PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 9 August 2006

(Extract from book 10)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AC

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Joint committees

Drugs and Crime Prevention Committee — (*Council*): The Honourable S. M. Nguyen and Mr Scheffer. (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

Economic Development Committee — (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen. (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson.

Education and Training Committee — (*Council*): The Honourables H. E. Buckingham and P. R. Hall. (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton.

Environment and Natural Resources Committee — (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell. (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Hon. D. McL. Davis and Mr Smith. (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

House Committee — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

Law Reform Committee — (*Council*): The Honourables Richard Dalla-Riva, Ms Hadden and the Honourables Geoff Hilton and David Koch. (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan.

Library Committee — (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong. (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson.

Outer Suburban/Interface Services and Development Committee — (*Council*): Ms Argondizzo and Mr Somyurek. (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith.

Public Accounts and Estimates Committee — (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek. (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino.

Road Safety Committee — (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney. (*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise.

Rural and Regional Services and Development Committee — (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell. (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Argondizzo and the Honourable Andrew Brideson. (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
The Hon. D. K. DRUM

Member	Province	Party	Member	Province	Party
Argondizzo, Ms Lidia	Templestowe	ALP	Jennings, Mr Gavin Wayne	Melbourne	ALP
Atkinson, Hon. Bruce Norman	Koonung	LP	Koch, Hon. David	Western	LP
Baxter, Hon. William Robert	North Eastern	Nats	Lenders, Mr John	Waverley	ALP
Bishop, Hon. Barry Wilfred	North Western	Nats	Lovell, Hon. Wendy Ann	North Eastern	LP
Bowden, Hon. Ronald Henry	South Eastern	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Broad, Ms Candy Celeste	Melbourne North	ALP	Mikakos, Ms Jenny	Jika Jika	ALP
Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Ms Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip [3]	Silvan	Ind Lib
Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Hadden, Ms Dianne Gladys [2]	Ballarat	Ind	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	Nats	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy [1]	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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

[2] Ind from 7 April 2005

[3] Ind Lib from 30 November 2005

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WEDNESDAY, 9 AUGUST 2006

Wednesday, 9 August 2006

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.33 a.m. and read the prayer.

PETITIONS

Baxter-Tooradin–Fultons–Hawkins roads, Baxter: safety

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government urgently upgrade the Baxter-Tooradin, Hawkins and Fultons road intersection in the suburb of Baxter so that Hawkins Road and Fultons Road are aligned and that the railway crossing along Baxter-Tooradin Road is widened to safely accommodate pedestrian traffic (17 signatures).

Laid on table.

Western Port Highway–Queens Road, Pearcedale: safety

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government direct VicRoads to investigate reinstating right-hand turns into and out of the Queens Road and Western Port Highway intersection (between Pearcedale and Somerville) (46 signatures).

Laid on table.

Western Port Highway–North Road, Pearcedale: roundabout

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government install a roundabout at the North Road–Western Port Highway intersection to enable safer access to Western Port Highway for motorists and local residents (65 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

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

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2006.

Statutory Rules under the following Acts of Parliament:

Estate Agents Act 1980 — No. 100.

Retirement Villages Act 1986 — No. 99.

MEMBERS STATEMENTS

Australian Greens: Eastern Metropolitan Region candidate

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to express my concern about the Greens candidate for the new Eastern Metropolitan Region, Mr Bill Pemberton. Given the recent announcement of the Greens policy proposing to install medically supervised injection spaces — in other words, safe injecting rooms — can Mr Pemberton explain where the Greens propose to put these safe injecting rooms?

If we take, for example, the Knox City Council area, are they proposing to put them in Bayswater, Boronia, Rowville, Ferntree Gully or Wantirna? Or in the City of Whitehorse area are they proposing to put them in Mitcham, Blackburn, Box Hill, Forest Hill or Burwood? Or in the Maroondah City Council area are they proposing to put them in Warranwood, Croydon, Bayswater North, Ringwood or Heathmont? In the Manningham City Council area are they proposing to put them in Templestowe, Doncaster, Donvale, Bulleen or Wonga Park?

We already know the Greens views on allowing the use of illegal drugs because of their policy on regulating the use of cannabis for specified medical purposes, but the reality is that a party that puts itself forward to be in this house has to demonstrate sound policies that will lead forward. I am very concerned that this candidate will install safe injecting rooms in those areas.

Police: Gippsland stations

Mr VINEY (Chelsea) — I would like to inform the house about a great series of events that took place last week. With the Minister for Police and Emergency Services in the other place I had the pleasure of attending the opening of a number of new police stations in Gippsland. On the first day we attended the opening of the new station in Stratford, and later we attended the opening of another new police station at Bairnsdale. The minister also went on to open one at Bruthen on the same day, and the next day we had the opportunity of touring a new police station that is under

construction in Morwell. We then attended the opening of the new police station in Toora.

This is part of a massive investment in the infrastructure of our police services. We saw the very impressive facilities in Bairnsdale and those under construction in Morwell, as well as the great facilities for one-officer stations at Stratford and Toora. This is part of a $300 million investment in police stations across Victoria. It is the biggest rebuild of police infrastructure in this state's history, which, along with the 1600 coppers on the streets, are making this state a safer place.

Mitcham Road, Mitcham: speed zones

Hon. B. N. ATKINSON (Koonung) — I wish to alert the house to a concern of mine and that of the school communities of Mitcham Primary School and Mullauna College about traffic conditions along Mitcham Road, Mitcham, and the treatment of that area in regard to 40-kilometre-per-hour signs. The school communities in the area want VicRoads to install illuminated signs that warn motorists and have a greater impact in modifying driver behaviour.

Mitcham Road is a particularly busy area that has a kindergarten as well as the two schools and a park. There is a lot of traffic and at the point where the schools are located other roads come in to Mitcham Road at angles. The current conventional signage is inadequate. I share the schools' concerns, and I hope the minister will act to introduce illuminated, advisory signage in this area.

Trevor Jones

Hon. R. G. MITCHELL (Central Highlands) — On Monday, 7 August, I had the honour of attending the funeral of Senior Constable Trevor Jones from the Mansfield police station, who died very suddenly and tragically on 31 July this year.

Trevor was a very well-respected member of the community and a vital part of the policing unit in Mansfield. The huge attendance at the funeral by police and emergency services personnel and people in the local community was testimony to just how deeply respected Trevor was in that community. It was a very moving occasion that was attended by his family, friends and the community, and by all accounts it was obvious that he was very well loved by his family and was someone who enjoyed the great respect of all who were close to him or worked with him.

He was a man who enjoyed life to the full and enjoyed the natural environment and beauty Mansfield has to offer. I can only extend my sincerest condolences to his wife, Denise, his children, Lee and Skye, and the extended family and wish them all the very best in their time of sorrow. I also extend my condolences to his colleagues, who have lost an integral part of their policing unit. I wish them all the best in the future as they go through the process of grieving for a loved one.

Hazardous waste: Nowingi

Hon. D. McL. DAVIS (East Yarra) — My members statement today concerns the outrageous and scurrilous statements made by the Leader of the Government, Mr Lenders, regarding the government's plans for a toxic waste dump. We know that this government has bumped off the date for a decision on the Hattah-Nowingi site until after the election, but it is clear that after seven wasted years this government has not done the hard work of waste reduction, reuse and recycling. It has been seven wasted years, and its only response to the waste problem in this community is to start a dump at Hattah-Nowingi between two national parks.

The Liberal Party is determined not to build a waste dump in this way. The Liberal Party is determined to hold this government accountable. I ask the minister, given that he claims there is an independent panel, and he has bumped off the date for a decision until after the election, is it not conceivable that that panel might knock out the dump in Nowingi? He will then need to explain where he will put a toxic dump, which he says is necessary. The people of the communities of Victoria will want to know where he is going to put the dump that he claims is necessary. We do not believe a dump is necessary. We believe the hard work of recycling, reuse and reduction of waste volumes is the way it should go. The only political party in Victoria that is calling for and planning a toxic waste dump is the Labor Party.

Multicultural affairs: community accord

Hon. KAYE DARVENIZA (Melbourne West) — I was delighted to be in Wangaratta on Thursday, 27 July, to sign a community accord with five of the mayors from that region — Cr Peter Graham, mayor of the Indigo Shire Council; Cr Jan Vonarx, mayor of the Alpine Shire Council; Cr Don Joyce, mayor of the Wangaratta Rural City Council; Cr John Brownstein, mayor of the Benalla Rural City Council; and Cr Tom Ingpen, mayor of the Mansfield Shire Council.

The community accord recognises Victoria as a vibrant, diverse and progressive state in which all people are able to live, work and prosper together. It promotes

respect for diversity across our communities, and it advocates for the elimination of racial and religious intolerance and rejects all forms of racial and religious vilification, violence, harassment and unlawful discrimination.

I would like to congratulate those five mayors for being involved in signing the community accord with me in Wangaratta. That part of Victoria is a very culturally diverse area. Many migrants have chosen to come and live and establish new homes and new lives in that region, and have made an enormous contribution not only to that region but to our state as a whole, culturally, socially as well as economically; and the accord — —

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

Rail: rural and regional crossings

Hon. DAVID KOCH (Western) — The Bracks government continually makes excuses for not getting on with the job of upgrading Victoria's unsafe level crossings. This is despite fatal accidents at unprotected crossings at Trawalla, Mininera and Lismore in Western Province. It is therefore a major disappointment to many Victorians to learn that the government has installed a new set of flashing lights on a road near Bacchus Marsh, and at two level crossings near Ballan on dead-end roads, leading to locked gates and a disused quarry.

Installing expensive safety measures at low-priority and rarely used crossings is a massive waste of taxpayers money, gross mismanagement, and shows contempt for road users with high-use and unsafe level crossings remaining unprotected and an unacceptable risk. Country Victorians have a right to know how the government sets its priorities and spending to upgrade level crossings. It has wasted around a million dollars to upgrade these rarely used crossings, while there are 1500 high-use crossings around the state that only display stop signs and give way signs.

Country Victorians want to know how crossings on dead-end roads leading to locked gates or disused quarries take priority over crossings such as those at Trawalla, Mininera and Lismore. No-one in their right mind, not even the minister, could justify the spending on rarely used level crossings over and above others in Victoria at which serious injuries and fatalities have occurred.

Planet Ark

Hon. J. H. EREN (Geelong) — I was very pleased to be involved in celebrating with Planet Ark the planting of the 10 millionth tree at the end of July. This is a great initiative from a great organisation, and congratulations must go to the founder of Planet Ark, John Dee, and co-founder, Olivia Newton-John, for their efforts in achieving this milestone — and they have done a great job. Of course they are not alone in achieving this great feat. They have worked with companies such as Toyota — —

Hon. D. McL. Davis — On a point of order, President, the member is mumbling to the extent that it is impossible to decipher what he is saying. I ask that he speak clearly enough to be heard.

The PRESIDENT — Order! There is no point of order. Mr Eren to continue.

Hon. J. H. EREN — Of course they are not alone in achieving this great feat; they have worked with companies such as Toyota and AMP Foundation, along with councils, schools and community groups, to make National Tree Day Australia's biggest community tree-planting event. I am informed that to date 1.3 million volunteers have helped plant 10 million native trees and shrubs at 16 500 tree day sites across Australia.

When I was asked by Planet Ark to help with this challenge I was more than happy to assist. So was the Lara Secondary College. On 28 July, with the help of Rob Galtry and principal Greg Sperling, we wasted no time in doing our bit for the environment. Along with about 100 students we planted native trees on the school site, which will promote biodiversity, improve air quality and provide food and shelter for Australia's wildlife for many years to come. I thank everybody involved, and I was very pleased to be part of this great event.

I cannot go without mentioning some tree facts. Tree leaves help trap and remove tiny particles of soot and dust which otherwise damage human lungs.

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

Blackburn Lake: funding

Hon. H. E. BUCKINGHAM (Koonung) — Last Thursday I was delighted to be present, along with the member for Mitcham in the other place and members of the community, when the Premier announced that the state government will enter into a conditional contract

with the Whitehorse City Council to jointly purchase land to extend Blackburn Lake Reserve. The funding will be conditional on the commonwealth government contributing its one-third share. This government and the council have put their money on the table, and it is now up to the commonwealth government to sign up to the arrangement.

Blackburn Lake is one of eastern Melbourne's greatest assets. It was created in the 1880s when the Freehold Company dammed the creek to create a picturesque lake hoping it would encourage people to settle in the area. The area became a magnet for artists, and it is believed Frederick McCubbin's 1893 work *Bush Idyll* is based on a lake scene. The opportunity to add to this important local reserve has arisen through the redevelopment of an adjoining aged care facility, which now requires a smaller parcel of land.

In recent decades, as appreciation of the lake has grown, all levels of government have contributed to the consolidation of surrounding land, and this surplus land will only be incorporated into the lake reserve with the commitment of the federal government. It is now up to the federal member for Deakin, Phil Barresi, to meet his commitment to the local community. He needs to confirm once and for all that the federal government is contributing its share to this important community project.

Tattersall's: awards

Hon. J. G. HILTON (Western Port) — Last week I was very pleased to attend the 26th Tattersall's awards for enterprise and achievement. Many members were also present at the occasion. These awards, as members will know, go to individuals and sometimes organisations that have made a significant contribution to the wellbeing of our society, sometimes providing services to a section of the community, which without these organisations would not have the recognition or support they need. As always, it was a humbling and emotional experience to listen to the stories of people who make such a significant and selfless contribution to the wellbeing of our society.

My only criticism of the awards, and indeed it is a very minor criticism, is that there is an annual winner. A winner presumes that there are losers, and yet for these awards there are surely no losers. Everyone is to be congratulated. I would also like to acknowledge and thank Tattersall's for the great contribution it makes in recognising these, as was said at the awards, unsung heroes in our community.

Father Frank Martin

Mr PULLEN (Higinbotham) — Last month I, along with hundreds of others, paid tribute to my parish priest, Father Frank Martin of Cheltenham.
Father Frank was ordained at St Patrick's Cathedral on 22 July 1956. Over his 50 years as a priest he served at, among other places, Endeavour Hills and for the past 19 years at Cheltenham. One of his most important contributions was his work at the Catholic Education Office and as a member of the Whitlam government's Karmel commission. Tributes at the function flowed from many people, including former Premier Joan Kirner, former Melbourne archbishop Sir Frank Little and the current archbishop, Denis Hart.

In June Father Frank wrote an outstanding article about the church for the *Herald Sun* and was attacked by a John Morrissey, who said, in part:

> I was astounded to see so few responses to Father Frank Martin's extraordinary claims …
>
> Not only does he misrepresent the church's teachings on a number of issues, but he distorts the history of public funding of non-government schools.
>
> Whatever his part in the Karmel report of 1973, it was not the beginning of recurrent funding of these schools.
>
> With all due respect to Father Martin, his failing memory or bias should not go unchallenged.

I responded to that letter, and as usual the *Herald Sun* did not want to print it. Some of my comments were as follows:

> … Morrissey … complains that he is astounded to see so few responses to Father Frank Martin's claims … Father Frank was spot on …
>
> Father Frank was an important member of Professor Karmel's committee … which led to the Whitlam government depoliticising the state aid debate in relation to independent schools.
>
> Rather than Mr Morrissey attacking Father Frank with the claim that he has a 'failing memory or bias' I … suggest to him that he attend Sunday mass … at Cheltenham for a most uplifting experience.

MEMBER FOR IVANHOE: CONDUCT

Hon. BILL FORWOOD (Templestowe) — I move:

> That the house expresses its grave concern at the —
>
> (1) actions of the member for Ivanhoe in —
>
> (a) sending more than 20 official ALP Ivanhoe State Electorate Campaign Committee (SECC) invoices

to the Bell Street Mall Traders Association marked 'campaign contribution' in the period from 1997 to 2005; and

(b) invoicing the Mall traders for $700 in May 2005 through the SECC, and then as an authorised committee member of the Mall traders first requesting a trader's cheque for $700 and then himself being the first signatory on cheque number 000892, paying an ALP invoice he himself had originally raised; and the

(2) lack of action taken by the Parliament and the government to investigate and resolve this matter and other electorate office issues;

and calls on the member for Ivanhoe to —

(1) explain to the community what services the ALP Ivanhoe SECC provided to the Mall traders to warrant the payment of thousands of dollars of Banyule City Council ratepayers funds to the ALP;

(2) explain why he permitted the use of his electorate office by the Mall traders coordinator, Cassandra Kemp, a long-time ALP member; and

(3) explain why no funds were reimbursed to the Department of Parliamentary Services as a result of the use of his parliamentary-funded electorate office by the Mall traders coordinator, despite the receipt of thousands of dollars of Banyule City Council ratepayers' funds by the ALP Ivanhoe SECC.

We should not be here today debating this motion. We should not have to do it.

Hon. T. C. Theophanous — Don't.

Hon. BILL FORWOOD — There are two reasons why we should not have to do it. The first is because the member for Ivanhoe in the other place, Mr Langdon, should never in the first place have entered into the arrangement whereby he allocated dedicated space in his office, then invoiced the traders organisation and put the money into his campaign account. I put it to the house that every single member in this place knows that that action is suspect, knows that that action is dodgy, knows that that action is bordering on a rort, is bordering on a swindle.

I put it to members of this place that there is not one member in this house or the other house who would condone that sort of behaviour. No-one would condone it and no-one would do it. Later on in my contribution I will get to some of the excuses that Mr Langdon has put up in his efforts to get away from the situation he finds himself in.

Hon. T. C. Theophanous — Have you ever had a charity group in your office?

Hon. BILL FORWOOD — Let me pick up the interjection from the minister. I have had charity groups in my office, and I have had charity groups that have used my photocopier. I am sure that most members of Parliament have, but I say to the minister I am equally sure that not one of us has subsequently raised an invoice and sent it to the community group concerned. I am equally sure that not one of us has raised an invoice, got money and put it into our campaign account. There is not one other member in this house or the other house who has behaved like this.

Hon. B. N. Atkinson — That we know of.

Hon. BILL FORWOOD — That we know of! I cannot believe any other member has behaved like this. That is the first reason we should not be here today. This was an arrangement, as I will demonstrate — and I have the documents — that has been going on since 1997. It has been going on for a very long time. It should not have started, and it should not have continued.

The first reason we should not be here is that it should not have happened in the first place. The second reason we should not be here is that when this matter was first raised in the *Herald Sun* by Ellen Whinnett in February of this year both the executive — the government — and the Parliament should have acted to investigate and resolve the matter.

As with many other examples, I submit to this house that the cover-up is as bad as the original offence. I will demonstrate throughout my contribution to the debate today the lengths the Parliament and the government have gone to to stop the truth about this matter becoming public. I put it to every member of this place that they will get an opportunity to vote to express their grave concern and ask for some answers, and I will be raising a number of questions in my contribution, not the least being the question on the notice paper: what did the ALP do, or what service did the ALP provide, that entitled it to send an invoice, year after year, to a traders organisation funded by the council and funded by a special levy on the people who worked there? What service did the ALP — not the local member and not the Parliament, but the ALP — provide?

What I seek to do, with the leave of the government, to enable people to understand this matter is to have incorporated in *Hansard* two documents.

Leave granted; see documents pages 2857 and 2858.

Hon. BILL FORWOOD — Copies of these documents are available here for members who wish to have them. I will go through these documents in detail,

as I will with others that I have, but the first point I wish to make about the first document I have had incorporated is that in the left-hand corner the ALP logo appears and underneath it says 'Tax invoice'.

Hon. T. C. Theophanous — That's a real cover-up!

Hon. BILL FORWOOD — Let me again pick up the interjection of Mr Theophanous, who says, 'That's a real cover-up!'. This story broke and this document — it is *Rent,* the political musical — exists because of a falling out between the member for Ivanhoe in the other place, Mr Langdon, and a previous electorate officer, Dale Peters. I want to make the point that this was an internal ALP matter being run out of an ALP member of Parliament's office, and it only came to light because of a falling out between these two people.

But the point to remember is that an adviser to the Leader of the Government was an electorate officer at the same time this was going on. If any person in this place should be getting up to try to defend the indefensible — to try to provide some sort of justification for this appalling action where a member of Parliament uses his electorate office, charges people and puts the funds in his campaign account — it is the Leader of the Government, because one of his advisers was there at the time. And the minister should not come in here and pretend to me that Mr Brooks did not know what was going on and that he has not asked Mr Brooks what the actual arrangement is. This arrangement had been going on for eight years, since 1997, and I have documents that will demonstrate that. I am saying to the minister that there are two real problems raised in the motion. The first is that Mr Langdon should not have done this, and the second is that it should not have been covered up by the Parliament and by the executive.

Let me return to the ALP invoice. Let us look at the address. This ALP invoice is from the Ivanhoe SECC which is the State Electorate Campaign Committee, of shop 14, the Mall, Bell Street, Heidelberg West.

Hon. T. C. Theophanous — What has Colin Brooks got to do with it?

Hon. BILL FORWOOD — I have time today — —

Mr Lenders — He did not work for Craig.

Hon. BILL FORWOOD — He did not work for Craig? Yes, he did!

Hon. T. C. Theophanous — Did he?

Hon. BILL FORWOOD — Yes, he did. Let us be clear about this. The member for Ivanhoe in the other place, Mr Langdon, was elected; he beat Vin Heffernan in March 1996. His first office was in Rosanna; his second office was in the Mall. His first two electorate officers, to the best of my memory, were Craig and Dale. Later on they went to André and various other people, including Sherryl. Dale went to work at the ALP headquarters, but, mark my words, they were both electorate officers for Craig Langdon at the time this rort was under way. There is no doubt about it.

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! When Mr Forwood is responding to interjections, which are unparliamentary, he should do so through the Chair, and when he is referring to members he should do so by their correct names and not just by their first names.

Hon. BILL FORWOOD — I will. I invite Mr Theophanous to move back to his place and interject properly!

Let me point out that this letter sent from shop 14, the Mall, Bell Street, Heidelberg, went to the Bell Street Mall Traders Association at shop 14, the Mall, Bell Street. Excuse me! — we typed out the invoice on the ALP letterhead and what did we do? We walked down the corridor and gave it to them! The address is the same place. I will go further into the relationship that exists between the Mall coordinator, Cassandra Kemp, and the member in question, Mr Craig Langdon.

If you move further down the tax invoice you see that the amount being requested is for a campaign contribution. I go back to my question: why in heaven's name should the Bell Street Mall Traders Association year after year have to pay contributions to the Labor Party? I hope Mr Viney, who has drawn the short straw and is going to defend the indefensible, has an answer to this particularly straightforward question: why did they do it?

Let us look at the second page, which will be incorporated into *Hansard* with the leave of the Leader of the Government. This is the Bell Street Mall Traders Association's cheque requisition. Members will see that this cheque has been requested by Craig Langdon, which is the name recorded in the box headed 'Print Name'. Honourable members know that this cheque was requested by the member for Ivanhoe, who had sent the invoice from one part of his office to another part of his office and then requested the cheque. What did he request it for? The hire of office space. We can have a discussion, and we will later, about the meaning

of the word 'rent' and the meaning of the expression 'sublease', but I put it to members that Mr Langdon himself has asked for money partly for the hire of office space. As I have said in this place before, Mr Langdon provided a dedicated lockable room to the Mall traders in 1997 — —

An honourable member interjected.

Hon. BILL FORWOOD — No, a room in his electorate office in the Mall. At the same time he also provided the Mall coordinator with a key to his electorate office and the access code to his alarm. This was not an office where she could just come in during the day when it was open; this was her office. She could get in there anytime she liked, and she did. She was there for a number of years, and I will go into that in more detail in a moment. What this shows is that he requested a cheque for $700 for the hire of office space and storage at Fort Knox. It was requested by Craig Langdon and it was signed by Craig Langdon. It will be incorporated into *Hansard*.

Let us look at the next sentence under 'Accounts payable action'. It shows the first signatory on cheque no. 000892. Let us have a look at the signatory. Who signed the cheque for $700, which went into the ALP account? Guess who! The member for Ivanhoe himself. He raised the invoice, walked down the passage and gave it to the coordinator. He requested the cheque, he signed the cheque, and he banked it in his slush fund.

This matter became known to the Parliament in February, and this matter became known to the executive, to the government and to the Premier in February. What happened? Obfuscation, lies, deception, a cover-up that has gone on non-stop since then. I put it to honourable members in this place today that they will have the opportunity — —

Mr Lenders — On a point of order, President, I have listened to Mr Forwood at length. He has had goes at the executive and the Parliament. He has not named a particular individual so I have not raised a point of order so far, but Mr Forwood absolutely crossed the line by impugning the integrity of the Premier when in the same sentence he mentioned the Premier and lies. I ask him to withdraw.

Hon. BILL FORWOOD — I withdraw! I am certain the Premier in this case has been fed a load of — —

An honourable member — Codswallop!

Hon. BILL FORWOOD — Codswallop, and I do not for a moment suggest that the Premier lied when he told Parliament that he stood by Mr Langdon. I am sure he did not. I am sure that when the Premier said lots of members allow community groups such as Neighbourhood Watch to use their offices he meant it, and we all do, but at the time the Premier said that he did not know it was standard practice in this member's office for him to raise invoices on ALP letterhead and put the money in his campaign account. But some people in the Parliament did know that. This matter was raised with people in the Parliament, not least the Speaker, and the Speaker's role in this bears some scrutiny. I will touch on that later, but before I do I return to the original article by Ellen Whinnett early in February headed 'Group paid MP for use of office' which raised this matter. To set the scene, it says:

> A Labor MP has accepted thousands of dollars in donations from a community organisation he runs.

He did not always run it, but he was always around it. Yes, he runs it now. He is the president, but he was the treasurer. He was not the treasurer for the whole time this was going on. I go back to my previous point, that every member in this place today will get the opportunity either to vote along party lines and defend someone who has done the indefensible, or they will have the opportunity to vote according to their ethics, their conscience and what is right and proper for a member of Parliament to do.

I look at the benches opposite and I know they contain men and women of integrity. I know I have a different political viewpoint to many people on the other side, but I know they are men and women of honour. I will be looking for the men and women of honour in the Labor Party today not to just willy-nilly defend the indefensible and vote along party lines but to support a carefully crafted motion which does not condemn — it expresses grave concern — but does call for answers from the member in question who instituted this particular — —

Hon. B. N. Atkinson — Rort!

Hon. BILL FORWOOD — Rort! Let me go a step further in this. The article goes on to say:

> Government Whip Craig Langdon took the donations in return for letting the business group work in his taxpayer-funded office free of charge.
>
> Parliamentary rules barring subletting of electorate offices did not apply.

Later it says the arrangement became more complicated when he became treasurer, then president, meaning he co-signed some cheques. Mr Langdon — and I quote directly from this article — is reported as saying:

> He confirmed he had been treasurer of the Mall traders and in November became president, but said he had written no cheques to himself.

These are weasel words. What it says is that he has written no cheques to himself. That is right, he did not write a cheque out to Craig Langdon. According to the letter of the law he is almost accurate, but what did he do? As I have demonstrated, and as will be seen from the document which will be incorporated in *Hansard* and which is available to any member in this place who wishes to look at it, he requested and signed a cheque to the Ivanhoe SECC. He did not put it in his own personal account, but he put it in the Labor Party's campaign slush fund.

I do not accept the words that he says, that he did not write out a cheque to himself. To all intents and purposes Mr Langdon's campaign account is his account: it is run by him, controlled by him and operated out of his office. So I say that this is disingenuous and as close as possible to not being the whole truth as it is possible for me to say without calling him a blatant liar!

Mr Somyurek — You are factually wrong!

Hon. BILL FORWOOD — I look forward to the contribution from the honourable member opposite, who is going to tell me what he knows about the Ivanhoe SECC. Let me point out that other documents I have — —

The PRESIDENT — Order! Through the Chair, Mr Forwood.

Hon. BILL FORWOOD — Other documents I have that I am happy to make available to honourable members around the place demonstrate quite succinctly that another of Mr Langdon's electorate officers, Nicholas Brain, was secretary of the Ivanhoe SECC. So he got paid by the Parliament — he worked for the Parliament, sat in Mr Langdon's office — but, would you believe it, he was also secretary of the Ivanhoe SECC, this organisation which Mr Somyurek knows so much about. He signed as the secretary. If you look at the four invoices I have here, you will see that they are all on the same ALP letterhead, that they all have the same address and that they are all seeking campaign contributions.

Bill 0005 is dated 7 May 2004. It is a request for a campaign contribution. It says 'Quarterly campaign contribution (April–June)' and it is for $350.

Here is another one:

> Bill: 0004
>
> … 07/05/2004
>
> Amount requested: $350.00
>
> …
>
> Quarterly campaign contribution
>
> (January–March)
>
> … $350.
>
> Regards

It is signed by Nicholas Brain. It should have electorate officer in brackets, but not here. Here it says:

> Secretary
>
> Ivanhoe SECC

Do not believe it? I have another one — 0003.

Mr Somyurek interjected.

Hon. BILL FORWOOD — He is putting it into the SECC. He has gone to the Mall, he has sent them an invoice, he has put the money into the slush fund. So this guy, who is his electorate officer, doubles as the Ivanhoe secretary of his campaign.

I have here invoices all dated the same day: bills 0002, 0003, 0004 and 0005, are all for $350, are all raised on the same day and are all quarterly campaign contributions — for July–September, October–December, January–March and April–June. I am happy to point out that none of them has GST on it either, but I cannot be bothered going down the path of following the implications of the fact that this organisation with an Australian business number has not paid GST, or that the tax invoice, as headed, does not include GST.

An honourable member interjected.

Hon. BILL FORWOOD — It is a donation, is it?

