to the Minister for Public Transport in the other place.

Ms Tierney raised the matter of a mental health first aid course. I will refer that to the Minister for Mental Health in the other place.

Mr Drum raised a matter concerning a cystic fibrosis carers allowance. I will refer that to the Minister for Community Services in the other place.

Mr Atkinson raised the matter of the Springvale Road railway crossing near Whitehorse Road. I will refer that to the Minister for Public Transport in the other place.

Mr O'Donohue raised the matter of preschools in Cardinia shire. I will refer that to the Minister for Children and Early Childhood Development in the other place.

Mr Koch raised the use of technology to fight street crime in the Geelong region. I will refer that to the Minister for Police and Emergency Services in the other place.

Mr Finn raised the matter of the Laverton railway station, car parking and associated issues. I will refer that to the Minister for Public Transport in the other place.

Ms Lovell raised the matter of water pipelines in the Coliban region. I will refer that to the Minister for Water in the other place.

Mr Vogels raised the fluoridation of water in the Warrnambool area. I will refer that to the Minister for Water in the other place.

Mrs Petrovich raised the matter of equestrian accommodation in her region. I will refer that to the Minister for Sport, Recreation and Youth Affairs in the other place.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 6.05 p.m.**