Mr Lenders interjected.

Hon. BILL FORWOOD — I look forward to your defending that aspect as well.

Hon. T. C. Theophanous interjected.

Hon. BILL FORWOOD — Let me pick up the interjection by both the Leader of the Government and Minister Theophanous. Both of them say that this is nothing new. Does that mean that they condone this behaviour? Are they saying by their interjection that as

there is nothing new they do not believe this is unethical behaviour? Are Mr Lenders and Mr Theophanous saying by their interjection that they do not believe that Parliament should act in circumstances such as this? Is that what they are saying — that this is old stuff? Oh, dear, tell us about standards!

All I need to do is refer to today's *Age*. The opinion page has an article by Michelle Grattan headed 'Calling MPs to account may be unfashionable, but it still matters'. It is based on a discussion paper written in part by — would you believe it? — Race Mathews and Ken Coghill. They are two fine, upstanding and long-serving members of the ALP; one was a minister in one of the Labor governments, the other a Speaker. I look forward to Mr Viney's response, but I ask rhetorically both the Leader of the Government and Minister Theophanous if they believe that accountability matters. Do they believe that members of Parliament should be entitled to issue invoices to community groups and put the money into their campaign slush fund for providing those community groups with the Parliament's office space? Does Mr Theophanous believe that? I thought better of him. Unless he gets up and defends himself the record is likely to show that Mr Theophanous condones this grubby behaviour. I will be looking for his vote.

Let me read from Michelle Grattan's account today.

Hon. T. C. Theophanous — Are Ian Macphee and Alan Hunt in there as well?

Hon. BILL FORWOOD — Alan Hunt certainly is. The article quotes from the discussion paper and says:

> 'Australian citizens are increasingly denied effective democratic control over action taken on their behalf by governments of all political persuasions …' the paper says, accusing them of behaving as though they enjoy 'the discredited divine right of kings. Information is denied, processes are manipulated and accountability is deliberately frustrated'.

I put it to you that there is no clearer example in Victoria today of a situation where information is denied, processes manipulated and accountability deliberately frustrated than this particular case.

I have a lot that I can say about this, but the issue I wish to turn to now is the issue of how this situation first occurred. Honourable members would know that eventually a local government council appointed a forensic auditor, Mr Dunner, to do some work on this scam. I have available cheque remittances from the Mall Traders Association from 1996 to 2005. I understand these are relevant ones. The forensic auditor said in relation to this matter in his report to the Banyule council dated 23 June:

> Following my review of the financial documents and all other relevant documentation I now enclose a schedule of cheque remittances from the association. This schedule covers the period 20 May 1996 to 13 May 2005 for payments of rent that were initially paid by the association before entering into an arrangement with Mr C. Langdon, MP, and his electorate offices.

In this schedule, which I believe was prepared by the coordinator of the association, Cassandra Kemp — and more about Cassandra's role in this later on — is a reference to payment of rent and telephone costs to Mr Langdon. If you look at this document, you will find that on 20 May 1996, 10 October 1996, 23 October 1996 and 7 February 1997 four cheques were raised on an organisation called Pastoral and Rural Wholesalers, each one shown as rent for the manager's office, 13 weeks at $25, a balance of $325. Let us be clear about this: Cassandra Kemp had an office down in Pastoral and Rural Wholesalers for which she paid a token amount of $25 a week, a quarterly amount of $325.

Honourable members will recall that at this time Mr Langdon's office was in Rosanna while the Parliament got ready to move him to West Heidelberg. Not long after he arrived in West Heidelberg, Cassandra moved into his office. I have already pointed out there is a close relationship between the two, and she is on the record as saying there were all sorts of reasons why she should do it. The main reason, I am informed, was of course that she was in a one-person office by herself and it was nice to move into this big, open space provided by the Parliament with her friend Craig Langdon and a couple of other electorate officers. I do not have much of a problem with that. But what you then notice is that cheque 211 of 28 August 1997 is to the Ivanhoe SECC. The organisation's invoice, as I have demonstrated, shows rent and telephone in Craig Langdon's office for the period 1 May to 1 August 1997 as 13 weeks at $25 plus a $10 telephone contribution. I will tell you what happened. She was down there paying $25 a week. She moved into Craig's office and came to an arrangement with Craig — —

The PRESIDENT — Order! The member for Ivanhoe.

Hon. BILL FORWOOD — She came to an arrangement with the member for Ivanhoe that the traders would continue to pay the rent they had been paying in the previous place except that this time it would not go to the Parliament which was providing the space, it would go — as all documents show — to

the Ivanhoe SECC of the Labor Party. That was the start of it.

I put this question too: if he was receiving a contribution towards telephones, why was that amount not forwarded to the Parliament? Why would he put that in his campaign account? What has it got to do with him? He is not paying for the telephones. We all pay for the telephones through our parliamentary allowances. They are all paid for by the Parliament. He has no right to pocket them as ALP funds through this mechanism.

So starts a litany of cheques: 6 January 1998 for rent and telephone in Craig Langdon's office plus two $10 telephone contributions; 28 October 1999, cheque 405 to Ivanhoe SECC for office rent from 1 November 1999 to 1 February 2000, 13 weeks at $25 plus $10 telephone, $335. If you go to the *Herald Sun* article I referred to earlier, Cassandra Kemp is quoted as saying:

> It's kind of not official … Lots of community groups use his office.

The article continues:

> Ms Kemp said the group did not pay rent —

despite the fact that she prepared a document that shows it did pay rent, as Mr Dunner said —

> but made donations to an account she said was 'a campaign thing in Ivanhoe'.

I know that when Mr Langdon saw that she had said that, he went ballistic. He went through the roof.

An honourable member — How do you know?

Hon. BILL FORWOOD — I am pretty well connected.

An honourable member interjected.

Hon. BILL FORWOOD — President, put him back in his seat! The article further quotes Ms Kemp and states:

> 'We make a donation, but not on a regular basis … 'It is not anything he … asks for. It's something the traders decided to do. It's just to relieve our own guilt, I suppose'.
>
> Asked how much, Ms Kemp said: 'It depends what the committee decides at the time'.

All of that is wrong. None of that is true. They are blatant lies. She knows they are lies, and she should not be able to get away with lying like that. I will show you this document, which shows that the amounts are not random. They are quarterly amounts charged at $25 a week, which is $325, plus — —

An honourable member interjected.

Hon. BILL FORWOOD — My interpretation? I have a list of cheque remittances from the Mall traders, prepared by the Mall traders and provided to the forensic auditor and to the Banyule council — and you say I am making it up. You are joking!

Honourable members interjecting.

Hon. BILL FORWOOD — Cheque 428, dated 3 May 2000: 'Ivanhoe SECC, office rent, 13 weeks plus $10'. Then again cheque 447 on 20 November and cheque 450 on 24 November. Again there are two amounts. 'Office rent', and it shows $335, $335, $335 — and on it goes and on it goes. So don't say that this was not a structured, organised arrangement that enabled the rorting of parliamentary office space by the member for the benefit of the ALP.

We then decided that we did not believe that this was appropriate. As this book shows — —

Mr Lenders — The collective 'we'?

Hon. BILL FORWOOD — The collective 'we'? No. Others on this side of Parliament and I did not think this was appropriate behaviour, and I invite the minister to say that he does not think it is acceptable behaviour either, as a minister of the Crown who probably has higher standards and ethics than most people in this place. I look forward to the way he votes on this motion today.

What happened? We decided — I decided; others of us decided — that we would take up this matter with the Speaker. On 1 February 2006 the member for Kew in the other place, Mr McIntosh, wrote to the Speaker in these terms — —

Mr Lenders interjected.

Hon. BILL FORWOOD — Why don't you listen to the letter? It states:

> I refer to reports in today's *Herald Sun* newspaper —

which I have been through in some detail —

> alleging that the member for Ivanhoe, Mr Craig Langdon, MP, has subleased his electorate office to the Mall Traders Association in exchange for 'donations' to the … Labor Party's State Electorate Campaign Committee.
>
> The Liberal Party requests that you immediately investigate these allegations and, if any wrongdoing is found to have occurred, that they be referred to the Victoria Police.

> I would be grateful to receive your response …

As part of the cover-up the Speaker has gone to extraordinary lengths over a period of time — the President was there and my colleague and friend Mr Baxter was also there — to suggest that these letters are privileged. She might be able to claim they are confidential, but there is absolutely no way on earth that these letters are privileged. I wrote to her asking her to justify that. She wrote back of course saying she would not. Let me read the response to Mr McIntosh of 8 February. It states:

> I refer to your letter … requesting … an investigation be undertaken into allegations reported in the *Herald Sun* newspaper relating to Mr Craig Langdon, MP, and the inappropriate use of his electorate office.
>
> I can advise that I have arranged for those allegations to be investigated and as a result of that investigation I am satisfied that Mr Langdon has not been involved in any arrangement to sublet his electorate office to the Mall Traders Association.

This is wrong in fact, because you do not have to have a written agreement for there to be a sublease arrangement. Under the law of contract you need to have offer, acceptance and consideration: 'I offer you my space. I accept that space, and in return I will pay you money'. That is a contract; that is a sublease. She should know that, and any person in this place who knows the first thing about the law would know that it was a blatant error of judgment by the Speaker when she said there was no sublease.

But let me put it more to the point: what she was trying to do, in a disingenuous way, was to say, 'As there is no formal structure, I do not — —

Mr Viney — On a point of order, President, I just heard the member opposite refer to the Speaker as doing something in a disingenuous way. I think he is clearly casting an imputation on the Speaker in the other place. I ask you to have him withdraw those remarks and caution him about the care he should take in this matter.

The PRESIDENT — Order! On the point of order raised by the member, I have been listening very carefully for the more than half an hour during which the member has been making his contribution. I was listening very carefully. With that comment he was flying very close to the line. I will not uphold the point of order, but I remind the member of his obligation to the house to, in his terminology and the words he uses about members in this place and the Speaker, be cognisant of the rules of the house.

Hon. BILL FORWOOD — Thank you, President. I accept your admonition.

The letter the Speaker wrote on behalf of the Parliament said that she was satisfied that Mr Langdon had not been involved in an arrangement to sublet his electorate office. This may be true; there was no signed sublease arrangement. I know that, because I rang the property department of the Parliament and asked if any members had subletting arrangements. But this does not in any way get away from the fact that a member of Parliament had provided the coordinator of the Bell Street Mall Traders Association with a dedicated office, that she had a key to the outside, that she had the code to the alarm, that he got paid money and that the money went into the Labor Party's account. I put it to the house that the Speaker — the Parliament — should have taken seriously any circumstance such as that and investigated it.

I understand a number of people did go to the Parliament and request information about how the investigation was undertaken. Apparently something is shown in documents that have been collated for the political musical *Rent*. Let me find what the Speaker said in relation to this. I just need to find the right one.

The PRESIDENT — Order! For clarification, when the member says 'the speaker', is he talking about something in the musical and not the Speaker?

Hon. BILL FORWOOD — I am talking about the Parliament. An article on page 5 of the *Heidelberg Weekly* of Tuesday, 21 February 2006, and other articles show that the Speaker was on the record as saying that she would not — I need to find the exact quote; sorry, I cannot find the exact quote — —

Ms Romanes — You have got lots of stickers there.

Hon. BILL FORWOOD — Yes, I know; I have got lots of stickers.

Mr Somyurek — You are referring to a musical play?

Hon. BILL FORWOOD — No, I am not, I am referring to the role that the Speaker played. The Speaker said that she was not going to explain what investigations she had undertaken. Here it is; this is from 10 February, an article by Ellen Whinnett in the *Herald Sun*:

> Speaker Judy Maddigan told the Victorian Liberals yesterday she was satisfied Mr Langdon had not breached parliamentary rules by subletting his … office …
>
> However, she refused to reveal what inquiries she made, saying details were confidential.

I put it to the house that if she believes, the Parliament believes, there is no sublet arrangement when there is demonstrated payment of funds for the use and provision of parliamentary offices, the Parliament is obliged to explain what investigations were undertaken.

Mr McIntosh then wrote on 9 February:

> I refer to my letter to you … I remain unconvinced that an adequate investigation has occurred …
>
> I also refer to the attached article … which raises further concerns about the use of Mr Langdon's electorate office … and payments or 'donations' made by the association …
>
> In the article, Mr Langdon states that the association, of which he is former treasurer and current president, '… made donations to cover costs, including printing, phone calls and office supplies'.

I have already demonstrated that the books of the association show rent. I have already demonstrated that they are regular payments based on a certain amount. In his defence Mr Langdon is claiming that he only received — and I quote from the *Heidelberg Weekly*:

> … donations to cover costs, including printing, phone calls and office supplies.

I put it to you that if there were a regular payment of that amount month after month, year after year, thousands of dollars after thousands of dollars, then the money should have gone to the Parliament. Mr Langdon did not pay for it, and I am sure Mr Baxter will touch on this matter when he makes a contribution to the debate on this motion.

I raised this matter with the Speaker at the Public Accounts and Estimates Committee (PAEC). At that time the Speaker — eventually — admitted that, if a member of Parliament did get money in reimbursement for those sorts of things, the money would belong to the Parliament.

Mr Somyurek — She was explicit about it.

Hon. BILL FORWOOD — She was explicit about that. If the Speaker was explicit at the PAEC, one has to question why the Parliament has not followed Mr Langdon up for reimbursement of the funds which he himself claims are for printing and other costs such as telephones et cetera.

Mr Viney — What is that booklet you have?

Hon. BILL FORWOOD — It is a booklet that was put together by one of Mr Langdon's opponents. I know not who. It is a list of various newspaper articles. It has, for example — —

Mr Viney — Where was it printed, Bill? In an electorate office in Templestowe?

Hon. BILL FORWOOD — No, I am happy to say that it arrived in the mail, but you ought to have a look at page 1, which contains the Mall Traders Association financial statement for the financial year 1 July 2003 to 30 June 2004, to be read in conjunction with the report signed by Craig Langdon, the treasurer, in which it says 'rent, $2225'. He is the treasurer; he signed the accounts; it has got 'rent'. He is saying that there was no formal rental arrangement. The Parliament is saying that there was no formal rental arrangement. This is the biggest cover-up of all time.

Mr McIntosh went on to say:

> In these circumstances, one would assume that such 'donations' should flow to the Parliament, rather than to ALP campaign funds.

I have continued to be very concerned about the cover-up that has taken place in relation to this matter, and I recently wrote to both the Speaker and the Auditor-General. Some of the responses I received from the Speaker are disappointing to the nth degree, but let me put on the record a letter I wrote to the Speaker on 24 July. It reads:

> I note from the *Herald Sun* that you are quoted as saying: 'Following a number of allegations made to me and some consequential investigation undertaken by Parliament, I have referred a number of matters regarding the electorate of Mr Olexander to the Auditor-General for examination'.
>
> I write formally to request that you also refer the use of dedicated space in Mr Langdon's office by the Bell Street Mall traders in the period 1997–2005 and the concomitant receipt of some thousands of dollars by the ALP Ivanhoe SECC in the same period.
>
> While the arrangement may not have been a formal sublease, no-one disputes the fact that his electorate office was used by the traders association for that period, and money was paid at the same time. I submit that this matter goes to the integrity of the system, and as such should be investigated by the Auditor-General.
>
> I look forward to your response.

I received this reply from the Speaker:

> I refer to your further letter dated 24 July.
>
> This matter was raised by a member of the Legislative Assembly and it has been dealt with accordingly.

The cover-up by the Parliament continues.

Mr Viney — What, the Auditor-General covered it up, did he?

Hon. BILL FORWOOD — No. That letter was to the Speaker, asking her to refer it to the Auditor-General. Her reply was dismissive in the extreme, so I wrote back to her saying, in part:

> I would appreciate your advice on which member raised the matter with you, when and in what form it was raised, and details of the action which you took once it had been brought to your attention.

That letter was dated 3 August. I have received no reply to date. On 24 July I wrote to the Auditor-General. I started the letter the same way, saying:

> I note from the *Sunday Herald Sun* that you are to investigate matters to do with Mr Olexander's office arrangements, and I write to request that you also investigate some electorate office arrangements entered into by Mr Craig Langdon, MP.
>
> This matter has been ongoing since February 2006.
>
> While I would, of course, be happy to go through this matter in detail with you, and I have attached various supporting documentation, in essence the facts are that the coordinator of the Bell Street Mall Traders Association, of which Mr Langdon is an office-bearer, used dedicated space in Mr Langdon's electorate office … and in return the association paid the ALP Ivanhoe SECC many thousands of dollars as a 'campaign contribution'.
>
> The matter was raised with the Speaker, who indicated that '… she could find no evidence to support claims that he had sublet the office …
>
> This finding is, I submit, disingenuous. While no formal sublease may have existed, no-one disputes the facts …
>
> I have written to the Speaker, requesting that she also ask you to do an investigation into this matter. I hope she does, but I submit that, whether she does ask you or not, this matter is worthy of speedy action.
>
> Prima facie, it seems extraordinary to me that an MP can make Parliament-funded electorate office space available to a third party, receive campaign funds in return, and no-one from the Parliament take any action.

We know the response we got from the Speaker. She said the matter had been dealt with. I then wrote to the Auditor-General on 3 August and said:

> Further to my letter to you of 24 July 2006 I have now enclosed a response dated 31 July 2006 which I have received from the Speaker.
>
> I also enclose a copy of a further letter …

That is the one I have just read to the house. The letter further states: —

> … seeking details of how the matter was actually dealt with.

And then I said, and I stand by this absolutely:

> It is my very strong view that the action — or lack of it — by the Speaker should form an integral part of your investigations into this matter, as the person jointly responsible for the management of parliamentary assets.

I asked the Auditor-General to investigate the cover-up role of the Parliament in relation to this matter and the specific person who had been writing these dismissive letters to me. I now put on the record the response that I have received from the Auditor-General:

> Thank you for your recent letter requesting that I undertake an investigation into matters associated with Mr Craig Langdon. MP, and the use of his electorate office by the Bell Street Mall Traders Association.
>
> You indicated in your letter that these matters have been raised previously with the Speaker of the Parliament of Victoria. I have written to the Speaker to ascertain whether any action has been taken in response to your concerns. I will determine whether the matters you have raised warrant audit attention by my office once I have considered the response provided by the Speaker.

I put it to you that I have immense faith in Mr Cameron and his capacity to follow this rabbit down the burrow. I go back to where I started: we should not be here debating this. Mr Langdon should not have rorted the Banyule City Council and the Bell Street Mall Traders Association's funds in the way he did, and the Parliament should not have covered up — —

Mr Viney — On a point of order, President, the member opposite has made a direct allegation that a member in another place has actually rorted funds. I think that is inappropriate, and I ask that he withdraw.

The PRESIDENT — Order! On this occasion I uphold the point of order and ask the honourable member to withdraw.

Hon. BILL FORWOOD — I withdraw. Let me rephrase and say the honourable member should not have entered into a scurrilous arrangement that, to use the immortal words of Mr Keating, 'Stinks like a dog returning to its vomit'. The member should not have entered into an arrangement like that, year after year after year. Secondly, the Parliament should have acted, and this Parliament stands condemned for its lack of action in relation to this matter. I will go no further than to say that the standards in this place are called seriously into question in my view by the deliberate actions of the Parliament in failing to investigate this matter in a way that would entitle all honourable members to have some faith in the way this Parliament is run.

Let me finish by saying that honourable members opposite will have the opportunity today to search their consciences and say, 'Will I vote along party lines or will I put my hand up, in these circumstances?'. I know

there is not one other person in this Parliament who would behave in this way. Not one other person would take money from a traders group and put it into their campaign account in a systematic, regular swindle. They would not do it. I ask honourable members opposite on this occasion to put the interests of the Parliament in front of the interests of the ALP.

Mr VINEY (Chelsea) — I lose track of the number of times that Mr Forwood does this — uses parliamentary privilege to attack other people. It is really a great sadness to me that Mr Forwood is using the latter parts of his 12-year career in this Parliament to do this, and I will go through what he has done over the last 12 years or so. Is it 12 years? It is 14 years — I stand corrected. He is spoiling his career in this Parliament with what he has done over the last couple of years in my observation of this place. This is just the grubby personal politics that comes from members on the other side of this place, and this points to the hypocrisy they show in doing it. They delve into dirty, grubby politics and launch personal attacks time and again. They then go out to the media and whinge about references to the toff from Toorak and the supposed personal attacks on him. The absolute hypocrisy of the people from the other side in doing this — —

Hon. Bill Forwood — On a point of order, President, I submit to you that it is not permissible in this place to refer to the Leader of the Opposition in the other place in that manner. I ask you to tell the member, as you did me, that he should refer to members by their appropriate titles.

The PRESIDENT — Order! The difficulty I have with this is that the honourable member just used a phrase and did not actually name a member. If Mr Forwood is connecting the comment with the Leader of the Opposition in the other place, I agree that that is out of order and should be withdrawn. But Mr Viney did not say 'the Leader of the Opposition'. Because he did not attribute the expression as referring to the Leader of the Opposition in the other place, I cannot ask him to withdraw. If he does so, I assure Mr Forwood that I will uphold the point of order.

Mr VINEY — Let us go through the grubby record of Mr Forwood over the last couple of years. I did think it was interesting that the opposition was the party making that connection just a moment ago.

On 6 June and 8 June Mr Forwood came into this place and made attacks on ministerial adviser Ian Parsons in relation to what Mr Parsons had or had not done concerning a disability services advocate. On 1 June 2006 he described Mr George Seitz as 'a snivelling grub — —

Hon. Bill Forwood — On a point of order, President, I am not the least bit precious about my record in this place, but I put it to you that the motion is specific. It deals with the actions of Mr Langdon, it deals with matters to do with the Parliament — —

The PRESIDENT — Order! The point of order is?

Hon. Bill Forwood — My point of order is that this matter is not relevant to the motion before the house. I ask you to bring Mr Viney back to the motion.

The PRESIDENT — Order! The lead speaker for the government does have a bit of leeway in his rebuttal speech, except that the member has not touched on the motion yet, and he has been speaking for 4 or 5 minutes. I ask him to return to notice of motion 1.

Mr VINEY — The point I am making in relation to this matter is that Mr Forwood is a serial pest in this area. He comes in here week after week after week attacking and making criticisms of people. I think it is relevant to this debate that Mr Forwood is doing again what he has been doing for the last two years. He is doing again in this motion before the house what he did to the member for Ivanhoe in the other place, Craig Langdon, on 30 May, when he accused him of falsely representing an annual budget breakfast. He is doing in this motion what he did on 26 February in relation to Mr Crutchfield, the member for South Barwon in the other place. He attacked Mr Crutchfield in relation to some email he had supposedly sent someone. On 9 February Mr Forwood used question time to again attack Mr Langdon in relation to the Bell Street Mall Traders Association. It is as if Mr Forwood has an obsessive compulsive disorder in relation to Mr Langdon and the people of — —

Hon. Bill Forwood — On a point of order, President, firstly I object to the expression 'obsessive compulsive', and I ask the member to withdraw the suggestion that it applies to me. Secondly, it was an insult to every single person who suffers from that disease throughout Victoria, and the member should not be able to — —

The PRESIDENT — Order! I ask Mr Forwood to sit down. Mr Viney's comments about the member are unparliamentary and I ask him to withdraw.

Mr VINEY — I withdraw.

Mr Forwood has been continuously focusing on the member for Ivanhoe in the other place and on various

Banyule city councillors in various personal attacks. On 14 September 2005 Mr Forwood accused Banyule city councillors Mulholland and Ryan of making inappropriate deals relating to the mayoralty of the municipality. He then accused Cr Mulholland of illegally using the mayoral car. On 16 August 2005 he accused the Banyule city deputy mayor, Jenny Mulholland, of not understanding the meaning of the word 'governance' and of illegally using the mayoral car.

Hon. Bill Forwood — On a point of order, President, I am happy to stand by the fact that these people required — —

The PRESIDENT — Order! On your point of order, Mr Forwood.

Hon. Bill Forwood — But I do put it to you, President, that this is not the place. If Mr Viney wishes to move a motion — —

The PRESIDENT — Order! Mr Forwood should not debate the point of order.

Hon. Bill Forwood — Hang on — —

The PRESIDENT — Order! No. Mr Forwood should raise his point of order.

Hon. Bill Forwood — I am raising a point of order.

The PRESIDENT — Order! Your point of order is?

Hon. Bill Forwood — President, this is not relevant to motion 1 — —

The PRESIDENT — Order! Thank you, Mr Forwood. I ask Mr Viney to come back to the motion.

Mr VINEY — With respect, President, there is a high degree of relevance in debating Mr Forwood's history of raising personal matters in relation to a bunch of people who essentially he does not like for political reasons. He brings forward motions, raises questions, uses the adjournment debate and uses 90-second speeches in this place not to deal with the issues that affect our community out there and not to debate the big policy issues, but time and again to make these absolutely outrageous, grubby, personal attacks on people that he does not like politically.

Here we are, a few months out from the election on 25 November. We have four sitting weeks — four Wednesdays — to have debates in this place on general business motions. What does the opposition bring forward? It brings forward a motion containing nothing but personal smears and innuendo against a member in the other place. The opposition is not prepared to come in here and debate the issues of health or education or police, which I would welcome. I would welcome the opportunity to come in here and have a genuine discussion and debate with the members on the other side about the big issues that affect this community. No, we have a grubby little attack, which is a continuation of Mr Forwood's complete obsession with the member for Ivanhoe in the other place and the Banyule city councillors — a complete obsession with them! — where he comes in here time after time, has to withdraw, has to make an apology to the house in relation to a matter that he raises about Cr Brooks, whom he again names in this debate.

Let us look at what he did. There are three pages of this stuff, Bill, that you have done in just two years.

The PRESIDENT — Order! Mr Viney should address his remarks through the Chair and refer to members by their correct names.

Mr VINEY — Thank you, President. In just the last two years, which is as much time as I had to go back into the *Hansard* record, the list of different people who have been attacked by Mr Forwood is contained in three pages. On 20 April 2005 he used question time to accuse Banyule city councillor Colin Brooks of receiving a wad of $50 bills from a proprietor of a pizza restaurant. I remember the theatre of this.

Hon. Bill Forwood — On a point of order, President, I put it to you that this matter is not the least bit relevant to the motion before the house, of which he has yet to say one — —

The PRESIDENT — Order! I ask Mr Forwood to sit down. Mr Viney has made a connection between a person that Mr Forwood referred to during the debate and the number of other times that he has done that. I think it is time for the member to wind up that point and get back to the motion before the house.

Mr VINEY — President, in his contribution to this debate the member named Cr Brooks as being a part of the arrangement of which he is accusing the member for Ivanhoe in the other place. I think it is appropriate that I can rebut, because he has form in attacking the person he named — —

Hon. Bill Forwood interjected.

The PRESIDENT — Order! I ask Mr Forwood to sit down. Mr Viney to continue.

Mr VINEY — Mr Forwood has form in attacking the person he named in this debate — he named Cr Brooks in this debate as party to this — and we know that he has form in attacking Cr Brooks. On 20 April 2005 he raised it in question time. On the same date, in a motion, he made allegations against a number of Labor Party people about — —

Hon. Bill Forwood — On a point of order, President, on a matter of relevance, this member has yet to touch on the motion before the house. The role of Cr Brooks in this is non-existent.

The PRESIDENT — Order! I have just ruled on the same argument that Mr Forwood, in his contribution, referred to Cr Brooks. Mr Viney is rebutting the argument that Mr Forwood put about Cr Brooks in his — —

Hon. Bill Forwood — No, he is not.

The PRESIDENT — Order! Mr Forwood should not reflect on the Chair! Mr Viney is rebutting that argument with respect to the motion before the house where Mr Forwood made reference to Cr Brooks. Mr Viney to continue on the motion before the house.

Mr VINEY — Sometimes you can cry wolf too often. Mr Forwood should look at the media interest. There is none! And the reason for that is because of what he did to the person he named in this debate some time ago. In this place he named Cr Brooks as supposedly receiving a cash bribe, essentially. I remember the theatre of it. Mr Forwood had the media here, did all this nonsense, and talked not only about Cr Brooks getting the cash, but going away with the pizza as well. We saw the great theatrics from the amateur thespian from the other side. I remember well that the attack on Cr Brooks on that occasion went on to the TV news and they flew helicopters over the poor man's house. Then of course he had to come into this place on 4 October and apologise.

The PRESIDENT — Order! I have given Mr Viney enough latitude. It is time to for him to come back to the motion. I know he has had a connection with Mr Brooks, which I think is exhausted. Mr Viney needs to come back to the motion before the house.

Mr VINEY — Thank you, President. I want to finish that point by saying that Mr Forwood had to apologise — —

The PRESIDENT — Order! I have made it quite clear that I am directing Mr Viney back to the motion before the house. I ask him to do that.

Mr VINEY — This matter has been raised in the Legislative Assembly in various points of order. I draw the attention of the house to the record of the Legislative Assembly. At page 209 of *Hansard* of 9 February 2006 the member for Warrandyte, Mr Honeywood, is reported on a point of order as saying to the Speaker:

> … I have referred all the allegations against the member for Ivanhoe to Victoria Police.

He then sought leave to table his letter to Victoria Police.

Hon. Bill Forwood — On a point of order, President, I again submit that the member has no capacity in this place to quote from *Hansard* of the other place in this sitting. He can paraphrase, if he wishes.

Mr Viney interjected.

Hon. Bill Forwood — This is not the adjournment, idiot child.

The PRESIDENT — Order! That language is unparliamentary, and I ask Mr Forwood to withdraw.

Hon. Bill Forwood — I withdraw.

The PRESIDENT — Order! With respect to quoting *Hansard*, standing orders refer to quoting from the report of the proceedings in the Legislative Assembly of the same session and there is a ruling relating to when those proceedings include questions, members statements, ministerial statements and matters raised on the adjournment. I think I heard before there was some interruption that Mr Viney had quoted a point of order raised by the member for Warrandyte in the other place. Mr Viney should not quote from *Hansard*, and I ask him to precis the report so that he does not breach the rules.

Mr VINEY — I thought we had dealt with having a six-month rule in relation to quoting from *Hansard*, but I am happy to stand corrected. I will paraphrase. On 9 February the member for Warrandyte in the other place indicated to the Speaker that he had written to the police making allegations broadly in the terms that Mr Forwood has used in this chamber today.

What I put to Mr Forwood and the house is that there are two possible outcomes as a result of Mr Honeywood and the Liberal Party's decision to refer this to the police. The first possible outcome is that the police have completed their investigation and the matter is over, in which case this is just Mr Forwood regurgitating in this place all of his smear

campaign against the person he seems not to be able to get out of his system. The second possibility is that the police have not finished their investigations, so it is totally inappropriate for Mr Forwood to come in and do what he is doing.

I say to Mr Forwood that he cannot have it both ways. The Liberal Party cannot have it both ways. They cannot go off saying, 'We are going to ring the cops. We are going to bring the cops in', and then reprosecute the whole case under parliamentary privilege in here. They cannot do it both ways. Mr Forwood either wants to pursue it politically in this chamber and have a good old political stoush with the personal attacks and smear campaigns that have become Mr Forwood's history or he goes through the proper processes of the police or the Auditor-General. Mr Forwood should do it one way or the other, but he should not come in here and use parliamentary privilege to smear people in the way that he has done today and then try to extend it beyond the member for Ivanhoe and his office to people that Mr Langdon employs, like Mr Brooks — like the person Mr Forwood had to come in here and apologise to because he had smeared him so badly and like all the other people he has smeared in this place constantly since April 2005, misusing parliamentary privilege time and again.

Hon. Bill Forwood — On a point of order, President, firstly, I ask that Mr Viney withdraw the accusation that I have misused parliamentary privilege. Secondly, I again ask you, President, to bring him back to the motion, which he has not yet mentioned once.

The PRESIDENT — Order! I do not uphold Mr Forwood's request for a withdrawal, because that matter is a legitimate argument in debate. The House of Representatives refers to having robust discussion et cetera. Another way to say it is that if it is too hot in the kitchen, get out, which I know might have some relevance for the honourable member. There is no point of order.

Hon. Kaye Darveniza interjected.

The PRESIDENT — Order! Ms Darveniza should be quiet, or she will be out. With respect to the other issue, Mr Viney was onto the issue before the house and then he started to stray. I ask him to come back to it again.

Mr VINEY — I will not take up a lot more of the time of the house on a motion that is nothing more than a smear campaign against the member for Ivanhoe. I opened by saying that it is a point of great sadness to me that Mr Forwood — for whom I have respect in this place for his strategic approach to politics and his ability to deal with legislation, which I saw when I worked with him on the Legislation Committee — is continuing with his personal attack on Mr Langdon. His form in this regard is spoiling the conclusion of his 14-year parliamentary career. He is spoiling it with grubby personal attacks and grubby politics in the lead-up to an election. Rather than come in here and debate the issues of community safety, education and health, which we would be happy to engage in, he wants to use the time of this Parliament on personal politics, on personality politics and on grubby behaviour, as he has done in connection with members of the other place and with members of the staff of the Labor Party.

It is his constant form. It is no wonder that the word around town is that CPR Communications & Public Relations Pty Ltd is reconsidering engaging Mr Forwood after he retires. Who in the government would want to deal with him in government relations when he has spent the last two years doing nothing but trashing good members of the Labor Party, people who are committed to the community and are committed to providing health services, education and community safety — people like Colin Brooks, Craig Langdon and all the other people he comes in here and smears? He has done it again, and it is no wonder that he will struggle to be employed after the election.

Hon. W. R. BAXTER (North Eastern) — I advise the house at the outset that I am conceding 15 minutes of my time to Ms Hadden.

Honourable members interjecting.

Hon. W. R. BAXTER — In response to the interjections from the government, Ms Hadden is as entitled to speak in this house as anyone else. It is a tragedy that sessional orders do not provide a guaranteed right for Ms Hadden as an Independent member to make a contribution, but I am happy to make the concession because I do not intend or need to take up my full time in responding on this very important motion Mr Forwood has moved today.

Let me say that I am exceedingly disappointed, if not distressed, by the response of Mr Viney to Mr Forwood's cogent argument and well-documented case. I do not think Mr Viney referred to the motion at all. He made some slight connection with the motion by picking up on the name of Mr Brooks, which Mr Forwood had mentioned in passing in the early part of his contribution, but we actually had from Mr Viney no reference at all to the matters that are raised in the motion and no attempt to prove or even suggest that the

allegations in the motion are without substance. One can only be left with the view that the government and Mr Viney actually believe and are convinced that the matters raised in the motion are of substance — and you would be a blind man if you did not believe they were of substance when you looked at the evidence that Mr Forwood has produced today.

But before I get on to going through those matters I want to talk about what Mr Viney actually did in his contribution in alleging that Mr Forwood engaged in grubby politics. He somehow attempted to suggest that this was a misuse of the Parliament. I admire Mr Forwood for being prepared over the time he has been in this place to bring forward matters that actually need to be examined and to shine a light into dark places. One of the reasons the Westminster parliamentary system has the concept of parliamentary privilege is to enable honourable members to bring forward matters for attention that deserve some consideration and investigation.

One of the books that I recall reading when I was a schoolboy about the workings of Parliament, which was written by Warren Denning, has stuck in my mind ever since. It referred among a whole range of other matters dealing with Parliament to the fact that one of the roles of parliamentarians is to use the house to highlight matters of public importance and matters of public interest which ought to be examined but which it is not possible sometimes to raise outside the Parliament due to other laws. That is the very reason we have the concept of parliamentary privilege.

Over his career here Mr Forwood has performed a service to the people of Victoria by being prepared to do that. I have not had the gumption to do it much — I might have on one or two occasions — because it takes a strength of character to do it. Yes, I will acknowledge that he has not always been right, and if he has been proven wrong, he has had the decency and honesty to admit it and even to apologise. But that does not take away from the parliamentary system and its work in exposing matters which others attempt to cover up, rightly or wrongly for one reason or another — having the light shone in those dark places. I admire Mr Forwood for having done it.

Today he has brought forward a matter that is troubling us all. It is certainly troubling me and my colleagues, and I think it is troubling members of the government as well, otherwise we would have got a different defence from Mr Viney and not a personal attack on Mr Forwood. I think there is a concern out there in the community about what we politicians are doing with the privileges and the perks that we receive in our position and whether we are using them properly and for the purposes for which they were made available. It is instances like this which blacken us all. That is why I want this matter examined. That is why I want the member for Ivanhoe in the other place, Mr Langdon, to give an explanation. He has not given a satisfactory explanation yet — certainly not in the newspaper article Mr Forwood quoted from. I want him to give an explanation because my reputation is damaged and every other member's reputation is damaged while we have this matter out there in the public arena unresolved.

There is no doubt that most of us have probably had community groups use our offices from time to time — in my case that has happened very seldom — and on occasions, like Mr Forwood, I have done some photocopying for a community organisation. I usually do it on a one-off basis for half a dozen or 10 copies. If they come a second time, I ask them to bring their own paper.

Hon. Kaye Darveniza — You are hard but fair.

Hon. W. R. BAXTER — I think, Ms Darveniza, that I have a duty and a responsibility to administer taxpayers funds wisely and fairly. If I am going to allow a community group to have unlimited access to the facilities provided in my office by the taxpayer, why would I not make it available to every other group, or why would I not advertise to other groups that they can come and do it? There has to be some fairness in such cases. What I am saying is that we have all done that occasionally. I think that is acceptable, and I think the public at large would not object to that.

But what we have here is not just a one-off thing. There may well have been occasions — it has not happened to me, but I could it envision that it might have happened — where a community group has received a service from a member's office and, as a matter of goodwill, has either offered to make a payment or has made a payment to the member as a sort of one-off situation. I do not like that, and I would not accept it, but I can understand it might happen. But what we have here is a structured set-up, it is a serial payment, a regular payment. It is not out of the blue; it is not a one-off. Invoices have been raised, invoices have been sent — one assumes just delivered down the corridor, not actually put through the Australia Post, and delivered back to the same premises, but I do not know — and cheques have been drawn. And worse, cheques have been drawn over the signature of the member whose campaign fund was receiving the proceeds.

Are we to accept here today that the public will think that is all right? Surely not! It has added up to thousands of dollars, and it has been going on since 1997, as the list of cheques which I have in my possession clearly illustrates. What do the Mall traders think about this? Do they pay subscriptions to this organisation? They certainly do indirectly via their rates to the City of Banyule, because I understand Banyule funds this organisation to a degree.

The other thing that Mr Forwood drew our attention to, of which I was unaware, is that the person who was occupying this space, for which they were paying $25 a week, actually had a key not only to that room but to the office itself. Presumably if one has a key to get in after hours, one knows what the code is to switch off the security alarm. It raises for me a question about the personal privacy of constituent matters which might be before the member if people who have nothing to do with the member's work and are not employed by the member are accessing the office after hours when no-one else is there. I am a bit concerned about that. It is not raised in the motion, but it is another issue that comes into this. Are our constituents going to be happy if they know that people who have nothing to do with the local member have keys with which they can directly access the member's office after hours?

There is a range of unexplained questions about which members of Parliament deserve an explanation from the member himself. We may well be satisfied by his explanation, I do not know; we have not had the explanation. What we do have is an article in a newspaper, which I will not quote from because Mr Forwood has done so at some length, but Mr Langdon appears to be obfuscating, to say the least. He said that he had written no cheques to himself. Technically that is true, but he has written cheques which have been paid into his campaign fund, and I am not too sure whether the public would draw the very fine distinction that Mr Langdon is attempting to draw by saying that he has not written cheques to himself.

The other matter that I have some concerns about is the role of the Speaker. I have a good relationship with the Speaker, and I do not want to cast aspersions, but I was somewhat concerned when this matter was raised at the Public Accounts and Estimates Committee and there was an attempt by the Speaker to avoid — for want of a better term — discussion on the matter on the basis that it was a matter of privilege and that the correspondence between the Speaker and the member for Kew in the other place, which Mr Forwood as a member of that committee referred to, was privileged and therefore could not be dealt with. I then attempted to inquire of the Speaker whether she was drawing a distinction between correspondence between herself and a member of Parliament, and correspondence between herself and a constituent who had made similar inquiries and whether that would be privileged correspondence.

I think the answer to that was no, but I did not get a satisfactory answer as to whether, having received an inquiry from a member of the public, the Speaker's subsequent communication with the member in question would be privileged. I think the answer I got to that was yes, although I have to say that at the time Mr Forwood made an inopportune interjection and that enabled the Speaker to go off on another tangent. The way the committee works leaves a limited opportunity for supplementary questions, and I was not able to pursue it as far as I might have liked.

It seemed to me that a very technical distinction was being made and that these matters were able to be got into the basket of privilege by a bit of a contrivance. That worried me and still does. We should not hide behind the concept of privilege when we are dealing with correspondence between a presiding officer and a member of Parliament if the member of Parliament is happy for that correspondence to be in the open — in this case it was — and even if the member is not happy, in terms of accountability and transparency, if a parliamentary committee is making some inquiry into it, there has to be some moderation as well.

The Australasian Study of Parliament Group is an organisation of which I am a member, and I sometimes attend its meetings, although not frequently. I did not attend last evening, but having read today's *Age* I now wish I had. Is it not a delicious coincidence that Mr Forwood has this motion before the house today, at the same time as there is public concern about the very issues contained in the motion. The concern is not just being raised by two former members of this Parliament, Dr Coghill and Mr Hunt, it is also being taken up by the premier political journalist of the nation in one of our leading newspapers — and if it is in the *Age* today, I assume it will likewise be in the *Sydney Morning Herald*. Does that not send a signal to us all that this issue is beginning to cut out there in the community? There are questions being asked and there are concerns being raised.

I do not want to go off on tangents and introduce other matters, but the activities of the member for Keilor in the other place have been raised several times in the newspapers, which has caused a bit of alarm; the activities of the member for Ivanhoe in other place are being raised today, adding to that alarm; and yesterday some of us received emails referring to a matter internal to the Australian Labor Party but linked to the

taxpayers of Victoria because it relates to employees or former employees of a minister of the Crown. All of these matters are beginning to stack up, and we are going to see more and more pressure coming on to clear the air.

Mr Viney said that we only have four sitting weeks to go before the election and asked why Mr Forwood is not dealing with policy issues for the election. Well he might, but surely there can be no greater concern for the voters of this state than to have confidence that their members of Parliament and their government are behaving ethically and properly and not engaging in rorts or contrivances or, in one way or another, managing to divert taxpayers money from proper purposes into nefarious purposes. That is why we need an explanation from Mr Langdon. Failing a satisfactory explanation coming from him, the Parliament will need to decide what other action it will take.

I will be interested to learn what the Auditor-General finally decides in response to the correspondence he has received from Mr Forwood and the replies he will get to his request to the Speaker. Maybe that will satisfy it; maybe what the Auditor-General and Mr Langdon do will answer our questions, but if that does not come to pass, the Parliament is going to have to give further consideration to what it will do. The matter is serious, it is of concern, and Mr Forwood is right in bringing it to the house today. Parliament should insist on an explanation from the member for Ivanhoe.

Hon. KAYE DARVENIZA (Melbourne West) — I am delighted to rise and make a contribution to this debate, and in doing so I strongly oppose this motion. I cannot say strongly enough how disappointing it is to see another motion being put forward by the opposition and shamefully supported by The Nationals. It is just another opportunity for the opposition to smear and attack individual members of Parliament, members of the government and members of the government's staff. This is par for the course for Mr Forwood; he has a long history of using the cover of parliamentary privilege to make attacks on members of Parliament, members of local government and the staff who are employed by members of Parliament and local government.

As Mr Viney, the previous speaker from the government side, said, Mr Forwood will be remembered for this. Mr Forwood will be leaving this Parliament at the next election. He has a long history and a long track record of using parliamentary privilege to come in here and attack people. We know that Mr Forwood has come in here and smeared people's names, done character assassinations on individuals and then been forced to come back and apologise for it, such as in the case of Mr Colin Brooks when he was forced to apologise to Mr Brooks and to the Parliament for using parliamentary privilege. He never has apologised to the other people whose names he has sullied.

Hon. Bill Forwood — On a point of order, Acting President, the member is not dealing in any way, shape or form with the motion and I ask on the grounds of relevance that you bring the member back to the motion.

Hon. KAYE DARVENIZA — On the point of order, Acting President, I am dealing with the motion in the context of the debate that has occurred. There has been a lot in this debate that has gone to parliamentary privilege and the use of parliamentary privilege. In fact the previous speaker for The Nationals spent most of his — —

The ACTING PRESIDENT (Mr Smith) — Order! Ms Darveniza is now debating the point of order.

Hon. Bill Forwood — On the point of order, Acting President, the motion before the house is specific and it deals with issues — —

The ACTING PRESIDENT (Mr Smith) — Order! Mr Forwood is now starting to debate the point of order. I will rule now. There has been a previous ruling already this morning by the President on the matter. I ask Ms Darveniza to recognise the fact that she is drifting from the motion before the house and to come back to it.

Hon. KAYE DARVENIZA — I take up some of the points that were made by Mr Baxter in his contribution to the debate. Mr Baxter — shamefully I believe — stated that he admired Mr Forwood for bringing this motion before the Parliament. Mr Baxter said he admired him and talked about Mr Forwood being courageous and talked a little bit about how he himself lacked the courage to be able to bring these sorts of motions to the chamber. Maybe Mr Baxter wants us to think that he is a bit of a nice guy, because he does not actually move the motion that smears people's names and that attacks people by using parliamentary privilege. That does not take courage. Far from it; it shows a lack of courage. It shows no courage at all to bring a motion like this and like other motions Mr Forwood has moved in this chamber, and to use this chamber and the Parliament to attack people, to sully their names and to attack their characters.

Mr Baxter also went on and talked about how he wanted the matter reported in the paper examined. While he did not refer to it to the same length as Mr Forwood, he certainly alluded to that article and said he believed that as a result of what was in the paper, the matter should be examined and that an explanation regarding these matters should be given by Mr Langdon. The matter is being investigated by the police, but the police are either currently investigating this matter and have not concluded that investigation, or the investigation is still under way. I am sure Mr Baxter does not need to do the police force's job for it. Mr Baxter does not need to carry out the duty and responsibilities of the police, as they are quite capable of carrying out an examination. We look forward to hearing what the police have to say.

Mr Baxter says he is going to support this motion because he thinks it is courageous — and I believe it is cowardly, not courageous — and because there needs to be an examination of these allegations and an explanation from the member. He says by golly we will get it here in this chamber today by supporting the motion.

It is cowardly, and Mr Baxter is as cowardly as Mr Forwood is in coming in here and using this lame excuse that there needs to be an examination and investigation. There is an examination, there is an investigation and there will be an explanation, and the right people are doing it — the police are doing it.

Hon. G. K. Rich-Phillips — When?

Hon. KAYE DARVENIZA — To take up the interjection from Mr Rich-Phillips, he should be taking it up with the police if he has concerns about where the investigation is at, rather than coming into this chamber and supporting this cowardly motion that we have before us today.

Hon. G. K. Rich-Phillips — Do you not have any confidence in your Speaker's investigations if you are going to refer it to the police?

Hon. KAYE DARVENIZA — What I have enormous confidence in, Mr Rich-Phillips, is the police force's ability to be able to conduct an investigation into this matter. They are conducting an investigation into this matter and will either — —

The ACTING PRESIDENT (Mr Smith) — Order! Ms Darveniza should address her remarks through the Chair.

Hon. KAYE DARVENIZA — It has either concluded that investigation, Acting President, or the investigation is still under way.

Mr Gordon Rich-Phillips can, as can anybody else in the Liberal Party, at any time take up that matter with the police. That is where the investigation should be happening. It is not for us here in the time given to opposition business to be pretending that this is about some sort of examination or investigation. This is another of Mr Forwood's cowardly acts to do a character assassination, to smear somebody's name and to use parliamentary privilege to do it. As I said, he has a long track record in this chamber of hiding behind parliamentary privilege. A whole range of people has been included. He accused a ministerial adviser, Ian Parsons, of mistreating Margaret Ryan, a disability services advocate, who allegedly worked for Mr Forwood for one day. That led to his forced ejection from the chamber back in June. Members also heard him accuse another member of the Labor Party, describing him as a 'snivelling grub'. Again he used parliamentary privilege.

Hon. Andrea Coote — What about the ethical issues in this? Do you not care?

Hon. KAYE DARVENIZA — I do care. I care very much about the way that members of the Liberal Party are using this chamber to character assassinate, to smear people's names. It is a cowardly act by members of the opposition, bringing this sort of motion to the chamber, when they know full well that an investigation is being carried out by the police. They know it full well and they know that that is the right way for the investigation to happen, that explanations will be given and that the police will report on the matter at the end of those investigations. But, no, they have to bring a motion like this into the chamber for one purpose only — that is, to besmirch the character of a member of this government. They know it, I know it and everybody else knows it.

What we also know is that Mr Forwood has a very long track record of this type of behaviour. While Mr Forwood will want to be remembered for a whole lot of things that he has done during his time in Parliament, one of the things that he will be remembered for is the fact that he hid behind parliamentary privilege and used it as an opportunity to character assassinate not just members of Parliament, their staff or members of the community who are involved in local government but also a whole lot of other people who along the way also had their names tarnished by Mr Forwood. Whilst he has had to come back in here and apologise to people when he has

wrongfully smeared their names and called their character into question, he has never apologised to a whole range of other people who have had their names tarnished and their character called into question in some of the matters that he has raised.

It is an absolutely outrageous situation that we have before us today, that we are using opposition business to deal with a motion such as the one before the chamber. Members of the opposition have an opportunity to bring before the Parliament a whole range of matters that they or their constituents are genuinely concerned about — policy matters and other matters that they have brought before the chamber before. We have welcomed motions around health, education and safety, including safety in the workplace and WorkCover. These are the sorts of policy and program issues that should be debated during this time when members of the opposition have the opportunity to put forward their views on a whole range of matters and in fact to call the government to answer on what it is doing and how it is spending taxpayer funds on a whole range of services that the government funds and delivers.

But, no, they do not do that; they use a cowardly approach, one that they should be ashamed of. Mr Baxter should be ashamed of the fact that he has on the record that he admires this kind of behaviour, because it is cowardly behaviour that we should not be tolerating in the Parliament. Today's motion is not about being able to look at and investigate issues of great and grave concern that will not be aired anywhere else. That is wrong. This motion does not deserve support, and I do not support it.

Hon. J. A. VOGELS (Western) — I would like to make just a few comments on the motion. Mr Forwood has mounted an excellent case which seems difficult to defend. However, no doubt the people on the other side will all in unison, like sheep, vote against the motion.

I would like to concentrate on paragraph (2) of the motion, which is:

> … lack of action taken by the Parliament and the government to investigate and resolve … other electorate office issues.

Members of the Labor Party have made an absolute art form of using electorate offices for all sorts of activities. Taxpayers funds are used to promote the Labor Party. When those issues are raised, members opposite scoff and ask, 'Aren't you doing it?'. Members of the Labor Party are renowned for it. There is an interesting article in today's *Herald Sun* written by Ellen Whinnett. It states that a survey shows that:

> Of those councillors who were party members, 54.9 per cent belonged to the ALP …

I have no doubt that that is fantastic for the ALP — because I have absolutely no doubt that electorate offices are used to provide ALP policies. There is also an interesting article in today's *Age*, headed 'Haermeyer accused of using police to get at rival'. Members all know that the mayor of Brimbank, Natalie Suleyman, was wired for sound so that she could trap another councillor into making some allegations about bribery. Yesterday all members got emails on our blackberries about that sort of behaviour. I would say that the members of Brimbank City Council do not spend much time looking after the interests of Brimbank; they are more interested in what is happening in the Labor Party — who is being preselected and factional deals. That is what happens at Brimbank. There is very little to do with good local governance.

I have here a list of names that I have picked out of councillors who work for members of Parliament and ministers.

The ACTING PRESIDENT (Mr Smith) — Order! Mr Vogels is drifting alarmingly from of the motion before the house. Reference to other councils has no relevance whatsoever to this debate. I ask him to come back to the motion.

Hon. J. A. VOGELS — I draw the attention of the house to paragraph (2), which states:

> … lack of action taken by the Parliament and the government to investigate and resolve this matter and other electorate office issues.

The other electorate office issues I am referring to are what happens in the electorate offices of ALP members of Parliament.

While the Acting President is talking to the Clerk, I would like to name some of these people, because I do not believe they are working for local government — they are actually promoting the ALP.

We have the Suleyman family, whom we all know is very much in control of Brimbank. I think half the family works for MPs or Australian Labor Party members of Parliament. We have Kevin Bradford at Casey, who works for the member for Narre Warren North in the other place. We have George Droutsas at Whitehorse, who works for the same member. We have Mark Conroy at Frankston, who works for the member for Frankston in the other place. We have Pinar Yesilagac and Youhorn Chea, who work for Mr Somyurek; Henry Barlow, who works for

Mr Nguyen; Darren Ray at Port Phillip, who works for Mr Jennings; David Saunderson at Geelong, who works for Mr Eren; Chris Papas, who works for the member for Melton in the other place; and you could just go on and on.

Mr Viney — On a point of order, Acting President, during my contributions Mr Forwood has countless times called a point of order about me supposedly drifting from the motion. It is absolutely clear that Mr Vogels is going through a litany of complaints he has with a whole raft of things other than the motion before the house. For consistency I ask you to call him to order and back to the motion before the house.

Hon. Bill Forwood — On the point of order, Acting President, I draw your attention to words in paragraph (2) of the motion:

> lack of action taken by the Parliament and the government to investigate and resolve this matter and other electorate office issues.

The words 'other electorate office issues' were deliberately put in this motion to enable honourable members to raise other matters that should be resolved by the Parliament and the government about the use of electorate offices. The case that is being mounted by my colleague Mr Vogels is in fact that not just has there been an issue to do with the member for Ivanhoe's office but that there are other members about whom he has some information concerning matters that also need to be looked at by the Parliament. I put it to you that Mr Vogels is entirely within his rights to raise the matters that he is raising in accordance with the motion before the house.

The ACTING PRESIDENT (Mr Smith) — Order! The lead speaker on this motion is granted a significant degree of latitude and can expand in directions that have already been taken. However, Mr Vogels is not the lead speaker and is not therefore entitled to the same degree of latitude. He is able to refer in a passing way, if you like, to some other matters in other electorate offices, but I think Mr Viney's point of order is correct and Mr Vogels is straying too far from the motion. I ask him to come back to it.

Hon. Bill Forwood — On a point of order, Acting President, and without wishing to reflect on the ruling of the Chair, I put it to you that it is within the rules of this motion for any honourable member to stand up and say, 'I would seek to have an investigation — —

The ACTING PRESIDENT (Mr Smith) — Order! I do not intend to allow Mr Forwood to debate my ruling. The fact is that I have extended Mr Vogels the opportunity to refer in passing to other electoral matters et cetera, but he is not entitled to latitude. I have made my ruling, and Mr Vogels should go back to the motion.

Hon. J. A. VOGELS — I would like to reiterate that I would like this Parliament to investigate and resolve this matter and other electorate office issues. That is clearly on the motion. I would like to mention an example where another electorate office has been abused. Cr David Saunderson was the bagman in Geelong for the Australian Labor Party. We know that he collected about $71 000. I would like to investigate whether the electorate office was also used for postage and printing et cetera, because I think that is part of this motion.

In conclusion I support this motion. I think it is an excellent one. As happens with, I would say, about every member of Parliament, many charities come into my office and ask for printing or minutes to be done. We have even posted out minutes for the Red Cross and for the Lions and Apex clubs. I do not think anybody would have an objection to that, but we would never even think of charging for that. I ask the people in the house today to support this motion.

Mr SMITH (Chelsea) — I rise to oppose this motion brought before the house by the Honourable Bill Forwood. I do so on the basis that I do not believe Mr Forwood is genuine. More importantly, in his motion Mr Forwood submitted that the house needs to investigate a number of matters that are currently being investigated by the police and other matters that have been investigated by the Speaker. I, for one, like other members who have spoken before me on this side of the house, do not believe it is the role of the Parliament to usurp in any way the role of the police while they are investigating any matter whatsoever, particularly a matter regarding the business of a member of Parliament.

We all know that politics has been referred to by numerous people as a blood sport. We are not shrinking violets on either side of the house when it comes to these sorts of things. We all know that over the 150-odd years of the history of both this house and the other place both sides have had their head kickers. We have had a couple of beauties in here in recent times. David White and Bill Landeryou were quite expert at the art of head kicking on political matters when the need arose. That is exactly what Mr Forwood is doing here today. He is simply acting out his role as the chief head kicker of those opposite. I do not think he has done it particularly well, by the way. I suppose the evidence before us today would suggest that he did not learn a

thing from David White. I assume he was here when Bill Landeryou was here as well.

Hon. Bill Forwood — Yes!

Mr SMITH — Mr Forwood has not learnt a thing about head kicking. He is well wide of the mark here. That brings me to the rationale for this motion in the first place. I look at the media, like we all do, particularly on polling. It is a matter of genuine interest to all of us. Last week I saw a report saying that since his election to the leadership of the Liberal Party Mr Baillieu has made inroads into the Labor Party's margin, so much so that he has created some real interest. In fact he has brought the margin in by about half a per cent.

Hon. J. A. Vogels interjected.

Mr SMITH — Half a per cent. We are shaking in our boots over here. More importantly, those over there are panicking. They know they are going nowhere. They cannot engage us in genuine debate on policy; we have taken the ground from under them in almost every aspect of policy you can think of. So what is next? They are saying, 'Let's get down and dirty'. That is what this motion is about — trying to detract from the real business of government today. The facts are that we are braining them out there in terms of policy, so they are getting down into the gutter.

It is a bit sad really. I will not be a hypocrite. I think Mr Forwood is a reasonable guy. I think he has a bit of character and a bit of genuineness about him. But he gets in here and gets white line fever. He cannot help himself. He sees members opposite and just goes on the rampage. He has his apprentice over there, Dalla-Riva, who is just a lightweight. He thinks he will be a head kicker — boy, has he got a long way to go and is he going to learn.

Honourable members interjecting

Hon. Bill Forwood — On a point of order, Acting President, like a lot of members I am amused by Mr Smith's description of us, but I ask that he refer to honourable members by their correct titles.

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! I uphold the point of order and ask Mr Smith to refer to other members by their proper titles.

Mr SMITH — I accept the point of order and refer to the Honourable Richard Dalla-Riva as the lightweight apprentice head kicker who is not going to be much else. As I said to him a few months ago, he will spend his entire political career sitting in that seat opposite me. For the next God knows how long that he will be here he will never move out of there, and I wish him well. Just on the Honourable Richard Dalla-Riva, his pathetic attack on the Government Whip in the media et cetera is clear evidence of what members on that side of the house are about. It is a sad reflection on — —

Hon. Bill Forwood — On a point of order, Acting President, on the issue of relevance, I know it is difficult for the honourable members to fill in their time, but I suggest that Mr Dalla-Riva's attack on other members of this Parliament has absolutely nothing to do with the debate before the house. If Mr Vogels was having difficulty canvassing matters in the debate, one would think that Mr Smith would have to stick to the motion.

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! I uphold the point of order and ask the honourable member to stay within the motion we are debating this morning.

Mr SMITH — Thank you, Acting President. I was just trying to get to the rationale behind or the intent with this motion. I know it is a sensitive matter for members opposite and it is exposing the fact that they really do not have much to say about this.

I listened to the contribution to the debate made by the Honourable Bill Baxter. I thought it was quite measured; it sounded quite rational, and I thought to myself, 'Well, there is an experienced old campaigner, walking softly and carrying a big stick'. He referred to journalists like Michelle Grattan, who is an outstanding political journalist, and tried to drag her into this. That was a bit amusing given her comments over the years on conservative politicians and their conduct. I suppose if we went through the archives we could really get some good information from Michelle Grattan on the conduct of those opposite. But I acknowledge the contribution from Mr Baxter, and I will file it away for future reference.

I have to respond to Mr Vogels — poor old John!

Honourable members interjecting.

Mr SMITH — Local government is like a canker on the back of his neck. It irritates and annoys him; it is painful, and he just cannot quite reach it. He cannot get any relief. Today he dragged up issues that I have to tell you were quite amusing. I really cursed the fact that I was in the chair and could not interject and have a bit of a dig. I thought, 'The poor old thing. He is trying to drag every issue and every local council into this

debate'. You have to give him points for trying. He was into theories of conspiracy and phone tapping. I thought, 'Hello, the Central Intelligence Agency is going to be brought into this in a second'.

The fact is that with his motion before the house Mr Forwood has highlighted nothing other than what is already happening. The Speaker has investigated the matters raised by Mr Forwood. She did not seem to have the concern that he has. More importantly, the next step has been taken and the police are investigating to ensure that all is aboveboard. I am confident that Mr Langdon will come out of this exonerated of the pathetic allegations against him. If he does not, he will be dealt with in the normal course that we would all expect the law and the Parliament to take. We will have to wait.

It is pre-emptive of Mr Forwood to suggest that we should deal with that matter in here in any way, shape or form. I do not intend to do so, and on that basis I oppose the motion before us.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise on behalf of the opposition to make my contribution to the debate on the motion before the house today, and I will also be supporting it.

I see it as a responsible motion in two parts. I find it fascinating that a government that came to power in both 1999 and 2002 because it claimed to be open, honest and transparent is now using this chamber to block, defer and avoid any level of scrutiny. The documents we have and the other evidence that has been put before the chamber clearly show that this needs to be investigated. That is certainly a matter that is being dealt with by the police. But if the dunderheads across the chamber actually understood the motion instead of getting all sensitive and trying to protect their little factional mates, they would know what it calls for. I will read it, because they are obviously quite thick:

> That this house expresses its grave concern …

What the government is saying is that it does not believe that the actions of the member for Ivanhoe are of grave concern. My understanding on the evidence we have is that it thinks it is therefore okay for every member of Parliament in Victoria to now go and sublet their office, take a fee from that and use those fees for their election campaigns. That is exactly what it is saying is correct and proper for members of Parliament to be doing. In the entire debate today I have heard nothing from Mr Viney, Ms Darveniza or Mr Smith to suggest that they see that process as morally incorrect. They see it as a process that should be embraced.

For example, the first paragraph of an article by Ellen Whinnett in the *Herald Sun* of Wednesday, 1 February this year, headed 'Group paid MP for use of office' states:

> A Labor MP has accepted thousands of dollars in donations from a community organisation he runs.

I thought, 'Gee, the story on the member for Keilor is back in the paper', because that is what I thought it was about.

I seem to recall another investigation that is under way about which I have written to the asset recovery section of Victoria Police asking for an investigation. I do not propose to go into too much detail here, other than to say that I hope the investigation is proceeding well. But it seems to me that a government that came into power saying it would be open, honest and transparent is now utilising every process it can to avoid scrutiny.

This notice of motion today calls for the house to express its grave concern. It does not actually say, 'We call for an investigation'. It does not say that; we know that is under way. Most of the members opposite argued that particular issue ad nauseam, and they missed the point because they are thick. They do not understand the motion. If they do not understand the motion before the house, they should get out and do some subletting. They should find another group they can sublet to and then screw them down for some money so they can reinvest it in their election campaign, or worse, they can put it towards their branch stacking. They can put the proceeds they get from community organisations into fundraising, or into creating some ALP factions, because that is what they are experts at. They are not expert at running the state; they are not expert at being open, honest and transparent. They are experts at being factional hacks and playing their little factional games.

I congratulate Mr Vogels who spoke earlier and also referred to the range of local council factional dealings that are permeating electorate offices.

Mr Viney — On a point of order, President, Mr Dalla-Riva has hardly touched on the motion. He is now talking about issues raised in a point of order about Mr Vogels straying from the motion, and he has raised issues about other members of Parliament. I ask you to bring Mr Dalla-Riva, as you have done with me and with other members, straight back to the motion. He has 1 minute and 20 seconds left, and he ought to spend that time actually debating the motion, not ranging into other areas.

The PRESIDENT — Order! Thank you, Mr Viney, I get the point of order. I ask the member to return to the motion before the Chair. Mr Dalla-Riva, on the motion.

Hon. RICHARD DALLA-RIVA — Thank you, President. It is interesting to see the delaying tactics used. The reality is that Superman over there is really grogged out on kryptonite. He has no idea what is going on. He has just raised a point of order that goes nowhere.

Mr Smith interjected.

Hon. RICHARD DALLA-RIVA — I am talking about the motion calling for this house to express its grave concerns at the actions of the member for Ivanhoe in the other place. That is quite clear. It also calls on the member for Ivanhoe to explain his actions to the community. He has not explained them. We have heard Mr Forwood say that protection has been provided for the member for Ivanhoe. We know protection has been given to the member for Keilor in the other place. We know that those opposite are more interested in factional games, as Ms Darveniza — —

The PRESIDENT — Order! On the motion, Mr Dalla-Riva.

Hon. RICHARD DALLA-RIVA — As Ms Darveniza said in her contribution to the debate, and I quote, 'We should not be tolerating this behaviour in Parliament'. I agree with that, and it is all the more reason that members should be supporting this motion.

Hon. BILL FORWOOD (Templestowe) — The motion before the house today is specific. It mentions the ALP sending invoices to community groups. Yet neither Mr Viney, Ms Darveniza nor Mr Smith once mentioned the issue of invoices being sent to a community group. Not one member of the government, in defending Mr Langdon, mentioned anything about that issue. All they did was attack me. I am a big boy and I can cope with that, but this house and this Parliament have responsibilities. If we do not govern ourselves, then we cannot ask other people to do it.

These matters are being investigated to see if there have been any illegal activities, and the police will make their ruling on that at some time or other. But does that mean this Parliament should not consider whether a member of Parliament should allocate space in a parliamentary office, accept money for that and put it into campaign funds? I go further on this point: this house and this Parliament are governed by the presiding officers, and honourable members have an absolute right to raise matters with the Presiding Officer and have them dealt with appropriately.

I again raise the accusations made against Mr Olexander that were immediately sent by the Parliament to the Auditor-General, whilst accusations made against a Labor member of Parliament — accusations against Mr Langdon concerning misappropriation, the misuse of a parliamentary office and the taking of funds from a community group for that — have not been investigated by the Parliament.

Mr Viney — On a point of order, President, I think I am right in saying that Mr Forwood just accused a member of misappropriation. That is absolutely out of order, and he should be asked to withdraw.

The PRESIDENT — Order! The honourable member impugned the member in the other place by saying that he misappropriated funds, and I ask him to withdraw.

Hon. BILL FORWOOD — I withdraw. Let me put it this way: if it walks like a duck, looks like a duck, quacks like a duck — —

Hon. J. H. Eren — It is a goose!

Hon. BILL FORWOOD — Let me start by picking up the interjection from the leading goose in the house — but it is a duck. When a member of Parliament arranges for invoices on ALP letterhead — examples of which have been incorporated in *Hansard* — to be sent to a community group with the words 'campaign contribution' on them, gets the money and puts it in the Ivanhoe ALP state electorate campaign committee account, that is a duck.

I may not be allowed to use words like 'misappropriation' or 'rort' or 'swindle' — words that would let me indicate as strongly as I possibly could that this matter has been a sham and should be taken seriously by the government. But it has not been taken seriously because the three government members who spoke made no attempt to justify the behaviour of the honourable member for Ivanhoe. All we got in reply was a slagging of members on this side of the house.

I can take it, but there are two parts to this motion. The first is that there is no other member in this place, as I said in my original contribution, who would behave in this way. I am confident of that. The second is that when this matter was raised in February with the Parliament no sensible action was taken, and for that the Parliament stands condemned. We should express our grave concern about that. It has become very

apparent that the government does not take this matter seriously.

Hon. T. C. Theophanous — No, we don't take you seriously!

Hon. BILL FORWOOD — And it does not take me seriously. Each and every one of them over there is about to vote with the government to support an action that I am pretty confident causes them grave concern. I am confident that there are many members of the government today who feel that they have been put in an invidious position by the line the government has taken on this matter.

Mr Viney — You moved a motion that assumes guilt. We believe in justice and process.

Hon. BILL FORWOOD — If Mr Viney believes in justice and process, I suggest that he support the motion and express grave concern at the lack of process and justice that has been afforded in relation to this behaviour by the member for Ivanhoe.

I put to the house very strongly that every member of the government today should search his or her conscience and ask himself or herself, firstly, 'Would I, as an individual, ever rent my space to a community group, get money, send out invoices, year after year after year, for the same amount — $25 a week, plus the contribution for the telephone? Would I take all that money and put it into my campaign account?'.

Mr Viney — What about your use of parliamentary resources to print that booklet, Bill? What about that booklet? Did that happen in your office — that dirt sheet?

Hon. BILL FORWOOD — I have already told Mr Viney that I did not produce the booklet. I did not produce the dirt sheet. But every member of the government has an obligation first to ask themselves: 'Would I have behaved in this way? Would I rent my space in the Parliament to get the money and put it into my campaign account? Would I do that?'. If they answer, 'No, I would not', then I think they have some guide as to how to vote on the motion before the house. If they have equal concern that this matter was raised with the Parliament but was pushed to one side and not properly investigated by the Parliament, then equally they should support the motion.

This behaviour in this situation — this whole imbroglio — looks like a duck and is corrupt. What process does the Parliament have in place to investigate things that look corrupt? What is the process by which a member of Parliament can raise a matter of concern about public funds being at risk and being channelled into ALP campaign accounts? Every member has the right to raise a matter in this place, and I put it to the house that members should have some expectation that there will be some attempt to debate the matter. But no, all we got was the slag. This matter goes to the heart of the democratic process. It goes to fundamental matters about how people behave in the Parliament. I look forward to honourable members opposite searching their consciences in relation to this and supporting the motion before the house.

House divided on motion:

Ayes, 19

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr	Hall, Mr
Bowden, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms (*Teller*)
Coote, Mrs	Rich-Phillips, Mr (*Teller*)
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr
Drum, Mr	

Noes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Pullen, Mr
Carbines, Ms	Romanes, Ms
Darveniza, Ms	Scheffer, Mr
Eren, Mr	Smith, Mr
Hilton, Mr (*Teller*)	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr (*Teller*)	Viney, Mr
Madden, Mr	

Motion negatived.

CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL

Second reading

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

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill makes a range of amendments to the Coroners Act 1985 and the Human Tissue Act 1982. The aim of the majority of these amendments is to ensure that the legislation reflects accepted medical practice in the important fields of human tissue retrieval and autopsies. As such, this bill will

not introduce a new regime governing these fields but rather clarify how these practices are governed by the legislation.

I now turn to the specific amendments.

Part 9 of the Coroners Act 1985 establishes the Victorian Institute of Forensic Medicine (VIFM). The bulk of the amendments to this act relate to that part.

VIFM runs the Donor Tissue Bank of Victoria (DTBV), which is currently the only tissue bank in Victoria that retrieves tissue from donors accessed through a coronial system. The DTBV is also the only multi-tissue bank in Australia, retrieving heart valves, skin, corneas and musculoskeletal tissue (i.e., bones and tendons).

The DTBV works closely with bereaved families on the sensitive issue of tissue donation. Within 24 hours of a body arriving at the coronial services centre as part of a coronial investigation into the cause and circumstances of the death, a family may be approached by DTBV's transplant and family liaison coordinators to discuss tissue donation.

The DTBV adheres to strict protocols in the selection of donors, in consent procedures and in the processing of the tissue to ensure that no infectious or toxic agents are transmitted to recipients. In 15 years of operation the DTBV has provided over 10 000 tissue allografts to recipients and to date it has had no reported case of infection arising from their transplantation. This figure represents the people whose lives have either been saved, or whose quality of life has been improved, as a direct result of the work of the DTBV and its parent body, VIFM.

It is against this backdrop that I introduce the first set of amendments to the Coroners Act 1985.

In recognition of the variety of invaluable work that VIFM and the DTBV is engaged in, the bill clarifies that VIFM, and therefore the DTBV, has the following additional objects and functions:

> to receive tissue lawfully taken from living persons and to process, store and supply the tissue for transplantation to living persons or for use for other therapeutic, medical or scientific purposes;
>
> to remove tissue or receive tissue taken in accordance with the Human Tissue Act 1982 from deceased persons and to process, store and supply the tissue for transplantation to living persons or for use for therapeutic, medical or scientific purposes; and
>
> to receive, process, store and supply tissue taken (in accordance with comparable corresponding laws) from interstate or overseas for transplantation to living persons or for use for other therapeutic, medical or scientific purposes.

These amendments will provide VIFM with a solid legislative basis for continuing its critical role in saving and enhancing lives through tissue transplantation.

The bill also makes an amendment to section 27 of the act which sets out the circumstances in which an autopsy may be conducted under the act. Again, in the interests of clarification, the bill spells out that mortuary technicians (including forensic technicians) or scientists under the general supervision of the pathologist or doctor who is responsible for the performance of the autopsy may assist in tissue removal.

A similar amendment is also made to the Human Tissue Act 1982. That act, amongst other things, governs the performance of non-coronial autopsies which are performed at hospitals to gain a better appreciation of the health of the person prior to their death.

These amendments ensure that the legislation matches the accepted current medical practice both Australia wide and internationally — whereby pathologists and other medical practitioners conduct autopsies but are assisted by technicians who are trained in tissue retrieval. Once removed, the tissue is examined by the medical practitioner who is conducting the autopsy.

Another aspect of the Human Tissue Act 1982 is its regulation of the donation of tissue. To protect the interests of living persons and out of respect for a deceased person, it sets out detailed criteria for when tissue can be removed for the purposes of transplant into another person, or for other medical or scientific purposes, such as medical research.

Part 5 of the act governs when tissue may be removed from a deceased person. The act allows tissue to be removed with the consent of the person given prior to their death, and if the views of the deceased are not known, with the consent of the senior available next of kin of the deceased. The family of the deceased play an important role in decisions about tissue donation, and are actively consulted by tissue donation practitioners. This may be to ensure that they can give consent, or to discuss whether the deceased objected to such a donation, or to ascertain any other information that may be needed to determine whether the donation should, or should not, proceed.

There can be a number of practitioners involved, depending upon the tissue that is being considered for donation, and the circumstances of the deceased's death. For example, in the case of a person who has died in hospital and whose organs may be suitable for transplant, the family is approached by either hospital staff or separate organ donation coordinators. If a person may be eligible to donate corneas then the next of kin may be contacted by eye donor coordinators. If the deceased is located at VIFM, the institute's coordinators will generally consult the family.

Tissue donation and transplant is a highly complex area. For this reason there is a high degree of specialisation in the performance of tasks, to ensure that each person has the required expertise. The communications with the next of kin to obtain consent to proceed are likely to be carried out by a transplant or donation coordinator. Not surprisingly, that person may not be the one who performs the actual removal of tissue, where this is authorised under the act.

Similarly, in the case of a deceased person located at a hospital, the act requires a designated officer to check that the various requirements of the act have been met before the donation can proceed. However, it may be a donor coordinator who speaks to the family.

The bill amends the act to recognise this division of labour within health and donation services. If the person who authorises the removal has not been involved in all stages personally, they must be satisfied that all that is required has been done. Ultimate responsibility is still, however, vested in

the one person, to ensure that the safeguards in the act are adhered to.

The establishment of specialist tissue and organ donation services (including banking and transplant facilities) also means that a number of health professionals may be involved in ascertaining whether any particular tissue would be suitable for donation, where that tissue has been removed from the body of a deceased person, or is about to be so removed, in accordance with the act. This assessment of suitability is a vital part of transplant procedures. It ensures that there is no unacceptable risk of harm to the recipient of tissue, such as transmission of a disease from the tissue.

For instance, a person may have died in an accident and initially appear suitable as a donor, but on examination it becomes clear that they had a form of cancer that renders their tissue unfit for removal for transplant into another person. This will only be known if the donation coordinator can have timely access to relevant medical information. The bill clarifies that such communications are authorised.

This is consistent with the objects of the Health Records Act 2001, which is to balance the public interest in protecting privacy with the legitimate use of that information, which includes promoting high quality in health services and ensuring patient safety. To reflect this balance, use and disclosure of relevant information is limited to persons who need to know it, such as health service providers and organ and tissue donation and banking staff. In addition, the use and disclosure of the information would only be authorised to the extent necessary for the purposes of those provisions of the act that relate to the removal of tissue from deceased persons, including assessing whether the tissue would be suitable for transplantation.

The high degree of specialisation that exists across the health sector generally is also evident in the practice of who performs the removal of tissue from a deceased person, where the statutory criteria for removal are met. In the case of whole organs such as heart, lung and kidneys that are removed in hospitals for transplant into another person, the removal is performed by specially trained medical practitioners.

However, there are other kinds of tissue which can be removed quite safely and effectively by trained technicians rather than medical practitioners, and this is of invaluable service to the community. The act currently allows eye and skin tissue to be removed by persons prescribed in regulations. This includes specified classes of person who work at VIFM. The bill will enable other tissue to be removed by prescribed persons, in recognition of the role that trained technicians can play, such as VIFM technicians who remove musculoskeletal tissue and cardiac tissue.

As I have already indicated, the primary purpose of the act is the protection of donors, and it contains numerous safeguards to prevent harm arising from the inappropriate removal of tissue from a potential donor. The provisions are drafted with this in mind.

Amendment of the act is required to clarify the scope of its operation. For instance, tissue can be removed from a living person for their own benefit. This might be when a blood sample is taken from a patient to test for the presence of a disease that a medical practitioner considers the patient may have, or where a cancer tumour is removed from a patient to save their life. These removals are for therapeutic purposes and are carried out with the consent of the patient, or in a medical emergency.

The act provides that such procedures are not subject to the act, as the statutory criteria regarding donation for transplant are not necessary in this quite different context. This explicit exclusion is confined to procedures carried out by a medical practitioner.

However, other health service providers may also be involved in the removal of some kinds of tissue. Dentists remove teeth. Nurses take blood samples. Podiatrists remove some skin and nails. The health sector has generally understood that the act does not apply in such cases, where the removal is for the benefit of the patient and not for the purposes of donation. One of the changes to the act in this bill is to clearly reflect this understanding; it allows providers to remove tissue as is suitable to their particular situation. Common law governing health care will of course continue to apply to these removals, such as the law of negligence, public health laws and the statutory regimes that govern the conduct of practitioners.

In conclusion, this bill will improve the operation of these two important acts and ensure that they reflect and require sound medical and forensic practice.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Late last year the New South Wales government indicated its intention to sell its majority shareholding in Snowy Hydro Ltd.

In February this year, the commonwealth government also decided to sell its shareholding and subsequently the Victorian government agreed to sell its shares conditional upon additional protections over Victoria's water rights.

With the recent withdrawal of the commonwealth and New South Wales from the sale of Snowy Hydro, Snowy Hydro will be retained in public ownership.

The Snowy Hydro Corporatisation (Parliamentary Approval) Bill however ensures that any future sale of Victoria's share in Snowy Hydro Ltd is subject to parliamentary scrutiny.

There has been community concern over the sale of Snowy Hydro. The Independent member for Gippsland East, Craig Ingram, has consistently advocated that environmental flows for the Snowy River and irrigator entitlements are protected.

This bill achieves that.

This bill will ensure that any future proposal to sell Victoria's shares in Snowy Hydro Ltd must be agreed to by both houses of Parliament. It also requires that the relevant documents be tabled before each house so that the Parliament can consider them in deciding whether or not to approve the disposal of Victoria's shareholding.

Under the bill relevant documents include any agreement dealing with water flows, particularly environmental flows and the supply of water to irrigators, farmers and rural communities.

Relevant documents specifically include the high-level agreements between governments, including the Snowy water inquiry outcomes implementation deed which sets the Snowy River and River Murray environmental flows targets and the recent amendments to the Murray-Darling Basin Agreement which establishes the water-sharing arrangements for releases from the Snowy scheme to the Murray-Darling Basin.

It also includes the New South Wales Snowy water licence and any future dealings or changes to the licence. The Snowy Water Licence sets out the rights and obligations of Snowy Hydro Ltd, including its rights in terms of hydro-electric generation and its obligations to make releases to the Murray-Darling Basin for irrigation and for environmental flows to the Snowy River and the River Murray.

Given the importance of the Snowy scheme as a source of water for the Murray-Darling Basin, relevant documents also include agreements for the provision of information by Snowy Hydro Ltd to the Murray-Darling Basin Commission to ensure that the commission and River Murray water have the data necessary to efficiently operate storages and to meet both irrigator and environmental demands on the system.

The responsible minister at the time is also able to table any documents that they may determine to be relevant to Parliament's consideration.

These measures continue to demonstrate the Bracks government commitment and proven record in revitalising the health of the Snowy River. We have delivered the first water savings target for the Snowy project by the target date of 1 July 2005 — 38 000 megalitres returned to the Snowy River and 19 000 megalitres to be returned to the River Murray.

The future of all Victoria's rivers and aquifers will be protected through the establishment of environmental water reserves — water set aside for the environment. The Water (Resource Management) Act, passed in 2005, provides this safeguard for our rivers.

Action is also being taken to enhance the environmental water reserves and health of Victorian priority rivers such as the Murray, Thomson, Macalister, Yarra and Wimmera and Glenelg rivers.

Victoria also continues to lead the nation in its irrigation water management — from on-farm water efficiencies to water trading. The Water (Resource Management) Act, passed in 2005, will enable the unbundling of water entitlements and will create a new lower reliability water share — creating more value and choice for farmers.

The Victorian government is also progressing major water infrastructure projects, including the Wimmera–Mallee pipeline, channel automation in the Goulburn and Gippsland regions, the Lake Mokoan decommissioning, including the Tungamah pipeline, and we recently completed the upgrade of the Eildon Dam wall and spillway.

Lake Mokoan and Tungamah pipeline projects will directly contribute to water savings available for increased environmental flows for the Snowy River.

This government will continue to pursue all available avenues to protect its water rights and the interests of Victorian irrigators and the environment.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Resources) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to amend the Mineral Resources Development Act 1990 to further support the sustainable development of the minerals industry in Victoria. The Bracks government is committed to sustainable development across Victoria, and the introduction of this bill demonstrates implementation of that commitment specifically in the context of the mineral resources sector.

The bill will amend the title of the Mineral Resources Development Act 1990 to explicitly mention 'sustainable development', thereby creating the Mineral Resources (Sustainable Development) Act 1990. The new title aligns with the current purpose and objectives of the act, and is complemented by the introduction of sustainable development principles which will guide decision making under the legislation.

The sustainable development focus is further evidenced by the following amendments which I will now speak about in more detail.

Duty to consult and community engagement plans

Genuine community engagement is an essential component of sustainable development. However, there is no provision in the act to specifically foster increased engagement between miners and the communities they work in and with. This situation will change as a result of this bill.

The bill introduces a duty to consult, which will recognise local communities as key stakeholders in the act. Community engagement plans are being introduced to document the commitments a licensee will make to consult with its community.

These measures are being introduced in direct response to concerns expressed by community members living close to mining operations. The government has listened closely to these concerns, and is determined to send a signal that community engagement cannot end once all necessary approvals and consents have been achieved.

In introducing these amendments, it is acknowledged that government cannot legislate as to the quality of community engagement that is undertaken by mining companies. How a licensee chooses to engage with its community is a matter for it to evaluate, and the nature of mines and their communities varies greatly. However, the benefits of meaningful consultation are already being felt by progressive mining companies and we would encourage all miners in Victoria to embrace these reforms and engage effectively with their communities.

In its report, the inquiry into sections 45 and 46 observed that despite the prevailing view within the minerals industry that it must have a social licence to operate, submissions from community members to the inquiry demonstrated an absence of dialogue with the community in some circumstances. It is the notion of an 'absence of dialogue' that we are seeking to address with the introduction of the duty and community engagement plans.

As has been noted, for the many progressive mining companies operating in Victoria, the introduction of this duty validates the excellent work they have been doing in the arena of community engagement.

The duty will encourage companies to engage with their communities across the life cycle of a mine from exploration to rehabilitation, including the operational phase of a mine. It will complement existing consultation mechanisms required under other legislation such as planning and environment legislation.

Licensees undertaking mining will be required to develop a community engagement plan. For exploration, it is proposed that a community engagement plan may be required as part of the work plan, but would not be mandatory. This approach is proposed, as there are a much greater variety of exploration operations ranging from low-level short-term work through to large-scale operations.

The community engagement plan will form part of a licensee's work plan. Broad requirements for community engagement plans will be provided under regulations. It is also proposed that the government will develop supporting guidance to provide practical assistance to companies about models of community engagement.

Once developed, a company's community engagement plan is a manifestation of its commitment to engagement. 'Community' will not be defined by this bill. Rather, it is anticipated that companies will define their community as part of their community engagement plan. These plans are expected to be tailored and flexible, ranging from a minimal plan where there is little community, through to a detailed plan for larger scale, longer term operations that are close to significant communities.

Amendments in response to the inquiry into sections 45 and 46

This bill provides the government's legislative response to the report and recommendations of the inquiry into sections 45 and 46 of the act. Known colloquially as the '100-metre rule', these sections ensure that licensees cannot undertake works within 100 metres of certain natural and man-made features without the requisite consent under section 45 or authorisation from the minister under section 46.

Uncertainty about the operation of section 45 stemmed from a decision made by the Victorian Civil and Administrative Tribunal (VCAT) in 2004. The findings in this decision contrasted with the common understanding and practice within industry and government, leading to questions about the validity of existing consents and uncertainty for industry and community stakeholders about the operation of section 45. Subsequently, an independent inquiry was conducted which examined the issues surrounding sections 45 and 46 in more detail. The inquiry produced a substantial report containing recommendations for legislative change to the act.

The bill confirms the validity of established approved mining and exploration operations that were reliant on consents under section 45. The need to legislate to resolve the significant uncertainty surrounding the validity of such consents was a key recommendation of the inquiry.

The bill also seeks to provide greater clarity for all parties about future consents provided under section 45 for new works. In doing so, the development of this bill has been guided by the inquiry's report and its recommendations. Many of the recommendations have been adopted, although some of the approaches have been modified in the development of these amendments, primarily to make them more practicable.

Licensees will continue to be required to obtain consent for new works within 100 metres of dwelling houses, Aboriginal heritage areas and relics, and cultural heritage sites, places and objects. However, other items currently listed in section 45 will be repealed. Some of these items reflect historical legislation and are now more effectively and comprehensively safeguarded through modern planning and environment protection frameworks. Other items will be further safeguarded through other mechanisms introduced into the act by this bill.

Gardens, orchards, farm buildings and water sources that are directly associated with a dwelling house will be effectively safeguarded through amendments that will also ensure more clear and certain measurement of the 100-metre zone in relation to dwelling houses. For small allotments of 0.4 hectares or less, the 100 metres will be measured from the title boundary. For houses on large allotments, the 100 metres will be measured from a surrounding buffer of 25 metres to

be measured from the eaves of the house. In practice, these requirements will mean that all gardens, buildings and water sources on small allotments or within the 25-metre buffer for large allotments will be safeguarded. The basis for measuring the 100 metres will also be clear to all parties.

The bill will remove the limited, historical, poorly defined public places and buildings from section 45 and introduce an explicit power for the minister to place a condition on a licence to protect a significant community facility if required. This new power will operate similarly to the current general power that the minister has to protect the environment, enabling a condition to be set if the minister considers it necessary for the protection of the community facility. This approach provides greater flexibility as it will enable the minister to set risk and performance based conditions directly on a licence, and it is not limited to the items previously listed under section 45 or to 100 metres. Safeguarding community facilities will be undertaken on a case-by-case basis through the minister's condition-setting power which will operate independent of section 45.

Amendments will clarify that new section 45 consents, once provided by the owner of a dwelling house, bind subsequent owners and occupiers, and cannot be withdrawn. This is needed to provide security for investors. Conditions on such consent can be provided, but only with respect to variations for distance or depth. A process for recording new consents under section 45 is established as a result of this bill. Consents will need to be in writing and recorded on the mining register. Amendments are also being made to streamline consent powers with consent required from owners of dwelling houses only. Responsibility for consents affecting cultural heritage places and objects protected by the Heritage Act 1995 will lie with the executive director of Heritage Victoria as a result of this bill.

The package of amendments reinforce that section 45 provides for a 'one-off' consent to be granted or refused at the time a mine is being first established. However, a new consent under section 45 will be required if a licensee wants to vary mining works that are within the 100-metre zone, and the variation is significant enough to trigger a new planning permit or for works near items under section 45(1)(a)(xiii) a planning permit or an environment effects statement (EES) is required. For significant variations to exploration works within the 100-metre zone, the department head will have the capacity to direct the licensee to obtain fresh consent under section 45.

A definition of 'dwelling house' is being included for the purpose of sections 45 and 46. A new definition of 'works' will also be included to clarify the scope of future new works that will trigger section 45. The definition covers key exploration and mining activities, but does not include low impact exploration. However, amendments are being made to clarify that low impact exploration still requires all necessary consents and other authorities, including consent from private landowners, irrespective of whether the low impact exploration is conducted under a mining licence or an exploration licence.

Amendments to strengthen environmental considerations

The bill will strengthen environmental considerations under the act by making improvements to rehabilitation provisions and clarifying powers to establish environmental offsets.

There has been some uncertainty regarding the extent to which the full range of environmental offsets can be implemented under existing licence condition powers. The bill resolves this uncertainty by establishing a clear head of power for an environmental offset to be set as a condition of licence. This will ensure that the full range of offsets can be implemented and enforced, including offsets that may be outside the licence boundary. In turn, this increases the level of flexibility open to government and licensees in implementing government offset policies such as the Native Vegetation Framework.

The minister will be able to set a condition specifically for environmental offsets including requiring works outside the licence area boundary. This will significantly enhance the options for licensees to pursue innovative solutions which may be less expensive than traditional approaches and generate net environmental and community benefits. The condition setting power will enable the impacts from the mining activity to be offset. It cannot extend to impacts from down stream processing, such as potential impacts from the use of mined materials as this is outside the scope of the act.

Offset requirements will be determined by reference to established government policies, guidelines and standards. The licensee will not be permitted to commence works under the licence until any required environmental offset has been provided or a contract for its future provision agreed in satisfaction of the licence condition. Compliance with environmental offset conditions will be ensured through the usual enforcement mechanisms under the act.

Rehabilitation of land is an integral part of the mineral resources development framework. The bill strengthens rehabilitation components by enabling the minister to require a licensee to undertake an assessment of its rehabilitation liability. To provide assurance as to the independence and quality of such assessments, provision is also being made for the minister to require that an assessment of rehabilitation liability be certified by an environmental auditor appointed under section 53S of the Environment Protection Act 1970. Consequential amendments are being made to the Environment Protection Act 1970 as a result of this bill to enable auditors to undertake these functions.

These amendments will strengthen the information base in relation to rehabilitation liability across the state. The introduction of third party auditing will enable independent and credible information to be provided to aid the minister in making decisions in relation to rehabilitation bonds. Provision is also made to enable the minister to require a licensee to engage an auditor to certify that land has been rehabilitated, prior to the minister making a decision whether to return a bond under section 82.

The approvals process for rehabilitation bonds will be streamlined by removing the requirement to consult with councils in relation to bonds for exploration on private land. This will enable the minister to expeditiously increase the level of a bond for exploration above the standard bond amount in circumstances where more intensive exploration is proposed.

Amendments to enhance coal allocation

The minerals allocation framework will be enhanced by amendments that introduce two new processes to enable direct allocation of coal that is subject to an exemption under

section 7 of the act. As a result, government will have greater flexibility to allocate valuable coal reserves in the Latrobe Valley.

The government is the steward of large quantities of coal in the Latrobe Valley. The majority of this coal is subject to an exemption under the act, which effectively quarantines it from exploration and mining licence applications. This exemption is in place due to the strategic value of this coal as a resource for energy, particularly electricity generation.

The process for minerals allocation under the act aims to maximise competition, thereby maximising resource value while ensuring transparency and accountability in the allocation process is maintained.

For Latrobe Valley coal the allocation process commences with the minister revoking or 'lifting' the exemption over the particular area of coal. Once the exemption is lifted, the minister may call for applications for licences over the area or run a tender process to determine which companies should have access to the coal.

The absence of a process to enable direct allocation in certain circumstances has proved to be a limitation. Typically an exhaustive process of negotiation and government consideration is conducted before a decision is made to allocate a major project access to coal. Despite this, the act does not enable direct allocation in any circumstances. This is inefficient and creates investor uncertainty.

The bill introduces a new division into the act to enable direct allocation of coal in specified circumstances. The minister will be able to allocate coal to successful tenderers under a prior competitive process that is equivalent to a tender under section 27 of the act and in circumstances where access to coal is required to implement the requirements of the tender.

The Governor in Council will be able to directly allocate coal in circumstances of state interest. Such circumstances are likely to be rare, and a potential applicant will be required to put a case to government articulating the value to the state of its proposed project, including but not limited to the proposed coal allocation. The case put by an applicant will be considered in the context of economic, social and environmental considerations, including whether the case is compelling enough to outweigh the potential benefits of allocating the coal through a tender process. An applicant's financial and engineering capabilities will be assessed as well as their access to critical technologies.

These new processes will still be subject to the open and transparent processes under the act, including public advertising of applications, notification of relevant authorities and the opportunity for third party objections to be lodged. An applicant will still need to demonstrate that it is a fit and proper person, intends to comply with the act, has a genuine intention to do work, has an appropriate work program and is likely to be able to finance the proposed work and associated rehabilitation. A licence granted under either process will still be subject to all the requirements of the act, including gaining all other necessary approvals such as planning and work plan approvals, obtaining necessary consents and negotiating compensation agreements, undertaking rehabilitation and paying royalties.

Summary of other amendments

A number of additional amendments are introduced by this bill. These amendments accord with the sustainable development theme of this bill as together they provide a package of amendments that will enhance certainty, consistency, transparency and accountability under the act.

The bill introduces amendments to the act which will enable statutory codes of practice to be made by the minister. Unlike regulations the failure to comply with a code would not of itself create an offence. Rather codes are being introduced to provide greater understanding about the act and may be developed to communicate best practice, consolidate requirements for particular sectors or articulate how licensees or other approval holders can comply with particular obligations under the act.

Amendments are also being introduced to enable the minister to establish advisory panels to consider and advise on matters relating to mining and exploration and the administration of the act. A new part is being introduced into the act which covers appointment of panels and procedures including public hearings, receiving of submissions and reporting.

The mining warden will be required to provide an annual report of his or her activities to the minister. This mechanism will ensure that the key dispute resolution and investigative functions undertaken by the mining warden are documented on an annual basis, increasing transparency and accountability.

Inspectors powers under the act are being amended and updated. New divisions are being introduced into the act to set out comprehensive inspectors powers including powers of entry, powers to apply for search warrants and powers to give directions. The amendments also place obligations on inspectors in exercising such powers. Amendments are also being made to notice powers to enable better enforcement of illegal mining activities and other potential contraventions of the act. As a result of these amendments, inspectors will be better placed to encourage improved performance and deter poor performance.

Finally, a series of miscellaneous amendments are also being made to improve the regulatory framework for mineral resources development, including correcting drafting errors and anomalies.

The amendments introduced by this bill will integrate sustainable development considerations into the act, result in improvements that strengthen social and environmental aspects, and ensure that the regulatory framework continues to be credible and robust. This bill is a tangible expression of the Bracks government's ongoing commitment to the sustainable development of Victoria's mineral resources.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This is an omnibus bill to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Pipelines Act 2005 and the Energy Safe Victoria Act 2005.

Clauses 3 and 5 of the bill amend the Electricity Industry Act and the Gas Industry Act respectively. The amendments require energy retailers to develop, and submit for the approval of the Essential Services Commission, financial hardship policies which are designed to provide greater support for energy consumers who are experiencing genuine incapacity to pay their bills.

The amendments form part of the government's response to an expert committee of inquiry established in 2005 to assess and advise on energy consumer hardship. A key recommendation of the inquiry, and accordingly a key element of the government's proposed amendments, is an obligation on energy retailers to develop and implement best practice consumer hardship policies.

The government recognises that financial hardship is difficult to identify, other than at the level of the individual consumer. However, energy retailers have the principal relationship with the consumer and should continue to have the major responsibility to respond to energy consumers in financial hardship.

It is anticipated that retailers' policies will outline processes and procedures to facilitate early response by retailers and consumers to situations where consumers do not have the capacity to meet their energy bill payments. It is expected that retailers' policies will also deal with how consumers are assessed for entry to and exit from any agreed hardship program.

Consumers are expected to pay their energy bills in full and to contact their retailer concerning any bill payment difficulty. It is the government's view, however, that there is also a strong case to provide greater transparency and consistency in the hardship policies of energy retailers.

The bill prescribes the key principles and also the minimum requirements of a retailer's best practice hardship policy. The minimum requirements are to be regarded as options for assistance. They are to be made available by retailers to consumers according to their circumstances, and where financial hardship could be materially mitigated. It is anticipated that agreement will be reached with the relevant consumers as to the measures of assistance provided.

The bill provides the Essential Services Commission with oversight of financial hardship policies, by way of empowering the commission to approve the policies that must be submitted by retailers to the commission. The commission will also be empowered to develop guidelines to assist in the development of financial hardship policies.

The government believes that best practice policies are necessarily evolving measures, that retailers should have the flexibility to develop unique and innovative approaches, and that hardship policies may be reviewed and replaced over time as improvements are pursued.

Further, the bill provides for a prohibition on the disconnection of energy supply by retailers on the grounds of consumers' incapacity to pay their energy bills. The proposed amendments provide, however, that the prohibition applies only where the consumer has entered a hardship agreement with the retailer, and is complying with that agreement.

Clause 4 of the bill amends the Electricity Industry Act to require the deployment of electricity interval meters, with advanced metering and communications functionality. It is the government's view that the deployment will encourage and enable greater demand management and energy use efficiency. It will also reduce network and energy costs, and improve network service, thereby leading to greater industry efficiencies and reductions to consumers' electricity bills.

Clause 4 of the bill provides for the making of orders in council in respect of the provision, installation, operation and maintenance of advanced metering infrastructure, and in respect of the provision of supporting metering and communications services.

In particular, orders in council will be able to specify a process for determining the electricity industry licensees who are to be responsible for deploying the required infrastructure. It is anticipated that this process will be consistent with the approach taken in the national electricity rules.

The orders in council will also be able to specify minimum required functionalities, minimum service levels, performance standards, and time frames for deployment.

As well, the orders in council could require trials to be conducted to identify cost-effective technologies for the delivery of the prescribed advanced interval metering infrastructure functionalities, performance and service levels.

There are no provisions in the bill that constrain contestability of the provision of advanced metering and associated services to the electricity industry. Accordingly, it is anticipated that the provision of such services will be on a cost-efficient and cost-effective basis, and that the net benefits to industry and consumers will be maximised.

Clauses 6 and 7 provide for minor amendments to the Energy Safe Victoria Act and the Pipelines Act. The amendments will enable the recovery of costs by Energy Safe Victoria in relation to functions under the Pipelines Act, which are to be transferred to Energy Safe Victoria in 2007.

I commend the bill to the house.

Debate adjourned for Hon. PHILIP DAVIS (Gippsland) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

EVIDENCE (DOCUMENT UNAVAILABILITY) BILL

Second reading

Debate resumed from 19 July; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Evidence (Document Unavailability) Bill I inform the house that the Liberal Party will be supporting the legislation. The bill is a simple and straightforward one. It simply amends the Evidence Act 1958 and the Victorian Civil and Administrative Tribunal Act 1998 to clarify the powers of a court to intervene in civil proceedings when documents are unavailable.

It is worth reflecting on the fact that this is the second piece of legislation that has been introduced in the last few months which deals with this issue. Members may or may not recall that on 28 March of this year we passed the Crimes (Document Destruction) Bill, which did a similar thing. This bill in every way is follow-on legislation to that earlier bill. It is also worth reflecting on the fact that the earlier bill had its genesis in the civil action between Rolah McCabe and British American Tobacco which concerned compensation for the severe lung cancer that Mrs McCabe alleged was caused by her habit of smoking. During that case it was alleged that various documents that could have affected that case were destroyed. The Evidence (Document Unavailability) Bill simply adds detail to the provisions of that previous bill.

I commented at the time the Crimes (Document Destruction) Bill was debated that it would be hard to get a conviction under the provisions of that legislation. Four and a half months later we now have clarification of those particular clauses. One is always left to wonder why the job was not done correctly the first time. We know that this government is particularly good at rushing in legislation purely for public relations purposes and then coming back a few months later and fixing it. This is what we have here, because we have clarification in this bill that should have been in the bill that was passed in March of this year.

With those few comments, I shall briefly touch on what the bill does. It is a short bill. It has a series of three significant provisions that set out some of the detail that is worth putting on the record. The bill defines the meaning of document unavailability. It is heavy stuff. Proposed section 89A, which is inserted by clause 4, states that a document is unavailable:

> … if —
>
> (a) the document is, or has been but is no longer, in the possession, custody or power of a party to the civil proceedings.

In other words it defines 'document unavailability' as meaning you do not have the document. The proposed section further states:

> (b) the document has been destroyed, disposed of, lost, concealed or rendered illegible, undecipherable or incapable of identification …

It says that a document is unavailable if you cannot find it, if it has been destroyed, if it is illegible or if in any other sense it cannot be used in evidence.

The second major provision is proposed section 89B, which sets out what the court may do as a result of a situation of document unavailability — in other words, what actions are open to the court if a document is unavailable, bearing in mind that these issues apply to civil proceedings. It provides that if it appears to the court that a document is unavailable or cannot be reproduced, as I have just talked about, then:

> … the court, on its own motion or on the application of a party, may make any ruling or order that the court considers necessary to ensure fairness to all parties in the proceeding …

In other words, if it cannot find a particular document the court can decide to do virtually whatever it likes to ensure fairness. The bill sets out what it may do. It may draw an adverse inference if a document is unavailable, it may reverse the burden of proof in a particular issue and so on.

The last significant provision I will touch on is proposed section 89C, which is important because it sets out the matters a court must consider in reaching its ruling as to what inference it will draw if it believes a document is unavailable. It states:

> Before making an order under section 89B, the court must have regard to —
>
> (a) the circumstances in which the document became unavailable; and
>
> (b) the impact of the unavailability of the document on the proceeding, including whether the unavailability of the document will adversely affect the ability of a party to prove its case will make a full defence; and —

of course the catch-all —

(c) any other matter that the court considers relevant.

I am advised by those who have greater legal knowledge than I that basically those matters that the court must consider and those remedies the court has are established under common law, so these provisions simply codify a situation that currently exists. As such the Liberal Party does not have any problem with the bill, except to note that it is a pity things were not done correctly the first time. Once again it is a situation where the government is going about codifying common-law provisions that already exist. With those few comments to explain how the bill will operate, I urge the house to support this small and succinct bill that simply adds to previous legislation.

Hon. W. R. BAXTER (North Eastern) — I endorse Mr Strong's comment that it is a pity this was not included in the original legislation, because this bill puts some meat on the bones of that legislation and gives some guidance and indication as to how it is to work. While my party supported the original legislation we had some misgivings because it did not have this sort of detail attached to it as to what were to be the definitions of document unavailability and what inferences could be drawn by the court about the alleged unavailability of a document. As Mr Strong has outlined, this bill provides those definitions and provides appropriate powers to the courts. In that sense it is welcome indeed.

None of us wants to see court cases stymied because documentary evidence is maliciously hidden, either by destruction or by some other means such as rendering it indecipherable or illegible. The courts rely so much on evidence to be proved or disproved, and documents are a way of providing that evidence. The bill at least gives a court some power to draw an adverse inference if a document is unavailable and it can be demonstrated that the document's unavailability has come about by some deliberate act to cause it to be unavailable. In fairness to those bringing the case, they should not have their case stymied by the simple fact that the other party has disposed of a vital piece of documentary evidence.

I assume in this day and age, when a lot of material can now be retained electronically, documents should be more readily available, particularly many years after the event, than perhaps they might have been in the past when paper records could go astray or might have been destroyed in good faith in any event on the basis that they would never be needed again. Similarly electronic documentation can be more easily got rid of, amended or altered than paper records, so I think this is legislation in tune with the times. We are happy to support it. We just echo Mr Strong's earnest plea that when we get this sort of legislation in the future, it be complete in the first instance rather than its being a public relations exercise and our getting to pick up the pieces later.

Ms MIKAKOS (Jika Jika) — I am very pleased to be able to rise to make what I hope will be a brief contribution to this debate in support of the Evidence (Document Unavailability) Bill. I want to indicate at the outset my appreciation of the support of the bill by both the opposition and The Nationals, because it is a very important piece of legislation. As other speakers have already commented, it complements previous legislation to ensure greater public confidence in our judicial system. The integrity of our judicial system relies largely on the availability of documents and all other relevant information and evidence being provided to courts during the course of legal proceedings. Nowhere was this more evident than in the Victorian Court of Appeal decision of *McCabe v. British American Tobacco Australia Services Ltd*.

Members would well recall the case of Rolah McCabe, who was suffering from terminal lung cancer due to tobacco products supplied to her by British American Tobacco — and sadly she did not survive that appeal. During the course of the proceedings she alleged that the company knew about the addictive and dangerous qualities of tobacco but still knowingly sold her the product and also actively disparaged research that showed the very clear and real danger. Ms McCabe was suing British American Tobacco for damages as part of the legal proceedings.

As I said at the outset, it is essential that we have confidence in our judicial system and that all parties are equal before the law. Corporations such as big tobacco companies have the resources available to them to throw millions of dollars towards these types of legal cases to try to tie these issues up in the courts for years, perhaps with a deliberate intent to see plaintiffs pass away before the matters can be resolved. They have a vested interest in ensuring that they can do whatever they think is required to assist them to avoid potentially huge awards of damages being made against them, such as the awards worth billions of dollars that we have seen in the United States in recent years.

In the case that went before the Victorian Court of Appeal, Justice Eames found that Clayton Utz and British American Tobacco had:

> subverted the process of discovery with the deliberate intention of denying a fair trial to the plaintiff.

This was due to the destruction of thousands of documents over a period of many years, which

essentially meant the court was not able to gain a true picture of what had happened to those documents. This is particularly insidious considering that some of the documents destroyed were internal documents that related to the pharmacological effects of nicotine and internal documents reflecting discussion within the company about research, advertising, addiction and other critical issues.

It is important that we as legislators ensure that the public has confidence in our judicial system. Ensuring that documents cannot be destroyed is an important component of building up that confidence. This bill is about the Victorian government's legislative approach — I guess our response to the McCabe case — to ensure these types of circumstances are not able to occur again. As I said, it complements previous legislation — that is, the Crimes (Document Destruction) Act, which was passed by this Parliament earlier this year and which creates a new criminal offence of destruction of documents to prevent their use in court cases. That new criminal offence and also the provisions of this bill are designed to commence on 1 September this year.

This bill seeks to clarify the powers of courts and the Victorian Civil and Administrative Tribunal (VCAT) to intervene in civil proceedings where documents are unavailable, whether before or after the commencement of those legal proceedings. The bill contains a very broad definition of the unavailability of documents to include circumstances where documents are destroyed, but also where they are disposed of, lost, concealed or rendered illegible, indecipherable or incapable of identification. That is in fact a very broad definition and it also includes the warehousing of documents that are held off site by third parties so as not to be available to the plaintiff. One way that defendants have been able to do that in the past is by effectively warehousing documents with their lawyers.

The court will be able to draw an adverse inference from the unavailability of a document and to presume a fact in dispute between parties to be true in the absence of evidence to the contrary. The court will also be able to prevent certain evidence from being led and to strike out all parts of a defence or statement of claim. The bill is effectively giving the courts and VCAT very wide powers to be able to strike an appropriate balance to ensure that justice is able to be done. The bill also gives courts and VCAT the ability to reverse the burden of proof. It is normally the case that the burden of proof lies with the party who asserts a particular issue that is in dispute, but the bill acknowledges that a reversal of the onus of proof may be appropriate where the matter in question is specifically contained in the knowledge of the party that holds relevant documents that are not available to the other party.

In relation to the issue of whether this is creating an additional administrative burden on big business or corporations to retain documents and have extensive document management systems, I think it is important to point out that under already existing legislation, whether it be federal taxation law or industrial relations legislation, corporations are required to retain quite a significant volume of documentation for a number of years. This legislation does not intend to add to that burden, but it aims to ensure that the businesses put their affairs in order and see good document management as being good for their business.

It has been interesting to note the level of interest that this particular legislation and the McCabe case have generated throughout Australia. I understand other states are also looking at introducing similar legislation following the passage of this legislation and seeing it in operation. This particular case and this legislation, as well as other cases overseas, particularly the Enron case in the United States, demonstrate that we need to ensure that our courts have all relevant documentation before them so they are able to make fair decisions.

This bill is about ensuring greater public confidence in our justice system, and for that reason I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Mr LENDERS (Minister for Finance) — By leave, I move:

That the bill be now read a third time.

In doing so I thank the speakers for their enthusiastic and succinct support.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Sitting suspended 12.53 p.m. until 2.05 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Wind energy: Newfield

Hon. D. McL. DAVIS (East Yarra) — My question is to the Minister for Energy Industries, the Honourable Theo Theophanous. Will the minister confirm for the house that a proposal for a 15-turbine wind farm at Newfield near Port Campbell will be visible from the Great Ocean Road and will therefore place tourism along the coast at risk, and will he indicate whether the government's policies will allow this impost?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I do not quite know what to make of that. I might be changing Davises — is that what is happening? I am going to get a new Green Davis as opposed to a Brown Davis. We are very proud of our new policy in relation to renewable energy, which will deliver to this state renewable energy to the tune of 3224 gigawatt hours of electricity — if I am wrong by a couple, I apologise in advance.

This policy will lift Victoria's share of renewable energy to 10 per cent. It has been properly costed, and I can tell you, President, that it will deliver 2200 jobs in regional Victoria, and it will deliver $2 billion of investment. That is our policy, and the policy of the opposition is to get rid of the 80 jobs at the Keppel Prince factory in Portland and get rid of the other 80 jobs at Vestas factory in Portland. Neither of them would be viable without the Victorian renewable energy target scheme we have introduced, so its policy is to get rid of jobs in regional Victoria.

We have established the framework to allow renewable energy to occur in Victoria. It was one of those landmark decisions that this government has made. It shows that we are prepared to make difficult decisions in order to look after jobs in regional Victoria and to look after the environment. Just as we are able to make those sorts of difficult decisions, we are also able to make decisions about the location of wind farms to ensure that all views are taken into consideration.

Mr Viney — Unlike Ian Campbell!

Hon. T. C. THEOPHANOUS — We do not make decisions on the basis of politics, as does the federal Minister for the Environment and Heritage, who was totally caught out and became an absolute laughing stock because of the way he made those decisions.

In relation to the Great Ocean Road, we have said in the past about development in that area that it is an area we want to protect and look after. We want to make sure it is not impacted upon, not just in relation to wind farms but in relation to a range of different developments that could potentially occur in the Great Ocean Road area. In accordance with that plan, we judge everything that comes before the Minister for Planning in the other place, and he would take cognisance of that plan for the Great Ocean Road. It does not stop people from making applications, but we will protect Victorian landscape. We will make sure that wind farms are placed in appropriate places as well.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — I take it that people along the coast there should be very concerned about the future of this wind farm and very concerned about its impact. I advise the minister that Mr Ross Powell, a landowner who is adjacent to the project, and other landowners close to the site have expressed their concern at the overbearing stance of the planned wind farm. The minister gave commitments in this chamber in September 2003, when he said:

> We will protect the Great Ocean Road and sensitive landscape values. They will be taken into consideration in the course of wind developments.

In that context I ask: what steps will the minister take to ensure that the commitments he made are honoured and that the Great Ocean Road tourist route is protected, because from what the minister has said it sounds like it is not?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I remind the honourable member that since I made that statement about protecting the Great Ocean Road there has not been a single development of a wind farm anywhere near the road. It has not occurred. The member has raised a theoretical case in relation to a proposal that has been put up by some — —

Honourable members interjecting.

The PRESIDENT — Order! I ask Mr David Davis and Mr Philip Davis to stop interjecting. Mr David Davis has asked a question. He should be quiet and allow the minister to respond, and assistance from the Leader of the Opposition is not needed.

Hon. T. C. THEOPHANOUS — It is a very simple thing to understand. Any proposal will be judged against our commitment to protect the Great Ocean Road. You do not have to be a genius to understand that. It is as simple as that. We will protect the Great Ocean Road, but we will also get a lot of renewable energy in this state.

Docklands: local governance

Ms ROMANES (Melbourne) — My question is directed to the Minister for Local Government, Ms Broad. I refer the minister to the Bracks government's platform to return democracy in local government to all residents of Victoria, and I ask the minister to update the house on the most recent example of the government delivering on that platform.

Ms BROAD (Minister for Local Government) — I thank the member for her question. We on this side of the house believe in our democratic system of governance. We believe everyone is entitled to a vote, including a vote for local government. In 1999 the Kennett government removed responsibility for a range of municipal functions from the Melbourne City Council and gave it to the Docklands Authority. An effect of that decision was that residents and businesses in the Docklands precinct were not represented by local councillors and could not vote in council elections. This was just one of the many hangovers of the Kennett government's scorched-earth approach to local government. I am very pleased to say that in April 2004 the Bracks government announced our decision to return the Docklands precinct to Melbourne City Council and to democratically elected local government, thereby fulfilling our election commitment.

The transfer will occur well in time for residents and ratepayers to participate at the next Victorian local government elections in 2008. Local residents and businesses will then have a say about their local council for the first time since the Kennett government removed them from the Melbourne City Council in 1999. This restoration of local democracy will occur not only because the government is delivering on an election commitment but also because of the capacity of this government to reach agreements with the Melbourne City Council in the best interests of all Victorians. Returning the Docklands precinct to local governance by the Melbourne City Council is in the best interests of local residents and businesses as well as the future development of Docklands, which is predicted within 15 years to reach a population of 20 000 people as well as being a workplace for 30 000 people and a destination for millions of visitors every year.

The agreement reached with the Docklands and Major Projects Committee of the Melbourne City Council to transfer $200 million of assets and delivery of municipal services is to be recommended to council. It is an excellent agreement for residents and businesses in Docklands, the Melbourne City Council and the Victorian government. This is an excellent agreement, because this year the City of Melbourne will gain from the Docklands a rate revenue stream worth about $8.3 million which 10 years from now will increase to around $37.3 million, as well as the $200 million of modern, quality assets such as local roads. This growing revenue stream from Docklands will enable the council to easily cover its accumulated municipal deficit of $8.4 million. Importantly for residents and businesses in the Melbourne City Council, this means that rates will not increase. Ratepayers in Docklands and the Melbourne City Council area will not be adversely affected by this decision.

This announcement by the Bracks government, the Melbourne City Council and VicUrban is another step towards creating a more vibrant Docklands community. We are getting on with the job and making the best decisions for the future for all Victorians.

Docklands: local governance

Hon. J. A. VOGELS (Western) — I direct my question to the Minister for Local Government, Ms Broad. In 1999 the Labor opposition, led by Steve Bracks, made a promise to bring the Docklands precinct under the control of its own democratically elected council. Seven years on, now apparently we are about to have a shotgun wedding — because there is no takeover, I think the minister just said, until 2008. Does the minister agree with the policy of saddling the ratepayers of Melbourne with $8.4 million worth of debt that has been incurred almost entirely by the management of her government and VicUrban?

The PRESIDENT — Order! What was the question?

Hon. J. A. VOGELS — I just asked the question: does the minister agree; is she happy about it?

Honourable members interjecting.

Hon. J. A. VOGELS — Is she going to answer it or not?

The PRESIDENT — Order! The member wants to know if the minister is going to answer. I am unclear on what the actual question was.

Hon. J. A. VOGELS — My statement was that seven years after a promise was made we are now about to have a shotgun wedding. My question is: does the minister agree that the $8.4 million debt being saddled on the Melbourne City Council is fair and equitable, and also is she hiding any other financials

which the Melbourne City Council does not know about at this time?

Honourable members interjecting.

The PRESIDENT — Order! I have a problem with even that, because Mr Vogels is seeking an opinion from the minister.

Hon. J. A. VOGELS — No, I am not.

The PRESIDENT — Order! Mr Vogels is seeking an opinion from the minister about whether she agrees that the debt was incurred by an organisation or department. The member cannot ask for an opinion, so I will give him another opportunity. This is three times, and he is out if he does not get it right this time.

Hon. J. A. VOGELS — Thank you. Has the minister actually revealed to the Melbourne City Council all the financials of the Docklands handover or is she hiding a situation which shows a much worse financial situation for Docklands?

Ms BROAD (Minister for Local Government) — As I indicated just a few moments ago when I was on my feet, I and the government believe that this is an excellent agreement in the best interests of all Victorians, including residents and businesses in Docklands and the Melbourne City Council — indeed, the whole state of Victoria.

I say that with great confidence because there has been an extremely thorough due diligence process between the government, VicUrban, my department, Treasury and the Melbourne City Council to scrutinise the arrangements for this transfer to ensure that it is extremely open and transparent and in the best interests of the whole state. It is an excellent agreement. The transfer will occur well in advance of the timing required to ensure that residents and businesses have a say at the next election for the Melbourne City Council, scheduled in 2008.

There is nothing hidden here and nothing that anyone has to hide here, because it is an excellent agreement. This will ensure that into the future the Melbourne City Council has a very strong revenue stream with which to finance municipal services in the Docklands area. In fact it will have a revenue stream which will far exceed the requirements of paying for municipal services in the Docklands area. As well as that, some $200 million of assets are being transferred to the Melbourne City Council. If you are looking for good deals, it is hard to imagine one which is stronger and has more credentials than this agreement, particularly from the point of view of the Melbourne City Council and its current ratepayers and voters, including businesses, as well as from that of future residents and businesses in the Docklands area.

I have absolutely no hesitation in assuring Mr Vogels and anyone else who wants to know that this is an excellent arrangement, which last night was voted on very strongly by the Docklands and Major Projects Committee of the Melbourne City Council. I gather there were only two dissenting votes — and I am not surprised, because it is such a good arrangement.

Hon. B. N. Atkinson — Name them!

Ms BROAD — I do not think that they really are the issue here; I think the majority is the issue. It was a very strong majority indeed, because it is such a good arrangement, which will ensure that Docklands does grow to be the vibrant community that we all want to see into the future.

Supplementary question

Hon. J. A. VOGELS (Western) — If anybody ever got a good deal, it was the Labor government when it was elected to power in 1999 and inherited a surplus of $1.7 billion. The question I ask is: why should Melbourne City Council ratepayers pick up the debt of $8.4 million incurred by this government? Why does the government not pay it and then hand it over? Why should they pick up the rate bill?

Mr Viney — On a point of order, President, at his third attempt to ask the original question, I saw Mr Vogels actually turn the page over and ask his supplementary question. I do not believe it is appropriate.

Honourable members interjecting.

Mr Viney — Under the standing orders, you cannot re-ask a question. He had already asked the supplementary, so I think he is out of order.

Hon. Philip Davis — If that is the case, he asked the wrong question.

The PRESIDENT — Order! That is a good ruling, but I will not go there. I do not uphold the point of order. The minister, to respond.

Ms BROAD (Minister for Local Government) — Very briefly, I am not sure which part of this Mr Vogels does not get, but particularly for his benefit, the finances of this agreement are extremely strong and the financials of this arrangement mean that the municipal services, which to date have been paid for by

VicUrban, will be paid for by the beneficiaries, being ratepayers in the Docklands area. Into the future the revenue that will be delivered by the return of local governance — local democracy — to Docklands will ensure that there will be no burden at all on Melbourne City Council ratepayers.

Sport: major events

Hon. R. G. MITCHELL (Central Highlands) — My question is to the Minister for Sport and Recreation. Following the recent announcement of the Australian Formula One Grand Prix date falling on the same weekend as the 2007 world swimming championships, I ask the minister to outline to the house the Bracks government's capacity to simultaneously showcase both world-class events here in Melbourne.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's question, and I know he is particularly interested in motor sports and sport more generally. I welcome his interest in these matters.

We have a tremendous reputation world wide for delivering major events, not only because we delivered the best-ever Commonwealth Games but because we continue to deliver magnificent sporting and cultural events whenever we have the opportunity. The Australian Formula One Grand Prix here in Melbourne on 18 March will provide another outstanding opportunity to showcase to the world our fantastic event capacity. We will showcase our capacity because not only will we be able to deliver the grand prix, it will coincide with the FINA World Championships. That will build a combined estimated injection of economic activity of the order of $250 million into the local economy. It will also deliver enormous excitement in Melbourne, particularly on the weekend when the overlap of these two events occurs.

Because the events are so close together we are very confident that we can deliver them in a magnificent way. We saw that with the recent Commonwealth Games and the grand prix being hosted back to back, and an enormous amount of logistical work took place in delivering them. We are well prepared for the overlap of these two events. We have the ability within the city and the state to provide venues, accommodation, expertise in event organisation, sporting infrastructure and in particular the sports-loving population to capitalise on this opportunity.

It is also worth appreciating that we are continuing to work with a number of groups to make sure that in the finetuning of these two events we get maximum capacity within the city to deliver benefits from their being held so close together. Tourism Victoria is working closely with both event organisers to establish strategies to ensure that we have an allocation of accommodation spread across the city and the state. We are also in a position, in conjunction with the FINA international organisation, to tweak the schedule of events being conducted at the Melbourne Sports and Aquatic Centre so that we do not have any direct clash of the events as they take place.

These two events will create enormous excitement that will almost rival the excitement of the Commonwealth Games.

Mr Gavin Jennings — Surely not!

Hon. J. M. MADDEN — I said 'almost'. We will also have a cultural program, and whilst it will not be as widespread or as large as the Commonwealth Games cultural program, it will complement the excitement, activity and sense of festive occasion that we will have here in this state and city with these two events.

It is a recognition of the confidence of the Federation Internationale de l'Automobile in Melbourne that it has again agreed to allow Melbourne to retain its pole position on the formula one grand prix calendar. Because we did not have that this year with the Commonwealth Games taking place, there was always going to be concern about whether we would be able to acquire that first-off grand prix to make sure we get the best possible return from that event in this state. This again highlights not only that we have tremendous capacity for events and sporting culture but also how the economic benefit of this activity continues to make Melbourne a world-class sporting city and destination — and a great place to live, work and raise a family.

Neighbourhood houses: Ironbark

Hon. D. K. DRUM (North Western) — My question is to the Minister for Local Government, Ms Broad. Is the minister aware that the dilapidated state of the Truscott Avenue neighbourhood house in Ironbark is forcing the maternal and child health service to discontinue its service from Truscott Avenue and move its clients to Eaglehawk?

Ms BROAD (Minister for Local Government) — I thank the member for his question. As I am sure he is aware, this government is very proud of the actions it has taken in providing substantial increases in resourcing to neighbourhood houses. That resourcing is

only beginning to flow to neighbourhood houses and community centres. It is going to continue for some years, not only in terms of new neighbourhood houses but also in improvements to facilities and accessibility, as well as an increased number of activities which Victorians will be able to access through neighbourhood houses.

In relation to these particular circumstances, which I do not have advice on, I am very happy to take that information and seek advice about what the particular circumstances are at that neighbourhood house and respond to the member.

Supplementary question

Hon. D. K. DRUM (North Western) — The services that are delivered out of the Truscott Avenue centre cater for a group from a low socioeconomic area. Many teenage mothers and vulnerable families are serviced through the centre — 75 per cent of the clients actually walk to the centre to receive help. Does the minister understand that there is going to be a 6-kilometre walk for many of these young mothers pushing a pram to access the services they are currently getting from Truscott Avenue?

Ms BROAD (Minister for Local Government) — As I have indicated to the member, I will take that information on board and seek advice about it and respond to him directly.

Consumer affairs: legal decisions

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Consumer Affairs. The Bracks government is committed to A Fairer Victoria by ensuring Victorian consumers get a fair go. Can the minister inform the house of any recent developments that show the Bracks government is working hard to protect Victorian consumers?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for her question. I know that she is concerned about ensuring that consumers in Victoria are appropriately protected. The Bracks government certainly has ensured that Victorian families benefit from the best consumer protection laws anywhere in Australia. That is because, unlike the opposition, we have a comprehensive vision for balanced and fair consumer protection in this state.

Laws are only part of consumer protection, they only go some way to assisting consumers. We know that we need to work with traders proactively to help them understand and comply with the laws and them meet their obligations. We work very hard with them to fix problems before they happen, before consumers are really disadvantaged in the first place. But we make no apology that when a trader is doing the wrong thing we are not afraid to take action on behalf of consumers.

I am delighted to be able to inform the house that last week the Supreme Court upheld a Magistrates Court decision against property developers who had duped a vulnerable single mum on a sole parent pension. Consumer Affairs Victoria (CAV) took this important action against Mr Livio Cellante and his companies, Perna Pty Ltd and Astvilla Pty Ltd, trading as Vic Properties, on behalf of Kellie Brown. Magistrate Coburn and Justice Bell of the Supreme Court both agreed that Cellante and his companies had engaged in unconscionable, misleading and deceptive conduct when they sold a Warracknabeal property to Ms Brown. The court also upheld the order that the Cellante group pay Ms Brown compensation of $31 584 and interest of another $5982.82 — a very important outcome for Ms Brown. This is not just terrific for her though, it also confirms that Victorian consumers have the right to deal with traders free of misleading and unconscionable conduct.

Last week was also successful in that the Victorian Civil and Administrative Tribunal (VCAT) handed down its decision in CAV's first test case on unfair contract terms. I know the former Minister for Consumer Affairs will be interested in this one. The case was against AAPT. The president of VCAT agreed with CAV that key terms in AAPT's original mobile phone and prepaid mobile phone contracts were unfair. This case highlights that companies cannot simply use one-sided contracts that go against consumer interests.

We are the only state — the only jurisdiction — that has unfair contract terms laws. The federal government agrees that unconscionable, misleading and deceptive conduct should be prohibited, but it does not agree that unfair contract terms should be prohibited. We here in Victoria cannot understand why it would think Ms Brown needs the protection of the law — we certainly believe she does — but that those who have undertaken contracts with terms that are unfair do not need such protection. The Bracks government has a comprehensive policy of supporting Victorian families to make Victoria a better place to live and raise a family.

Home and community care program: day centres

Hon. ANDREA COOTE (Monash) — My question is to the Minister for Aged Care, Mr Jennings.

It is well known that older Victorians stay well longer and are happier if they live in their own homes. Home and community care funding has been available to such people to attend local day centres. Does the minister support day care centre visits for senior Victorians, particularly those in regional Victoria?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the member for what is becoming a bit of a rare thing, a question. I thank her for her concern about the wellbeing of senior Victorians, particularly those who live in regional areas. Those who have heard me speak in the chamber before know that I am very concerned to ensure that we have the full and active participation of seniors to enhance their quality of life and that the home and community care program provides some support and encouragement for older people to come together. Participation in planned activity groups and the like — being engaged in developing a nutritional diet and being engaged in social activities — leads to the ongoing social inclusion of older members of our community.

Certainly that is a feature of the triennial funding arrangements for home and community care. It is certainly a feature of the funding arrangements that will be in place with the next round of triennial funding. Depending upon the circumstances in the specific instance that the member may want to address in a supplementary question, as a generic issue and as part of the commitment to the funding that is embedded within home and community care across Victoria — as part of those funding arrangements — as a rule we are supporting such activities and visits to day centres and other locations right across the state, and will do so into the future.

Supplementary question

Hon. ANDREA COOTE (Monash) — I have a specific supplementary question. Why is it that the minister has allowed the day centres in Ballarat — the Midlands Centre, the Elizabeth Brown Centre and the Ethel Lowe Centre — to refuse to accept frail senior Victorians to their facilities? Is the minister discriminating against Ballarat?

Mr GAVIN JENNINGS (Minister for Aged Care) — Obviously one of the members for Ballarat Province has some intimate knowledge of this subject.

Hon. Andrea Coote — I am not asking them, I am asking you.

Mr GAVIN JENNINGS — I see. I can understand why there is a need to have social inclusion programs in Ballarat — there is no doubt about that. In fact all senior members of the community in Ballarat should have an opportunity to have such facilities provided to them.

On the specific question that has arrived at my doorstep at this moment, can I indicate to the chamber that I have not been involved at that level of detail in any specific allocation. The determinations of programs — —

Hon. Philip Davis — You do not take an interest.

Mr GAVIN JENNINGS — I absolutely do. In fact I am acutely interested in the regional application of our programs. I do not think any member of this chamber from regional Victoria has any misapprehension about my degree of concern to make sure that the home and community care program is spread broadly throughout Victoria.

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

Mining: investment

Mr SMITH (Chelsea) — My question is directed to the Minister for Resources, the Honourable Theo Theophanous. Can the minister advise the house of any recent events that have again highlighted the spectacular growth of the Victorian mining industry under the Bracks government?

Hon. T. C. THEOPHANOUS (Minister for Resources) — It really is a golden time in Victoria so far as the mining industry is concerned.

Hon. Philip Davis — It is all down to Theo, the price of gold!

Hon. T. C. THEOPHANOUS — The opposition might want to make fun of this, but let me tell the house that people are being employed in regional Victoria in this industry — an industry which is expanding and which has expanded the whole of the time this government has been in office. Last week I had the pleasure of opening AGD Mining's gold and antimony mine at Costerfield, near Heathcote. The mine is expected to produce about 63 000 ounces of gold and a massive 10 000 tonnes of antimony, which will be extracted from the mine over the first three years alone.

I can inform the house that antimony, whichever way you want to pronounce it, is used as a fire retardant, to make batteries and for other industrial purposes. The mine will be the largest such mine in Australia. In fact the mine will be one of the largest antimony mines in the world. It will account for 3 per cent of the world's total production of antimony.

It is also a great development in the Nagambie area — another region where we are finding new mining opportunities in gold. I know the opposition does not care, but 40 people in regional Victoria will be employed at the mine, and about $10 million worth of investment will flow through it every single year.

I can report to the house that this is not the only development that has taken place. Australian Bureau of Statistics figures show that Victoria is now second only to Western Australia in its investment in gold exploration. If you think about it, you realise that here is little Victoria, and you have Western Australia, New South Wales, Queensland — all big states — and we are now second in Australia in gold exploration. In practical terms, Victoria's mineral boom has meant that over $4 billion of investment has flowed into the state.

I want to make a point about this. Let me make it clear, because it is the one statistic that I want members to understand and focus on. When we came to power there were about 4000 people employed in regional Victoria in this whole sector. Over 8000 people are now employed. There are 4000 to 4500 families in regional Victoria that have an income and are contributing to our state as a result of the policies of the Bracks Labor government.

Comcare: High Court challenge

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Minister for WorkCover and the TAC, Mr Lenders. I refer to the Victorian government's High Court challenge to the Australian government's decision to allow Optus and Toll to join Comcare, and I ask: what is the total budget for the court challenge, and how much of that cost is being funded by the Victorian WorkCover Authority?

Mr LENDERS (Minister for WorkCover and the TAC) — As Mr Forwood would understand — and he is being a little bit cute here — —

Mr Gavin Jennings — He is cute, but he is not gorgeous!

Mr LENDERS — Mr Forwood is being mischievous. He would understand that items like litigation in the High Court do not individually go through the appropriation process or the budget process prospectively. Agencies and departments deal with them on an at-need basis because, by definition, when you prepare a budget you do not factor them in. I could certainly take advice from the Victorian WorkCover Authority and from the Attorney-General, who are co-litigants in this instance, as to what their costs are, but as Mr Bishop has found in relation to the environment effects statement process at Nowingi, these things are often indeterminate.

What is of importance, and as Mr Forwood knows — and Hansard cannot quite pick up the stunned mullet expression on his face — a High Court challenge is not something you can actuarially predict to the moment because judges ask questions and a range of other things can happen. Importantly, I can assure Mr Forwood, the house and the Victorian community that the Bracks government is not going to sit by idly while the federal Minister for Employment and Workplace Relations, Kevin Andrews, goes on one of his frolics and decides, in an ideological rampage, that he does not want to observe a system of occupational health and safety which is seeing the number of injuries come down, premiums come down and workers benefits improve in a tripartite relationship between employers, employees and their unions and the regulator. What we have is a system which we as a state are defending so that Kevin Andrews does not try to cherry pick.

It is not only cherry-picking. When Mr Forwood is next hovering around Mr Andrews's area rather than the offices of other members, he should reflect clearly on what could happen if some transport companies leave the WorkCover system and go to the Comcare system. At every Coles Group store and every Woolworths store in this state, there is the potential for one occupational health and safety system for the truck that rolls up to the loading bay — Comcare, if you can call it a system — one occupational health and safety system for the retail outlet, and there will be a grey area in between. It will be a picnic for lawyers in determining which occupational health and safety scheme applies.

Kevin Andrews, who is a great advocate for harmonisation, for cutting red tape and for cutting business costs, is not only about to drown the retail and trucking industries in a lake of red ink and tangle it in a mass of red tape, he is also now going to jeopardise the occupational health and safety of workers in that area. Comcare has virtually no inspectorate. It is basically designed to deal with white-collar, public sector employers; it does not deal with blue-collar workers; and it is based in Canberra.

I say to Mr Forwood that we will defend Victoria's occupational health and safety system in the courts. We will defend it vigorously because it is our obligation as a sovereign state to defend our businesses and our workers and to fight off that marauding Kevin Andrews and his Liberal mates.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I ask the minister how much the Victorian WorkCover Authority paid for the Federal Court appeal, which the government lost, or did that also come from the Treasurer's advance?

Mr LENDERS (Minister for WorkCover and the TAC) — I am sure it is an unbelievable disappointment to Mr Forwood that I do not have these figures at my fingertips, but I can assure him that the Victorian government does not idly waste money on legal appeals. It will only defend matters that are critical for the state of Victoria.

We will fight in the High Court — we will fight more than Churchill fought — to defend the rights of Victorian workers in these areas, and we will use all avenues available. The critical thing is that this government is not frivolous about litigation. It will legitimately stand up for the rights of the state and its people. We want to make Victoria a fantastic place to live, to work and to raise a family. To do that we need to stand up to the commonwealth. We stand for something. We stand for a WorkCover system that delivers lower premiums and better benefits to injured workers in a financially viable way.

Mr Forwood and his leader, Mr Baillieu, stand for nothing other than self-interest. They take the easy options, they do not make any difficult decisions, and they will not stand up under any circumstances to the frolics of Kevin Andrews or John Howard's government.

International Day of the World's Indigenous People

Mr PULLEN (Higinbotham) — My question is to the Minister for Aboriginal Affairs, Mr Jennings. In light of today being International Day of the World's Indigenous People, can the minister inform the house of the ways in which the Bracks government is working with Victorian indigenous organisations to enable them to strengthen their communities?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank Mr Pullen for his question and his concern for the wellbeing of Aboriginal people in the state of Victoria on what is the International Day of the World's Indigenous People, as he quite correctly identified in his question.

Members of the chamber and the community will know that on many occasions the Bracks government has been working in partnership and in a concerted way to improve the capacity of Aboriginal community organisations, to improve the connection between Aboriginal communities and the state of Victoria, and to find new partnerships and new collaborative working arrangements that hopefully will underpin a better quality of life for Aboriginal people.

I remind the house of some of the ways we are embarking on those partnerships. An amount of $10.8 million has been allocated in the forward projections of this year's budget to provide for new representative arrangements for Aboriginal people which will see the coming together of locally based community capacity building programs and which will lead to the development of community-based plans and see the emergence and support of new leaders within Aboriginal communities. They will look for ways of integrating regional representative bodies of Aboriginal community organisations with government services at the regional level throughout the state of Victoria, and that is a program we will be rolling out over the next three years.

But beyond that there are a number of already existing collaborative processes which the Bracks government has been pleased to establish with Aboriginal community organisations, going back as far as the Aboriginal justice agreement which was a forerunner of an approach to early intervention and diversion of justice issues. Rather than waiting for the sorry circumstances of a high incidence of Aboriginal community involvement in the criminal justice system, we try to engage in a community strengthening approach through the justice agreement.

A number of other forums have built on that model, whether it be through the Aboriginal Human Services Forum, the collaborative arrangements of the Victorian Aboriginal Education Association, or trying to ensure that we engage at the departmental portfolio areas with Aboriginal peak bodies and stakeholders right throughout the community.

In the last couple of years there have been a number of breakthroughs in relation to partnering arrangements — for instance, our approach to dealing with chronic illnesses, which has been funded through the health budget in the last couple of years, has seen a new degree of collaboration between Aboriginal community-controlled organisations and their mainstream local community health centres. So there is now a sharing and a transmission of knowledge and skills, and a capacity to deal with the chronic health conditions that bedevil the life of Aboriginal people to this day. Hopefully we will see a turnaround in the health status of Aboriginal people in the years to come

through this collaborative approach to dealing with these chronic illnesses.

We have realised in the last couple of budgets that it is important to build upon the improvements and changes to the Children and Young Persons Act to ensure that Aboriginal community organisations, which are charged with statutory obligations under the act, are well funded, well resourced and well trained to deal with their statutory obligations. A significant investment has been made to achieve that outcome.

This year, as part of the community capacity building initiative — a $3 million program that I have been responsible for since 2004 — we have embarked upon a new range of certificate IV in business (governance) courses, and I am pleased to say that 26 organisations right across Victoria have undertaken those courses this year. There will be a graduation ceremony within the next week of 29 graduates who have gone through certificate IV training in governance, and hopefully that will add to the rigour and wherewithal of Aboriginal community organisations to meet the challenges that confront them.

At the graduation I will take the opportunity of announcing the next funding round which will see further delivery of workshops and processes by which people can undertake governance training into the future.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 2829, 2831, 2832, 2834, 2835, 2837, 2838, 5509, 5511, 5580–6, 5592–600, 5602–4, 5609–26, 6359–66, 7007–10, 7200, 7211, 7213, 7216–18, 7222–4, 7504, 7506, 7569–71, 7620, 7662, 7704, 7947–9, 7959, 7961, 7968, 8011, 8028, 8079, 8081, 8089, 8114.

CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 20 July; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. RICHARD DALLA-RIVA (East Yarra) — I am happy to rise on behalf of the opposition to speak on the Corrections and Other Justice Legislation (Amendment) Bill, and in so doing I indicate that we will be supporting the bill.

I always say — I have said this before and I will say it again — that bills which contain detailed explanatory memorandums should be acknowledged as such. Those who wish to read and review the detail attached to each of the clauses of this bill need only look at the explanatory memorandum, which provides not only a definition about what the particular clause is, but gives some explanation.

Time and again we have seen legislation, including the bill I previously spoke on, where the explanatory memorandum has been just a copy of the clauses, without definition. It is important that we understand and acknowledge on the record the extra effort put into bills and reports by the parliamentary officers concerned.

The bill makes amendments fundamentally to two acts — the Corrections Act 1986 and the Serious Sex Offenders Monitoring Act 2005. There are variations to the Firearms Act also, but that is only a small component of my contribution, which I will get to towards the end.

The primary purpose is outlined in part 1. It is to ensure that serious sex offenders who are subject to extended supervision orders (ESOs) or offenders on parole cannot change their names for improper or devious purposes. This is a move we have always supported in opposition. We have raised it time and again. It might be because we are getting close to an election that that seems to have now come to the fore, and the government has moved the amendments to now allow that. I will again speak to that point a little later on.

The second part of the bill extends the victims register information sharing provisions, and I will go into some detail about that later also. It also makes various amendments to the corrections legislation to overcome various deficiencies.

The bill also makes changes to the Serious Sex Offenders Monitoring Act so that it focuses on the ESOs, which seem to have been missed in the relevant acts that have been passed previously. As I said earlier, the bill also makes changes, minor though they may be, to the Firearms Act to ensure that forfeited firearms can be disposed of to approved museums and so forth on the advice or recommendation of the minister. That is a good move because we do not want to be destroying firearms which have some historical connection and which could be placed in museums.

Part 2 of the bill on page 3 amends the Corrections Act 1986 by establishing an extension of the definition of 'offender' to include, as it says under clause 5(1)(a):

> in paragraph (d)(i) of the definition of "victim", after "prisoner" insert "or of an offender who is or was subject to an extended supervision order, or an application for an extended supervision order" …

We have to understand that ESOs have come about as the result of instances of offenders having served their time in prison being known to the community and being considered to be a high risk to it. ESOs are designed to ensure that the Adult Parole Board of Victoria captures a former offender's movements and directs exactly where that former offender will be. The clear example is the Mr Baldy case. While society has not seen fit to continue imprisonment of some offenders — there are certainly those in the community who would argue that there should be a continuation of indefinite sentencing, and it has been applied previously to offenders where there has been no real chance of rehabilitation — ESOs bridge the gap between granting total release after parole and providing some allowance of community containment. They are a methodology for ensuring that offenders are supervised in such a way that the risk to the community is minimised. The offenders concerned have a high level of recidivism. The government and the opposition support ESOs. Obviously we would like to see a further extension of the program so that ESOs would not be available to certain types of offenders, and there may be opportunities down the track for a stronger and harsher approach to these types of offenders which would go beyond the way ESOs operate now.

The amendments to the Corrections Act in the bill provide for the extension of the information that can be provided about those who are on ESOs. I will not go into much explanation because the references are quite detailed. They talk about the victims register and the like and go on for a couple of pages. Needless to say we support those clauses.

An anomaly concerning police action is picked up in clause 6 headed 'Warrants issued by Adult Parole Board'. Clause 6(1) states:

> In sections 60M(10) and 60R(2)(b) of the Corrections Act 1986, after "member of the police force" insert "to break, enter and search any place where the offender is reasonably believed to be and".

Subclause (2) also refers to the break, enter and search provisions. Whether or not a warrant is issued the provision allows for police to undertake the necessary action. This amendment clarifies some of those areas which may have been a bit vague.

Clause 7 inserts new divisions 6 and 7 in part 8. It states:

> After Division 5 of Part 8 of the Corrections Act 1986 insert—
>
> 'Division 6— Change of Name Applications by prisoners released on parole …

Various definitions are explained in the proposed sections. The member for Scoresby in the other place moved an amendment concerning proposed section 79H, which deals with the sharing of information between the secretary and the Victorian registrar. We took the view that those persons who were on parole should be in a position to change their name save and except for the fact that that would allow them to escape the attention of the police. The current section 79H requires that if Johnny Smith comes out of prison and decides he wants to use another identity and be Betty Smith — that has happened in the prison system — the secretary may notify the Victorian registrar. The bill has obviously been amended and the proposed section 79H now states:

> … the Secretary must notify the Victorian Registrar of the name (including any other name by which he or she is or has previously been known), date of birth and residential address or addresses of any prisoner on parole …

That is fundamental to the view that we have always held that in respect of prisoners and those released on parole — we see that clause 20 applies this to those on ESOs — the secretary should be required to notify the Victorian registrar of any application for a change of name. That will assist Victoria Police, because we know the records of some offenders can extend over a long period of time. If we lose connection with these people through a change of their name, often it can only be got back through fingerprints or deoxyribonucleic acid testing and a few other methods.

The reality is that people who are on parole are clearly and obviously being given a chance by the adult parole board to prove themselves. This is not to say there is a total restriction on the changing of names, as is indicated in the explanatory memorandum. For example, if a person were to get married or for some unknown reason decide they wished to change their name for legitimate purposes, there are legitimate opportunities for such a person to change their name. However, it would require the approval of the board, and a series of appropriate processes would need to be adhered to. Those are outlined in new division 6 in sections 79A, 79B, 79C, 79D, 79E, 79F, 79G, and 79H.

We appreciate the fact that there is now this 'must' provision in the legislation. Division 7 refers to

warrants and their execution. When offenders have breached their parole conditions often they are arrested. From my experience they have breached their parole because they have committed another crime, and only after arresting the offender would one find out that the offender is on parole.

I understand concern was raised in the other place about the delay in getting warrants enacted by the adult parole board. The fact is that 9 times out of 10 those who breach their parole have committed other crimes and therefore applicable arrest powers are provided to the police under the relevant sections of the Crimes Act.

Part 3 at page 15 of the bill refers to amendment of the Serious Sex Offenders Monitoring Act. As it is called the Serious Sex Offenders Monitoring Act, we have always held the view that it should include persons who are convicted of sex offences against adults as well as against children. With heinous crimes there should be no differentiation regarding the monitoring of the offender — for example offenders such as the notorious Mr Baldy or the Silver Gun Rapist should have no special privilege. This is a missed opportunity. It could have included a range of offences that would apply to an extended supervision order that would include serious sex offences against adults as well as serious offences against children.

That having been said, part 3 is supported by the opposition. Clauses 10 and 11 relate to physical examinations of persons on ESOs. Obviously an issue must have arisen. As the explanatory memorandum sets out, it is about the physical examination of a person's body that involves touching a person and removing a person's clothing. That is referred to in clause 10. New section 7A, which is to be inserted by clause 11, under the heading 'Secretary may direct offender to attend for examination', states in part:

> (1) … to attend a specified medical expert at a place and on a date and time specified in the direction for a personal examination.

It goes on to provide for a serious level of penalty for an offender who fails to comply without reasonable excuse with that direction. The penalty is a level 7 term of imprisonment, which is now up to a maximum of two years. Serious sex offenders are mischievous and devious in the way they deal with things. The legislation needs to be detailed in the way it is applied, because some sex offenders have a long history of understanding the law.

I like the provision regarding the hearing of the application and victim submissions, clause 13. We support new section 16A(3), which states:

> A victim submission —
>
> (a) must be in writing; and
>
> (b) must address matters relating to the person's views about any directions or instructions to which the offender should be subject; and
>
> (c) must include any other prescribed matters.

We have always held the view that there should be the opportunity for victims to make personal submissions if they wish — it should not be directed — because some may find it hard to relate to the adult parole board. I understand the old adult parole board does not necessarily meet in a centralised location. I have attended a board hearing, which can be confronting for the victim, who will see the offender. There should be legislative opportunity for a victim, should they wish, to not only make a written submission but also to present at an oral hearing.

Clauses 15 and 16 are standard provisions in terms of changes. Clause 19 refers to a breach of an extended supervision order. Clause 20 inserts a new part 4A relating to those on parole, and it will now apply to serious sex offenders under ESOs. It reduces the opportunities for those on ESOs, because an ESO can run for up to 15 years. My understanding is that an ESO is subject to certain conditions. There may be some difficulties with the reporting requirements of the offender who is on the ESO, so the bill will provide an opportunity for the offender to change their name from, for example, John Smith to Betty Smith. Proposed sections 41A to 41I will allow for that.

I am also pleased about new section 41I, which relates to information sharing between the secretary and the Victorian registrar. It states:

> (a) the Secretary must notify the Victorian Registrar of the name (including any other name by which he or she is or has previously been known), date of birth and residential address or addresses of any offender.

This applies to those who are on extended supervision orders. We support that in its entirety and look forward to its immediate implementation.

Finally, part 4 refers to an amendment to the Firearms Act. As I said in my initial introduction, this is a sensible application regarding the disposal of forfeited firearms which states:

> For section 152(b)(ii) of the Firearms Act 1996 substitute —
>
> "(ii) by giving the firearm to any person or body approved by the Minister to possess the firearm for a purpose approved by the Minister.".

This applies where a firearm has either been seized or handed in, and it allows the minister to say that it is a firearm of notoriety, rarity or whatever, and it can be placed in a museum with the minister's consent. That is an appropriate provision, and the opposition supports it. All in all it is sound legislation. There could be minor alterations, but on the whole the opposition supports the bill.

Hon. P. R. HALL (Gippsland) — I am pleased to present the view of The Nationals on the Corrections and Other Justice Legislation (Amendment) Bill. As has been said by the minister in the second-reading speech and by the lead speaker for the opposition, principally the bill amends three acts of the Parliament, the Corrections Act of 1986, the Serious Sex Offenders Monitoring Act of 2005 and the Firearms Act of 1996. It also repeals a provision of the Firearms (Further Amendment) Act of 2005 that is no longer necessary.

Many of the amendments to each of those three acts are technical in their nature. I think the Honourable Richard Dalla-Riva has undertaken a fair task of analysing each of those amendments and given an appropriate explanation for them, and I commend him for that. I will not go through each of those technical amendments again. However, I am choosing to comment on some of the main provisions of each of the three acts which this bill is amending.

I have to say from the outset that we in The Nationals do not oppose any of these amendments. We think they are fairly commonsense provisions throughout and will enhance the role played by a number of bodies, including the adult parole board in particular and sworn police officers in their ability to implement some of the changes mentioned in this bill.

I turn to the amendments to the Corrections Act first of all. They are essentially contained in new division 6, which will be inserted into the act. Clauses 6 and 7 of the bill contain some of the main amendments to the Corrections Act. The first one I want to refer to is the power to prevent improper name changes. In this amending bill the provisions which prevent an improper name change are reflected in both the Corrections Act 1986 and the Serious Sex Offenders Monitoring Act 2005. Clause 7 inserts proposed section 79B into the Corrections Act. That spells out the provisions, particularly 79B(2) which says:

> A prisoner on parole must not make a change of name application to a Registrar without having first obtained the written approval of the Board …

The 'board' is the adult parole board. It goes on to explain the circumstances in which the board would need to consider any application for a name change. Clause 20 of this amending bill inserts proposed section 41C in the Serious Sex Offenders Monitoring Act. Subsection (2) says:

> An offender must not make a change of name application to a Registrar without having first obtained the written approval of the Adult Parole Board.

The preceding section 41B defines an offender to mean:

> … an offender who is subject to an extended supervision order that is not suspended …

As I said, the bill inserts into two acts provisions which are essentially the same and which will require the consent of the adult parole board before a person who is on either parole or on an extended supervision order can seek to have a name change. I think the community would support the fact that this issue of changing names is important and that a name change should not be granted easily to those who are still serving a prison sentence, whether that be on parole or as part of an extended supervision order under the Serious Sex Offenders Monitoring Act. It is a serious issue and any application for a name change should be treated seriously and given only in the rarest of circumstances. The criteria given to the adult parole board to consider such applications mean that it can approve such applications only if there is compelling evidence and very good reason to do so. The Nationals believe those particular changes to both of those acts are appropriate.

The other main area of change to the Corrections Act deals with the issue of warrants. Under the current Corrections Act a warrant does not allow police to enter and search a premises in order to find or arrest an offender when that person is actually on parole or undertaking home detention. That certainly is an anomaly in this act and one that this amending bill will now address. Our good serving police officers should have the power to enter premises and search for somebody who is on parole if they have a warrant to do so. That will be possible after this bill is passed by Parliament.

The adult parole board is also given the power to recall and rescind warrants and to issue duplicate warrants where it is necessary to do so. At the briefing I attended I was given to understand this provision is required because sometimes a warrant needs to be issued expeditiously; therefore a warrant order can actually be faxed on to a nearby police station, and that faxed copy of the warrant can be used legally to execute the provisions in that warrant. We think this is a very worthwhile purpose as well.

The amendments to the Corrections Act also include the extension of provisions to cover any federal prisoners transferred to Victoria. From information we obtained at the briefing we understand that is not currently the case. Currently you can only transfer prisoners from state to state for the purposes of undergoing a trial and not when those prisoners might be on parole, on an extended supervision order or indeed serving a prison sentence. The ability to transfer prisoners at any stage of their incarceration is one that I think should be given to the state jurisdictions for their consideration. This amendment to the Corrections Act enables that to occur.

As I said, there are also some amendments to the Serious Sex Offenders Monitoring Act. The main one I have already mentioned is the change of name for someone who is under an extended supervision order. I have already talked about that. But there are also issues relating to victims registers. To best summarise the situation, I will quote the minister's words in the second-reading speech. Page 5 of the original copy of the second-reading speech says:

> Currently, the Corrections Act 1986 provides for a victims register that enables specified victims and family members to be given information about a prisoner who has been convicted of a violent crime against them. Eligible victims can elect to be included on the register and receive information about the administration of the prisoner's sentence.

We in The Nationals have always supported the rights of victims to have that particular information. What the provisions in this act do is give greater ability to provide information to those who are registered on the victims register. Again using the words of the minister in the second-reading speech, under the provisions within this act:

> … the Secretary of the Department of Justice will now be able to advise that victim whether an application for an extended supervision order has been made and the outcome of that application …
>
> The bill will also give the registered victim a right to make submissions to the adult parole board about the supervision requirements of the offender under the extended supervision order.

We believe they are just rights that are appropriate to be given to those people who are registered on the victims register.

The final component of this legislation that I want to make a quick comment on is the first of two amendments to the Firearms Act 1996. It is a relatively small amendment but it is an important one. Essentially it will enable firearms that have been surrendered or been compulsorily acquired by the Victoria Police to be given to the police for forensic and like purposes and to museums and similar bodies for historical purposes. I understood that was the case already. I was of the opinion that any firearms or handguns that had been acquired under either an amnesty scheme or a scheme where legislation had prohibited the retention of such firearms could already be retained by the police if necessary for forensic purposes. I also believed they were able to be donated to museums and other bodies for historical purposes. I am not sure whether or not that has happened in the last few years — I believe it has — but I understand from the briefing we were given that this particular measure in the amending bill before us clarifies any legal doubts about the ability of the police to retain such firearms or to give them to historical organisations for display purposes.

I have to say in relation to this matter that when firearms and handgun legislation was changed by commonwealth and state jurisdictions in recent years, many people came to me expressing some concern about the destination of the firearms they were required by law to hand in. I think some doubt still exists about whether some firearms — whether they be longarm firearms or handguns — were appropriately destroyed. Many rumours were circulating in the community that somehow a number of those firearms got back into use.

I do not think that matter has ever been clarified. I raised that issue again at the briefing and was given a written response that states that all firearms have been disposed of, as required by the legislation. There is some lingering doubt about that matter, and the government would be well served by clarifying that, either during the course of this debate or at some time in the future. That having been said, this is a series of amendments to three acts of Parliament that we believe are appropriate, and for the reasons I have outlined in my contribution The Nationals are happy to support these amendments being passed this afternoon.

Ms MIKAKOS (Jika Jika) — It is my pleasure to speak on the Corrections and Other Justice Legislation (Amendment) Bill. At the outset I want to indicate the government's appreciation for the support of the opposition and The Nationals for this legislation. It is very important legislation, because it builds upon a number of reforms that the government has already put in place in recent years, in particular the reforms to address the issue of serious sex offenders in the community. The house will be aware that there has been previous legislation to ensure that serious sex offenders are monitored upon their release back into the community and that the victims of those terrible crimes are kept informed about their release, as well as a number of other matters which support victims

throughout the justice system. I will come to those changes shortly.

What this bill does is amend the Serious Sex Offenders Monitoring Act 2005 and the Corrections Act 1986 to prevent improper name changes of offenders on extended supervision orders. The bill will ensure that offenders must receive the adult parole board's approval before changing their names through the registry of births, deaths and marriages. The bill provides that the adult parole board may refuse a request if the name change is offensive to a victim or is likely to compromise the offender's supervision arrangements. The bill provides that the registrar of births, deaths and marriages is precluded from registering a name change without the parole board's prior approval.

I mentioned at the outset that the government has made a number of changes in recent years to protect the victims of serious sex offenders. In particular it introduced the Serious Sex Offenders Monitoring Act 2005. What that act has done is put in place extended supervision orders, which provide the community with an important tool to deal with potentially dangerous child sex offenders who have been released back into the community following a term of imprisonment. Child sex offenders have been treated as a special category of offenders because they are seen to pose a significant risk to the community given their higher recidivism rates and also in recognition of the fact that children are a particularly vulnerable group in our community. It is essential that the public has confidence that these offenders are being adequately supervised.

Offenders under extended supervision orders remain under the strict supervision of the adult parole board. They are subject to orders which can include things such as curfews — for example, they can have particular aspects of their behaviour strictly supervised, they can be prohibited from contacting children or living close to schools and those types of institutions and they can be required to undergo treatment. This is part of the Bracks government's commitment to ensure that our community remains safe.

What the bill is seeking to do is provide additional rights for victims, in particular to ensure that registered victims of crime are provided with information about prisoners who have committed crimes against them. In particular the bill will allow for a victim to be given information about an offender's release under an extended supervision order and any subsequent changes affecting that order's operation, and it will also enable a victim to make a submission about the offender's supervision conditions to the adult parole board.

I note that Mr Dalla-Riva in his contribution to the debate talked about the desire of some victims to make submissions in person, and it is important to point out that the general powers of the adult parole board do not currently preclude it from granting a person permission to attend a board hearing in person and make submissions; it is at the discretion of the adult parole board. However, it needs to be acknowledged that it would be a very confronting experience for a victim of a violent or sexual offence to have to sit in on a hearing with the perpetrator of the offence against them. In the vast majority of cases it may well be more appropriate for a victim's submission to be made to the adult parole board in writing. However, as I said, the adult parole board does have a discretion to allow a victim to appear in person.

The bill also makes amendments to the Corrections Act to provide the adult parole board with the power to issue warrants to enable police to search and execute an arrest. The bill also clarifies the role of the adult parole board in relation to those offenders whose parole or home detention has been cancelled and gives the adult parole board express powers to cancel and reissue a warrant and to issue a duplicate warrant when the original warrant has been lost or destroyed.

The bill also makes some minor technical amendments to the Corrections Act that seek to clarify the situation in relation to the transfer of federal prisoners across state jurisdictions. What the bill seeks to do is address a technical problem in relation to the capacity to detain federal prisoners transferred to Victoria from other states under the national legislative scheme, which allows for prisoners serving a state or federal sentence to be transferred either to attend a trial or for welfare purposes. It has been found that there is currently some ambiguity as to whether a prisoner can be detained in the legal custody of the Secretary of the Department of Justice when the person is being transferred for welfare purposes, and the bill will close any legal loophole that may currently exist.

The final technical amendments I want to touch on relate to the Firearms Act 1996. What the bill seeks to do is overcome a limitation in the current arrangements for the disposal of forfeited firearms. Currently firearms can be disposed of by Victoria Police by providing them to museums and other like bodies. However, there has been some uncertainty as to whether an organisation or a person has been able to possess forfeited firearms, and the bill will address this limitation to ensure that forfeited firearms can continue to be given to Victoria Police and museums and like bodies for legitimate purposes approved by the minister.

By way of conclusion I want to say that this bill is further evidence — —

Hon. Andrea Coote — President, I draw your attention to the state of the house.

An honourable member interjected.

Hon. Andrea Coote — And to one sleeping minister!

Quorum formed.

Ms MIKAKOS — As I was saying in my concluding remarks, this bill is further evidence of the Bracks government's commitment to support victims and give them further rights. The bill will give victims additional rights to obtain information from the Adult Parole Board of Victoria and also to make submissions to the adult parole board. This is building upon this government's reintroduction of pain and suffering compensation for victims of crime, the establishment of the Victims Support Agency and also the current victims register, which enables victims to be kept informed of issues involving the administration of an offender's sentence.

I am very much looking forward to further legislation coming before this house which will see the establishment of a victims charter in this state and will also further strengthen and promote the rights of victims of crime and ensure that they are treated with dignity and respect. With those few words I thank the other parties for supporting this legislation, and I commend the bill to the house.

Ms HADDEN (Ballarat) — I rise to speak in support of the Corrections and Other Justice Legislation (Amendment) Bill. It is a bill to make miscellaneous amendments to the Corrections Act 1986 and the Serious Sex Offenders Monitoring Act 2005 as well as to the Firearms Act 1996 and the Firearms (Further Amendment) Act 2005 in relation to the disposal of forfeited firearms. The last group of amendments are proposed to overcome limitations in the persons and bodies which may be given forfeited firearms as well as to make amendments of a statute law revision nature.

It is a pity that the government did not make the necessary amendments to the Serious Sex Offenders Monitoring Act when that bill was introduced last year, when it knew full well that it should prevent an offender from changing his name to a name that is offensive — as Mr Baldy wanted to do. I will concentrate on this because none of us in this state have the right to change our name to something that is offensive, whether we are a convicted child sex offender or not, but it seems that Mr Baldy stretches his imagination to great length and stretches his rights — his human rights now under the charter of human rights — to get what he wants as a convicted child sex offender.

Already under the Births, Deaths and Marriages Registration Act 1996 an adult person who wants to change their name on the birth register has to make an application and the registrar of births, deaths and marriages under section 28 of that act has the power to require that the applicant provide evidence to establish to the registrar's satisfaction the identity and age of the person whose name is to be changed. Section 28(1)(b) stipulates that the change of name is not to be sought for a fraudulent or other improper purpose. That provision in the Births, Deaths and Marriages Registration Act 1996 prevents convicted child sex offenders from seeking to change their names for a fraudulent or other improper purpose. We have got that protection there already, and the government really should have thought about this a lot more deeply when it introduced the Serious Sex Offenders Monitoring Act. It should have made the necessary strengthening provisions then, rather than now, after a lot of heartache and anguish caused to the many victims and potential victims of Mr Baldy.

Mr Baldy lives in my electorate. He is somewhere in the vicinity between Ballarat and Ararat. He is no longer within the grounds of the prison, because Mr Fletcher is in that house and Mr Baldy has been moved. But Mr Baldy already has a number of aliases. Brian Keith Jones is one of them; Brendan John Megson is another; and of course he made it known that he wanted to change his name to Mr Shaun Paddick, which was a heinous proposal because it reflects the way in which he treated his young male victims. As I said, that request to change his name was made last year.

Another instance of convicted child sex offenders being prevented from changing their names to inappropriate or improper names also concerns Mr Baldy. Under an order of the County Court of Victoria made by His Honour Chief Judge Rozenes on 10 August 2005 the court ordered Mr Baldy, who was then named Brian Keith Jones, to an extended supervision order (ESO) for a period of 15 years to commence on 10 August 2005. One of the conditions of that order was that Brian Keith Jones must notify the secretary of any change of name or employment at least two clear working days before the change. So Mr Baldy is under no illusions as to what he is required to do at law, but he still stretches the boundaries.

That extended supervision order also placed increased onerous requirements on the adult parole board. I must say at the outset that the adult parole board has always had my unequivocal support and will continue to do so, but my concern is that the extended supervision orders that are being made — about six have been made since the act was passed last year — have increased the work of the adult parole board, which has the job of monitoring the extended supervision orders imposed on convicted child sex offenders.

I did not see any increase in the May state budget to accommodate the extensive increased work placed upon the adult parole board as a result of the Serious Sex Offenders Monitoring Act coming into effect. Clearly I am asking the government to make sure that the adult parole board has an increase in funding. Convicted child sex offenders under the ESOs require a lot of monitoring because, as members are aware, Mr Baldy stretches the boundaries of the law at every step.

Of course we know that Mr Baldy demands privacy at every point and at the cost of the taxpayer as well. In July a matter involving Mr Baldy was before the Victorian Civil and Administrative Tribunal, which reserved its decision. Mr Baldy wanted VCAT to preserve his privacy and keep his details secret from his intended victims. I really think that the issue of human rights has gone totally the other way. Human rights should be used solely for the victims and potential victims and should never be used to protect the likes of Mr Baldy and Mr Fletcher, who are convicted child sex offenders, not just once but a number of times.

Mr Baldy, as he is known, is a pretty clever character of course. One only has to read the judgment of His Honour Chief Judge Rozenes of 10 August 2005 to understand a little of what the community is at risk of. The judgment, which established the extended supervision order of 15 years on Mr Baldy, states that Ms Owen, the forensic person managing the sex offender program at Ararat prison:

> … noted that the Static-99 risk assessment instrument predicted that the respondent [Mr Baldy] fell into a high-risk category which predicts, based on actuarial figures alone, that the respondent has a 39 per cent likelihood of being reconvicted of a new sexual offence within five years of being released and a 54 per cent chance within 15 years.

He was classified as high risk. The judgment also states:

> Professor Ogloff observed that the respondent [Mr Baldy] did not meet the criteria for a major mental disorder, nor did he meet the criteria for a personality disorder, but he did meet the criteria for a diagnosis of paedophilia. He has a particular attraction … now 'very well entrenched' for young boys, and has reported being sexually attracted to children for all of his life since puberty.

Further on the judgment states:

> Professor Ogloff came to the opinion that the respondent's [Mr Baldy's] level of risk for reoffending in a violent sexual manner appeared to be in the moderate-to-high range, and that he would fall into the high-risk category of risk for reoffending sexually in the future.

The judgment states further:

> But having said that, he [the Professor] observed that 'It must be remembered, though, that he [Mr Baldy] has an entrenched sexual deviance that has been resistant to change in the past'. In fact it is clear that the last series of offences for which Mr Jones [Mr Baldy] received a substantial term of imprisonment were committed whilst he was undertaking treatment in the community and reporting that that treatment was effective for him.

So we have a very, very dangerous convicted child sex offender in my electorate. Reading this judgment just made my skin crawl because of what is out there in the community. We can try to stop him from changing his name — the registrar of births, deaths and marriages already has that power. There is an extended supervision order of 15 years under which this man is supposed to be monitored. But the adult parole board, based in Footscray, needs a massive amount of resources injected into it to manage the six convicted child sex offenders who are currently on ESOs. So the Department of Justice has quite a job on its hands. The amendments regarding an application for a name change are a little bit too late.

Another aspect of the bill gives the police the power to break, enter and search a place to execute warrants. Arrest warrants can be issued by or on an application by the adult parole board under the act. That is where an offender has his or her home detention order revoked or his or her parole order has been cancelled. That is appropriate.

New section 79B prohibits a prisoner on parole or another person on behalf of such a prisoner from making an application for a change of name without the written approval of the adult parole board. Already the power is there for the registrar to prevent the registration of a change of name to a name that is improper or fraudulent. As I said, that provision is already in the conditions of the extended supervision orders that are granted by the Supreme Court and the County Court and has been since the Serious Sex Offenders Monitoring Act was passed last year. Now of course the adult parole board has an extra burden on it without an appropriate increase in funding.

Another aspect of the bill entrenches in legislation the ability of victims who are on a victims register to make submissions to the adult parole board about the supervision instructions or directions it may give to an offender who is subject to an extended supervision order. That is appropriate. We really need to look at and revisit seriously how the adult parole board is financed and resourced and also how it sits. Having been a visitor to the adult parole board over the past seven years, I am aware that it runs on a shoestring. If we are going to give victims the right to make submissions and be heard, then we also have to have that right available respectfully in an appropriate venue. I have not seen that to date. It is absolutely crucial that at all times a victim's very personal details are kept from the convicted offender. Certainly a victim's submission to the adult parole board needs to be monitored very carefully by the board so that the convicted offender does not get information that he or she can use against the victim or their family. This has happened and it will continue to happen because the convicted offenders, by virtue of their offending, are very manipulative and dangerous characters, as I have just described one of them.

In summary, I support the bill. It is a little too late in relation to preventing Mr Baldy from changing his name because those powers are already there with the registrar of births, deaths and marriages. Mr Baldy has been throwing it around my electorate and to all and sundry that he has changed his name anyway — and he calls himself Mr Shaun Paddick whether we like it or not. I certainly think that there needs to be a lot more stringent supervision of Mr Baldy in particular and Mr Fletcher and the other four who are subject to the extended supervision orders, to truly protect their victims and potential future victims. I hope that there will not be future victims, but having read reports to the courts and judges' orders on child sex offenders, I know that they are very, very serious people and we will need to be very alert, alarmed and vigilant.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I thank all honourable members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL

Second reading

Debate resumed from 8 August; motion of Mr GAVIN JENNINGS (Minister for Aged Care) .

Hon. ANDREA COOTE (Monash) — I rise to speak on the Health Services (Supported Residential Services) Bill and in doing so say that the Liberal Party will be supporting this bill. The purpose of the bill is to amend the Health Services Act 1988. Basically it establishes a framework for registering and monitoring supported residential services, or as I will refer to them throughout this debate, SRSs. It protects the 6800 residents in the 200 privately owned and operated SRSs across Victoria. It streamlines the registration of proprietors of SRSs and ensures that residents are cared for if for some reason an administrator has to be appointed. I will go into the details of that further into my contribution to the debate.

First of all, I have to identify what SRSs are. They form a niche in the residential care market. They are a flexible area of the residential and supported accommodation sector; they give people flexibility and choice. Many of them are operated by families and in some cases — not in many but in some — the proprietors own and manage several SRSs. There are two types of SRSs. One is a pension-only SRS, at which residents pay 85 per cent of their pension over to the management of the SRS for their upkeep — —

Hon. B. N. Atkinson — Acting President, I draw your attention to the state of the house.

Quorum formed.

Hon. ANDREA COOTE — As I saying, there are two types of SRSs, or supported residential services. The first is the pension-only SRS, at which residents pay 85 per cent of their pension over to the SRS. A large proportion of these residents are single men, many of whom have complex needs and multifaceted problems. The second is more upmarket accommodation, at which residents pay well above the pension rate for quite luxurious residences and additional services.

It is important that this bill is before us today. We need to have certainty for people who are living in this type of accommodation, which has not actually had any legislation attached to it before. In fact I was told at the bill briefing that basically there are no acts in any jurisdiction in Australia that cover this type of accommodation. It is very important for us to legislate in this area.

The main provisions of the bill place further controls on the access to the money and other assets of residents. The bill clarifies and makes crystal clear what is acceptable and what is not acceptable in dealing with money. Recently we saw a similar clause included in the Retirement Villages Act. It is important to recognise that we are often dealing with vulnerable people who are not in an emotional state to deal with their finances adequately. It is vitally important that those people do not suffer any form of financial elder abuse and that their affairs are managed as well and transparently as possible.

In addition this bill adds new criteria which the secretary must use when granting and renewing registration of an SRS to a proprietor. Once again this gives very important clarity. As I said before, many SRSs are run by family members. Many of those people want to do the best thing out of the goodness of their hearts but may inadvertently do something that is not to the benefit of the people under their care. This bill makes their responsibilities very clear. Everybody in the aged care or disability sector is going to be very pleased to see the inclusion of such a regulation.

The bill also clarifies what are prohibited and reportable transactions between various people in an SRS. That is important. It is in the definition, and I think it is important to acknowledge just what these prohibited transactions and reportable transactions are designated as. I have missed its exact position, but in any event it is well documented in the bill, and I agree that it should be there.

There are also extensive grounds enabling a minister to appoint an administrator. An administrator is really a last resort. It is important that the residents within a supported residential service are well catered for, particularly if there are some financial problems. It is very important that the residents have stability in their environment. If management needs to go into receivership, it is in everyone's best interests to make certain that the administrator can get the business up and running properly so that the residents can have continuity of living conditions. It is important for the proprietor, in conjunction with the administrator, to get the business up and running again in order to on-sell it. It is very important to see that aspect in this bill.

If an SRS needs to be closed down because it has not worked with an administrator or there has been no purchaser, the bill identifies that all the residents and their guardians are to be given 28 days notification of the closure to make certain that they are aware of what will happen.

Another inclusion that I am pleased to see in the bill is that it makes absolutely crystal clear that a residential care plan is to be established and carried out. As I have said before, proprietors who perhaps have the best interests of their residents at heart may not always do things by the book. This will ensure that they know exactly what they should be doing and that the residents take priority, and that their primary care and conditions are recorded right at the outset. That is very important.

The bill also recognises that it is important to have an interim care plan. Quite honestly when a new resident arrives it is important to get the system operating as quickly as possible to make certain that they are assimilated, that things are dealt with, that their particular needs are catered for and that their transition into a supported accommodation centre is smooth.

That is basically the outline of the bill. But we have to look at what constitutes an SRS. There is a changing nature of the types of clients who are in the pension-only SRSs. We are starting to see not just men who are elderly and feeble, but a number of younger people with some very complex care needs.

I have spoken in this chamber before about an SRS which was in my own electorate. It was called the Hollywood Hotel. It housed 65 mainly elderly — but not all — men, many of whom had very complex care needs. Many of them had drug-related issues, many of them had behavioural management issues, some of them had drug dependencies in addition to that, and several of them had mental health issues. They wanted to stay within St Kilda because that was where their infrastructure was. They knew the area, they had grown up with people within the area and they wanted to stay there and get the support provided by organisations like the Salvation Army, the Brotherhood of St Laurence and the Sacred Heart Mission. That was understandable. But the Hollywood Hotel was sold and the residents had to be relocated. I put on the record, as I have done before, my admiration for the department which helped to move those people and for the local council which was particularly concerned about their welfare. This bill will put in place provisions which will make certain that if there is to be a move for residents

of an SRS, at least 28 days notice is given so those clients can be properly relocated.

I would like to read from a letter I have received. It talks poignantly about disability issues within SRSs. It is critical of the Bracks government and says it could have done more. The letter was written by a man about his sister. His sister's name is Liana Indovino. He talks about the fact that her family is very concerned about her because her parents are getting elderly and there does not seem to be any appropriate long-term accommodation for her. Her brother, Adrian, has joined an organisation called the Action for More Independence and Dignity in Accommodation group. I commend the group to the house because it is looking to see how it can help people with disabilities move to independent living in an SRS. In this person's case her parents are quite elderly and are having a lot of trouble dealing with her. She has cerebral palsy and is capable of living by herself, but she needs an enormous amount of support.

Her brother wrote to the Prime Minister talking about the Bracks government and the lack of services through the Department of Human Services in Victoria. He wrote to the Prime Minister:

> You see the Bracks government has not built one new housing facility, let alone a single bed for disabled people, since coming into power two terms ago. I find this not only difficult to believe but appalling, that one's greed for power, success and in this instance votes, can overshadow what purportedly distinguishes us from the animals, our caring for the fellow man. Our caring and lend of hand for those less fortunate, less wealthy or less able than the rest of us.

That is quite a specific case, but it is replicated across the state. It is important that we have confidence that people with a disability and people with complex needs within our community all have an opportunity to go into an SRS if necessary and that the framework and parameters are in place to enable them to have a positive experience when they get there. I believe this bill puts that framework into place.

It is interesting to look at the community visitors report. I refer to the community visitors health services report for 2003–04. I have spoken on this report in this place on many occasions, but I will refresh the chamber about some of the issues raised in the report. I would like to commend, yet again, the community visitors who give up their time to visit and make some comprehensive suggestions. I would say that some of the suggestions they have made are reflected in this bill. Some of their reports have been taken note of. I personally feel that when they were developing the bill the department and the minister could have looked a bit further, and I will come to that in a moment.

The annual report for 2003–04 states:

> Community visitors draw attention yet again to the crisis in accommodation for people with complex care needs — many of whom have challenging behaviour related to their disability and have nowhere else to go.

I believe that is reflected in the letter that I read about the woman Liana who has cerebral palsy. There are people with complex needs who also need a greater deal of this type of accommodation.

The report goes on to call for sustained and well-resourced support services. I would have to emphasise that it is all very well to come up with this framework, but the framework will only work if it is adequately funded. I call upon the minister to make certain that SRSs are adequately supported financially, not just in the short term but for the long term. It is vitally important that that goes hand in glove with the recommendations encapsulated in this bill.

I go back to the annual report, which says:

> Community visitors draw attention to the fact that, in general, SRS residents are afforded less protection against the dangers of fire than … most other members of the community.

This is an area which I believe the bill has not addressed properly. That the aspect of fire and fire safety could have been very easily addressed in this bill, but I do not believe it has been included. It could have clarified the position and made very clear right across the sector what was acceptable and what was not.

Returning to the annual report, it says:

> Community visitors have not been able to find a single authority that accepts ultimate responsibility for the assurance of fire safety for SRS residents. The Health Services Act 1988 states that services should be provided in a safe environment. Therefore community visitors believe the Department of Human Services has a duty of care to ensure that SRSs provide adequate protection for vulnerable residents in the event of fire.

I remind members that today we are amending the Health Services Act 1988. We could have had a whole section put into this bill to deal with this issue and make quite certain it was covered. I ask the minister to perhaps go back to the drawing board. This minister is particularly good at bringing in bills and then bringing in other bills that have consequential amendments. I would like to suggest that the government go back to the drawing board on this bill and bring it up to a level that is acceptable to community visitors expectations in these areas. In fact the recommendation from community visitors annual report was that as a matter of urgency the government look at the issue of a fire risk assessment and:

> … takes into account relevant building code specifications, the fitting of appropriate fire alarms and sprinklers, the level of disability of residents and the numbers and training of staff throughout the 24-hour period.

The community visitors annual report contains a number of recommendations. Some of them, as I said before, have been incorporated in this bill but there are others worth mentioning. They include a recommendation that states:

> That the government takes urgent action to address the acute shortage of appropriate supported accommodation options for people with complex care and support needs.

I can only endorse that recommendation. They also include a recommendation that states:

> That, as a matter of urgency, the Department of Human Services commences the proposed and important pilot project, which represents the government rightfully accepting a financial role for the public sector in pension-level SRSs. Any further delays will inevitably disadvantage the large number of SRS residents whose support needs are currently not being met.

This bill goes some way towards doing that, and it is pleasing to see that the government has taken note.

Another recommendation in the annual report says:

> That if pension-level SRSs are going to be an acceptable accommodation option for people with a mental illness, then it is critical that the service system is adequately funded to support their rehabilitation and inclusion in the life of the community.

Once again that echoes a comment that I have made before about additional funding. It is a very specific recommendation in the community visitors annual report, and I strongly recommend that the government do something about it.

It is interesting to note some of the comments I received from a number of people in this sector who are affected by these supported residential services. For example, I spoke with representatives of the St Vincent de Paul Society. They said that although there are some very good SRSs, there are also a number of dodgy ones, and that they welcomed this bill. They felt that the regulations it contained would be beneficial. Basically they said something that I also said at the start of my contribution to the debate — that is, that SRSs form a niche, and because they form a niche it has always been a little difficult to know how to deal with them, so they have been left alone. As I said earlier, this is the first legislation of this type in Australia, and as such it is welcomed. Those I spoke to at the St Vincent de Paul Society also said that the current lack of regulation leaves the way open for the abuse of clients. They also said that there were some clients who needed additional watching, so they were quite happy with the recommendations in and aspects of this bill.

I also had a letter from Jean Tops, president of the Gippsland Carers Association. She made a whole range of comments, and I will read one. It is something I have noted it in this chamber before, but I would like to repeat it. In an email to me dated 6 July she says:

> The Disability Bill, the infamous 10-year plan and a ruthless 'we don't give a damn' attitude to people with disabilities and their families is a shameful disgrace.
>
> What do we have here?
>
> A government that denies disabled people aged less than 65 years the same rights as those over 65 years to access age-appropriate nursing levels of care and hostel levels of care because having more than six beds in one facility is an institution.

That is an issue that perhaps reflects in only a minor way on this bill, but it is something that Jean Tops and the Gippsland Carers Association are particularly concerned about, and I would like to get it onto the record one more time. Jean Tops went on in her email to say:

> The amendments to the SRS bill are a clear case of shooting down the 'bad profit takers who exploit disabled persons' so that the government can be seen to be acting in their best interests when in fact the greatest exploiters are the writers of the legislation.

She then said:

> … If the SRS was still used for its original purpose, that is low-level care for elderly but competent citizens, none of this would be needed.

I thought it was important to get Ms Tops's concerns onto the record.

There is one important case I am concerned about, and I am hoping that the government has done something about it. I refer to an article by Melissa Fyfe in the *Age* on 14 June 2006 about an SRS called Western Lodge. The article says:

> Not long ago, Western Lodge residents shivered through winter with no heating, shared their beds with mice and dashed to the toilet hoping to escape the violence that stalked its dimly lit corridors.
>
> …
>
> But the Footscray facility — the biggest of its kind in the western suburbs — is still one of the state's worst privately owned residential services and, critics say, an indictment on the Department of Human Services, which has overseen its decline into Third World squalor.

The article goes on to quote a representative from the office of the Minister for Aged Care. It says:

> Yesterday, Martin Curtis, spokesman for the minister, Gavin Jennings, would not say whether the government thought Western Lodge was fit for habitation.

But in an extraordinary comment, Bruce Mildenhall, the member for Footscray in the other place and vice-president of the Western Region Health Centre, is reported in the article as having said that 'the home had been one of the state's worst'. However, he went on to assure us that:

> Since we have taken over we have got heaters and smoke alarms. People are having three meals a day and this is a great step forward compared to what was there before.

What was there before was not acceptable in any way, shape or form. The fact that something is now being done is certainly welcomed, but it is extraordinary to think that under the very noses of not only this government and the department, but also the honourable member for Footscray in the other place — who is the vice-president of the Western Region Health Centre — this disgrace could have been allowed to happen.

Going back to the main framework of the bill, the fact that it clearly enunciates once and for all a number of issues that need to be addressed is pleasing and welcome. We do not want to see any more situations like that concerning Western Lodge happen in this state — none of us in this chamber wants to see that. It is important that these people, many of whom are vulnerable, can go into their old age, have their complex care needs dealt with and their disabilities treated with dignity and flexibility, and I hope that the bill goes a long way towards doing that.

I encourage the minister to provide sufficient funding to make certain there is reliability and that these programs can be implemented into the future. I also hope that the department and the minister will have a closer look at the fire restriction issues because that would be a welcome inclusion into the supported residential services here in Victoria. As I said at the beginning of my contribution, the Liberal Party has much pleasure in supporting the bill.

Hon. D. K. DRUM (North Western) — The Nationals will be supporting the Health Services (Supported Residential Services) Bill. We commend the government for moving into a sector which, in many respects, has remained unseen and unheard of. Very few people know where supported residential services (SRSs) are. Certainly they are not sitting up on a hill locked away behind high fences as they once were. I was surprised to find one only a couple of kilometres away from my house at Junortoun, in a rural setting. Making contact with this group has opened my eyes to this whole sector of people who care for those who cannot care for themselves.

The bill will put some administrative framework into the sector. It will give new confidence to the families of residents living in a supported residential service. It will also hopefully stamp out any unscrupulous operators, if there are such people in the industry. The second-reading speech mentioned that there are a few, although it also mentioned that the vast majority of operators and proprietors are people who have the best interests of their clients at heart and will do whatever it takes to ensure their stay is as good as it can possibly be.

The bill amends the Health Services Act 1988 and revises the criteria which the secretary must consider when deciding whether to grant applications for approval in principle to an applicant and for the registration and renewal of registration of health service establishments. There are many other amendments to the Health Services Act 1988 as well.

The bill will make the administrators better able to carry out their functions. In fact, if they are called in, in the unlikely and unfortunate event that a facility has to close or becomes no longer viable, an administrator will have up to 180 days to effectively get the business in order and look around for a new proprietor, and look to move the business on and hopefully get all the assets lined up, accounts paid and so forth. They will also have that time to assess the suitability of any potential proprietors, and look at issues that they may have in relation to probity and also their financial capacity to run a facility and their financial knowledge and know-how.

Administrators will be given a better opportunity to do the job they have to do. This will also improve fluency, and hopefully will reduce the numbers of people being moved in and out of these residences in the event of a changeover due to a business going broke.

The legislation will also place greater importance on the residential statements entered into when a client first arrives at a supported residential service, and the client and the family or guardian sit down with the proprietor and go through the various services that are offered by the SRS. As we know, the clients of the SRS are in need of special care, and it will be very important work when they sit down and go through the services offered. This involves assisting them with showering, with going to the toilet, with shopping, with paying their accounts, with buying their cigarettes for them and with a whole range of day-to-day services that have to be provided so that the clients are able to get about and

live from day to day. The bill will put some rigour and real strength around those residential statements that are entered into when a client first comes into a service.

Some minimum time frames will also be put around a service when it is asking its clients to vacate. That will also be a way of minimising the hardship. If an SRS is planning to close down — and the proprietor has the right to simply close down a building, bulldoze it and build a block of units or whatever — then there is a minimum time frame necessary to enable the clients and the residents to find somewhere else to live. Hopefully that provision will minimise homelessness that may arise from any of these services closing down.

There will also be some financial protection put in place. Whilst the state trustees have control over clients' money, various agreements are entered into between a client and a proprietor as to how much money and what services will be carried out by the proprietor. The bill clearly pinpoints the types of agreements regarding the control of a client's money that have to be entered into with a proprietor, and a proprietor may also delegate some of those duties to people who are said to be close to the proprietor. That is one of the main aspects of the bill — the ability for the legislation to actually put some tight controls around the financial control of clients' finances. It is something we need to be very aware of. Many SRSs have agreements, and some might be informal agreements with the clients to assist them to actually lead a better life by getting them to save money on the side.

This is one of the things that became apparent when I was having my conversation with Homebush Hall, the supported residential service in Junortoun. Whilst it was mentioned by the previous speaker that we have these SRSs that charge the basic pension and then we have another group that charge the pension plus a private contribution, the SRS that I spoke to in Bendigo actually charges less than the pension. This enables the clients to save a little bit of their own money on a weekly basis, and they use this money for a few extra treats along the way.

Many of the clients at Homebush are taken away on holidays each year with the money they are able to save. I do not know whether these are formal arrangements, agreements or contracts, or whether under the guidance, tuition and a bit of encouragement of the proprietor they are simply putting the money aside and then making their own decision to take that money out and spend it if they have that capability. I would like to think that this legislation will enable those informal arrangements to still take place with clients. If it becomes too arduous and prescriptive we are going to get to the situation where it will be too hard for the proprietors to go that extra yard and continue to offer services like holidays to, say, Tasmania or Queensland. One of Homebush's clients who has been with the service for some 20-odd years has been to Europe with the proprietors four times — they have family there. The client is able to save his money for a number of years and then, with the goodwill of the proprietor, is able to venture overseas.

I would like to think that, although we have put some very prescriptive legislation around the types of agreements that need to be entered into between the clients and the proprietors, the informal arrangements that exist in many of these facilities around Victoria would be able to continue to provide a better standard of life for each of the 6800 residents across the state. That is an enormous number of people who are in this sector — people who do not necessarily need shared supported accommodation, possibly do not need 24-hour-a-day supervision and do not need to be locked away, but they certainly do need assistance with day-to-day living. This sector picks up that group and looks after them in a very fine way.

We were somewhat in the dark about the sector and how it operated, but we were given a clear briefing by the department. The advisers were able to help us out by pinpointing the types of people we are talking about and the financial arrangement that goes around this sector. We appreciate the work the advisers were able to help us with in preparing for this bill.

The advisers were asked: is there any way that this sector could operate without 29, 30 or 40 clients living in the one area? The answer to that was simply no. Here we have a clear example to help this government to understand that if you want to deliver the services to people who need assistance, sometimes congregate care and cluster housing and putting more bodies under the one roof are the only ways it can work and the only ways the services can be delivered. As Ms Coote mentioned earlier, this government is not building new shared supported accommodation for people with disabilities. It is leaving that as an imposition upon families in dealing with their disabled children and other disabled family members who have entered the adult and middle-aged phases of their lives.

We need to look at this. The aged care sector is an example of where congregate care is the only way it can work — where the critical mass of numbers of people makes the sector work. It is the only way the sector can work. We need a critical mass of 30 or 40 beds in an aged care facility so that we can deliver the services and make them financially viable. Here is

another example where we have the ability to look after the disabled. Some people in these SRSs have intellectual disabilities, some of them have psychiatric issues, but here is another example where by getting a critical mass in the vicinity of 30 or 40 per service we are able to make it work so that we have the private sector out there looking after these people and going above and beyond the call of duty to make sure they are looked after.

We take this opportunity to push this government to abandon its one-size-fits-all policy on shared supported accommodation. The government puts its head in the sand and refuses to move forward to look for ways in which it can possibly address the waiting list. More than 1000 people are on the waiting list for urgent shared supported accommodation, but the government is refusing to look at a way that some cluster housing or congregate care could be implemented to address some of the growing problem of Victorian families who have a disabled child or a disabled adult living with them.

Again we take this opportunity to impress upon the government that this is a clear example of where it works. The private sector is helping the government take care of a large cohort — 6800 people — whom we would otherwise need government assistance to look after. Here it is. You can call it congregate care or cluster housing — or you might call it something of an institution, with 20 to 40 people all living under the one house system and being attended to by a whole range of helpers and families.

With that background I reiterate that we will be supporting the legislation and we hope the government continues to look into this sector. I hope it will start to invest and ensure that some of the supported residential services can offer a better service, which they could do if they were given further assistance by government — by that I mean all governments. I think that when the Victorian government is serious about looking after people and families who have disabled children, then and only then can the government say it is trying to address this problem in a clear and transparent manner.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to make a contribution to the debate in support of the Health Services (Supported Residential Services) Bill. It is always pleasing to make a contribution on a bill that has the support of everybody in the chamber. As both previous speakers, Mrs Coote from the Liberal Party and Mr Drum from The Nationals, have covered the bill in detail they have left me little that is new to say about it.

Hon. Andrea Coote — You are speechless!

Hon. KAYE DARVENIZA — I am never speechless, Mrs Coote. It is an important bill because it looks after, cares for and builds strength around support services for our most vulnerable clients. In my life before politics I was a nurse and worked in psychiatric services with clients who are in supported residential services (SRSs). They are often chronically mentally ill and need a lot of day-to-day support and supervision. SRSs also care for the frail aged who do not need a nursing home but need more support and supervision than they are able to get living in their own homes.

Because of the nature of their disability they are more vulnerable to being taken advantage of by unscrupulous people. As speakers have already pointed out, far and away the majority of proprietors who run and own these services are caring people who are motivated by the best of intentions and are doing everything they can to deliver the best possible care and services to the clients they are responsible for. When any service is being provided for those who are vulnerable and open to the unscrupulous taking advantage of them, we need to ensure that they are safeguarded. We need to safeguard them and their possessions against people who may take advantage of them.

This bill is about building in mechanisms that will ensure they are more secure and less likely to be taken advantage of. One of the most important things the bill does is to provide notice to residents when a resident is required to leave the SRS they are currently occupying. It is particularly important that they get notice of closures so that they have some time and opportunity to respond and to come to terms with the fact that they need to find somewhere new to live and go through that arduous task of finding and being relocated to appropriate accommodation somewhere else.

There is financial protection in the bill, which is important because we must ensure that residents in SRSs are protected. If they want to enter into financial arrangements and transactions with either carers at the SRS or with the proprietor, it is vital that those transactions are appropriate and that the residents are safeguarded within the SRS to ensure that their funds are safe and that they do not enter into any sort of financial arrangement where they will be taken advantage of, where their funds or their property can be taken away from them or where they are giving gifts to the proprietor or staff. We need to ensure that vulnerable clients are protected, and the bill certainly goes a long way towards ensuring that that protection is put in place.

There is provision in the bill to ensure that when somebody applies to open an SRS or to get licence for

an SRS the minister and the head of the department are able to look closely at and scrutinise that person and their credentials if they already have some responsibility for another SRS to see how that place has been run, the way the services are being delivered, the way staff are being employed and the way they are providing programs to make sure that they are a suitable person to be given a licence.

As has been pointed out by a previous speaker, there are about 6800 residents residing in some 200 privately operated and funded supported residential services in Victoria, which is a considerable number of people who need our protection. Because of the large number of operations out there, we must ensure that the services provided by these establishments are meeting the needs of clients and that they are protecting their clients against anybody who might be unscrupulous and take advantage of them. The bill is setting in place a framework under which the proprietor and the staff know what the rules are and how they should conduct themselves — there is no ambiguity about it — and therefore they will not enter into inappropriate financial transactions which could lead to the disadvantage of a client.

The government takes seriously the responsibility of caring for and protecting the most vulnerable in our community, and this legislation is part of a range of measures that the government has taken to ensure that those in our community who need to be kept safe are kept safe. It is good legislation, and it is a delight to speak on a bill that has the support of all members and all parties in this chamber. It deserves all our support because it is good legislation. I commend the bill to the house and wish it a speedy passage.

Hon. J. A. VOGELS (Western) — I would like to make a few comments on the Health Services (Supported Residential Services) Bill. This legislation, which the Liberal Party supports, establishes a framework for registering and monitoring supported residential services (SRSs) across Victoria.

As we have also heard, there are about 6800 residents in 200 privately owned and operated supported residential services in Victoria. I am sure it is well recognised that some of the most vulnerable members of our community are residents of SRSs, and anyone who has visited them — I have visited quite a few in my electorate — instantly understands what these wonderful facilities provide.

The legislation aims to streamline the registration of proprietors of supported residential services and to ensure residents are still cared for if for some reason an administrator has to be appointed. There is no doubt that the 200 SRSs form a particular niche market in residential care. They need to be and are more flexible in the area of residential supported accommodation than other institutions. When you visit an SRS you usually find the large proportion of the residents are single men. The last one I went to was Victoria House in Koroit, and that is certainly the case there. Many have some sort of disability. As I said before, I take my hat off to the proprietors and the staff who look after these people. They are mostly very well run places, and the proprietors and staff are very caring of the residents.

There are some areas of concern which have been mentioned. The bill does not, as Mrs Coote mentioned, strengthen the fire protection. That is of concern. If you consider that there are about 6800 residents in about 200 SRSs, that works out to an average of about 35 people in each of these residences. As I said, they are usually frail elderly and with all sorts of disabilities, so fire would be of huge concern if the places were not properly equipped with fire alarms et cetera. I am sure they are, but apparently there is some feeling that something more could be done to improve fire safety and fire protection.

Let us remember that SRSs were originally established to provide low-level care for the elderly but have now become residential centres for people with a multiplicity of complex care needs. As I said, they include the mentally ill and young people who have acquired brain damage in some way or other. There is absolutely no doubt that the properties I have seen have an outstanding record. I cannot repeat that often enough. It is very humbling to go to some of these places and realise that the residents are in a difficult position. When you walk out you feel lucky to have family support.

It concerns me that rules and regulations — government red tape — could strangle these services if we are not careful. I vividly remember writing to the minister about the concerns of SRSs in relation to new Department of Human Services guidelines for renewal of registration. The SRS proprietors were then required to submit to DHS asset and liability statements, police record checks, cash-flow statements, profit and loss statements and forecasts et cetera, which they felt were intrusive and highly questionable for proprietors who had been in the industry for quite a long time. They could understand why you might need all this sort of red tape for someone new entering the industry and that was fair enough, but if you had been in the industry for a long time and had a great record, it seemed a bit intrusive to be asked for Australian Taxation Office records et cetera. They were a bit concerned about that.

I am not actually sure if that was ever addressed. I have not asked. I assume it was. I have not heard back from the SRSs that contacted me at the time I wrote to the minister, so I assume those concerns have been addressed.

I would like to think it is fair to say that the nearly 7000 persons who live in supported residential services are very happy to be there, as are their guardians and the support groups that look after them. I understand that the Bracks government needs to be careful with taxpayers funds when supporting privately run businesses. However, I am also very confident that SRSs are very much needed. It is of concern that about 110 pension-level beds have been lost to the sector in the past 12 months. I would like to see a situation where if an established SRS fell into financial difficulty steps would be taken to ensure beds were not closed. If anything, as the population ages and so on, we will probably need more beds.

This bill requires that 28 days notice be given to residents if an SRS is to be closed. However, that does not help if there is nowhere else to go. The Liberal Party has consulted with various stakeholders who, although they have a few concerns, all support this bill. I therefore commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COURTS LEGISLATION (JURISDICTION) BILL

Second reading

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

Hon. RICHARD DALLA-RIVA (East Yarra) — It is good to see that we are progressing through the legislative program very efficiently — so efficiently that it almost caught me out! Can I say that the opposition is very pleased to support the bill before the house — that is, the Courts Legislation (Jurisdiction) Bill. It is a simple bill that amends a number of acts — the County Court Act 1958, the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994 and the Sentencing Act 1991 — to increase the civil jurisdiction of the County Court, to allow corporate offenders to be tried even if absent and to amend various court procedures. It is really a machinery bill that goes to assisting the way the County Court can operate.

The main provisions of the bill increase the County Court's civil jurisdictional limit of $200 000 to an unlimited amount. The Crimes Act and Magistrates' Court Act are amended to allow trials of body corporate defendants to proceed even if the representatives do not attend court. The bill allows a court to hear and determine charges against an absent corporate defendant if it is satisfied that the charges have been brought to the defendant's attention.

In respect of the Crimes (Criminal Trials) Act and the Magistrates' Court Act, the bill will abolish post-committal conferences and expand the number of indictable offences which can be heard summarily in the Magistrates Court. It will cover all offences at level 5 or 6, offences punishable by level 5 or 6 imprisonment or fine or both and offences punishable by a term of imprisonment not exceeding 10 years imprisonment or 1200 penalty units or both. My own experience is that a lot of matters can be heard summarily in the Magistrates Court. I think there are some positives in that, but there might also be some unforeseeable disadvantages.

The Magistrates Court Act is further amended to remove the requirement to file charges with the appropriate registrar or venue. That is no longer necessary as all documents are now lodged electronically. It will enable summary proceedings to commence at any time with the consent of the parties. That is an appropriate way to quicken the process. It will allow public officials from prosecuting government departments to issue summonses and allow summonses for all summary offences to be posted, which will free up the process. As we know, some summonses had to be served. This bill will avoid that particular issue, and I understand it will put in place certain protections to cover the instance of a summons not being appropriately delivered via post, which is something we have all been subjected to.

The bill will also ensure that all charges will be read to the defendant before a plea is entered. That is understandable. In one case I charged someone with about 148 theft counts. It might sound good in here, particularly for a defendant with three or four charges against them, but I do not know whether that would be a practical application when the charges number in the hundreds.

The defendant cannot be sentenced to imprisonment if they are not physically in court. I have some personal views about that, because once the crooks get an idea that they do not have to attend summary offence hearings and they know that they are going to be slotted in and given a term of imprisonment, they will believe the easiest way to avoid being sentenced is to just not front up. People may say you could then issue a warrant, but you have to get the warrant, then the defendant has to be brought to the court and then the matter has to be heard. In my view, if it is a summary offence, it is a summary offence. It seems strange that we are reducing the capacity of courts with respect to summary offences, indictable offences triable summarily and the like. This seems to be a bit of a quirky inclusion. I do not know what the necessity for it is, but, needless to say, it is there.

The bill will allow witness evidence to be read in court before the witness cross-examination. That is good, because often witnesses do not feel their evidence is being heard in court when all of a sudden they go straight into cross-examination after their statement is tabled. Usually the first question is: is the statement tabled in this court true and correct? The witness then swears on oath that it is. This bill will allow witness evidence to be read in court, which in my view will allow for the victim — the witness can also be the victim — to have their so-called day in court in a proper way.

The bill also amends the special decision definition in the Public Prosecutions Act 1994 and amends the Sentencing Act 1991 to prohibit offenders convicted of serious offences or offences committed while on parole being given an aggregate sentence. We believe this is a bit of a fix-up bill to allow for a bit more flexibility in the court. I must say it is a detailed bill and the explanatory memorandum is also reasonably detailed. To go through it ad nauseam really defeats the purpose. It is a bill that on balance we support, although we do have a couple of areas of concern.

We think the common-law offence of indecent exposure should be included as an indictable offence that can be heard summarily. The common-law offence of indecent exposure could also be heard in the lower courts. Although I was not at the briefing, my understanding from the shadow minister in the other place is that how the County Court jurisdiction will be affected by this operation is questionable. Only time will tell, I guess. Hopefully it will allow for a quick process not only in the civil jurisdiction but also in the criminal jurisdiction where most of the frustration falls. It will free up the civil jurisdiction. Allowing the more minor offences that are often heard in the County Court to be heard in the lower jurisdiction is a good opportunity to free up the County Court. However, we know that there are quite substantial pressures on the Magistrates Court, given the number of matters it already hears every day, and that is something we also need to be mindful of and keep an eye on.

Other than that, as I said, it is a straightforward bill. The opposition sees no reason to say anything other than that it supports the bill.

Hon. W. R. BAXTER (North Eastern) — Like Mr Dalla-Riva, members of The Nationals have no opposition to this legislation. I agree with Mr Dalla-Riva's description that it is a very detailed bill. It goes to a lot of the issues, despite the fact that the title of the bill, on the face of it at least, leads one to the belief that it deals mainly with the jurisdiction levels of the courts. It does of course do that, but it goes much further as well.

I have often wondered what was the rationale for setting jurisdictional limits in dollar terms on the Magistrates Court and the County Court, because I can recall numerous occasions over the time I have been a member of this Parliament under every government when the jurisdictional limit has been increased. It is not so long ago since the Magistrates Court limit was increased from $40 000 to $100 000. The legislation before us today will abolish entirely the jurisdictional limit of the County Court, which has at least for the last few years been $200 000.

I have done some research — although it is relatively inconclusive — as to the reason for the limits being imposed in the first place. It seems it might have been because in the past the monetary value has been equated with the presumed complexity of a particular case being brought before the court. There was a presumption that if the matter was of a significant value in dollar terms, it was therefore more complex and should go to a higher court — that is, to the Supreme Court rather than the County Court. While that view might have had some validity years ago, it is not necessarily true today. Some of the most complex cases now before the courts do not have much money attached to them. They take a lot of hearing because of their technical complexity, and it seems to me to be reasonable for a plaintiff to have the opportunity to determine which court — the County Court or the Supreme Court — the case ought to be run in, rather than their having to have regard to the monetary limit, which might in fact be artificial and irrelevant to the particular circumstance.

The Nationals have concluded that the abolition of the jurisdictional limit of the County Court is valid. We note that the jurisdictional limit is being retained for the Magistrates Court. That is probably appropriate as well, in that the Magistrates Court is a much less sophisticated court than the County Court, and presumably one would not necessarily want to entertain the prospect of the Magistrates Court dealing with matters which go to a very substantial sum of money. I will not be surprised in the future if there is an attempt to either abolish the monetary jurisdictional limit or at least increase it well beyond what is currently the case.

The other provisions in the bill seem to deal with fairly commonsense matters. As a non-lawyer I am a bit intrigued as to why these matters have not been addressed before. I am intrigued as to whether the bill has simply come about as a matter of experience or whether we are less conscious now of the need to give everyone the absolute right to test everything to the nth degree. I am not sure which is the case, but I am fascinated with the amendments that are going to allow corporations to be tried in their absence. Clearly it is fair that an individual cannot be tried in their absence, because if an individual does not turn up you can issue a warrant and have them arrested and brought before the court, but you cannot go out and arrest a corporation. It would seem to me that — obviously this has been the experience and has led to the amendment — corporations have been avoiding prosecution simply by not turning up. Therefore the matter of enabling a case to proceed in the corporation's absence has merit and should not be criticised.

I do not see anything wrong with the matter of issues that can be tried summarily being expanded with the consent of the accused. If the accused is happy to have the matter tried summarily, that is fair enough. If the accused has got confidence in that way and does not necessarily want to have his or her case heard by a jury, there seems no reason why that should be denied. It will have the companion advantage that it will take pressure off the jury system by reducing the number of juries that will need to be empanelled.

I am finding in my electorate that more and more people find jury service somewhat of an onerous responsibility, partly because of the number of times they are being asked to appear on a jury panel. That does not necessarily mean they will be empanelled, but at least the frequency with which people are being called for jury service appears to be expanding. That is particularly so in country areas now that the radius exemptions have been increased out to 60 kilometres. Some of my constituents who previously were ineligible now find they receive letters from the courthouse. More particularly, many people who previously were happy to serve on juries because they were not full-time employees, either because they may not have had paid employment at all or because they were running businesses, and were able to give up their time, saw it as their civic duty and were prepared to do it. That is less and less the case these days.

Businesses are running much tighter ships. It is more difficult to make ends meet in a business and having the manager or an employee away on jury service is a very heavy impost on a lot of businesses and a lot of families. Therefore, if we can avoid the need to call so many people for jury service that will be of advantage to the community at large. Of course the jury system is a very important component of our legal system in this state. It is a great safeguard for very serious cases. I do not want the system to be undermined and I do not suggest that I want to do away with it, but if we can reduce the pressure on it by giving defendants the choice of having their cases tried summarily, the proposal has merit and we ought to adopt it.

Similarly the proposal to allow service of summons by post really is a matter that can be agreed to without too much concern. The post is a very reliable system, there is no doubt about that. There are safeguards in the bill. If the person being summonsed has not received their summons through the post, it is not as if they are going to be disadvantaged by not receiving it. I am satisfied that there are sufficient safeguards there. It seems to me that the days of having to serve summonses personally really are gone, and we should be able to rely on service by post. The requirement for explanations to unrepresented defendants is of course highly desirable, and I was surprised that it did not already happen. Clearly a number of people are prepared to appear unrepresented for a whole heap of reasons, financial or otherwise. It seems commonsense to me that before such people plead, the case should be explained to them in language they can understand.

I am also quite impressed by the changes to allow the courts in cases of multiple offences to issue an aggregate sentence rather than individual sentences and have them served concurrently. I think that is confusing to the public and often leads to the impression that a particular crime was insufficiently punished. The fact that multiple convictions will now be able to be dealt with by giving an aggregate sentence will be helpful not only for the unfortunate person who has been found guilty but more particularly for the members of the public who want to see justice done — and it will be much easier to understand.

They are just a number of the matters dealt with in the bill in which The Nationals have taken a particular interest. That is in no way an exhaustive explanation of all the matters that are in the bill, but I do not wish to go through any of the others because they are, as Mr Dalla-Riva has already noted, fairly acceptable and commonsense. In a sense most are housekeeping matters. The bill is another indication of how, because we live in a dynamic society and the law is a dynamic instrument, there is a constant need to keep the law and court procedures up to date. The last thing we want is for the courts to lose respect because we cling to archaic processes and procedures which in modern eyes are no longer seen to be relevant or justifiable.

I am happy to say that in this instance the legislation the Attorney-General in the other place has brought before Parliament — I am often critical of him — has merit, and I am pleased to support it.

Ms MIKAKOS (Jika Jika) — I am very pleased to rise to make a contribution to this debate on the Courts Legislation (Jurisdiction) Bill. At the outset I indicate the government's appreciation once again that the opposition and The Nationals are also supporting this important legislation.

The legislation has come to the Parliament as a result of the Attorney-General's justice statement delivered back in 2004. A number of significant amendments have already gone through the Parliament.

Hon. M. R. Thomson — A government with vision!

Ms MIKAKOS — It is a government with vision, Minister. It has seen go before the Parliament a number of changes that look to modernising our justice system and at putting in place greater transparency, consistency and fairness in how our justice system operates. It is about giving the public greater confidence in the operation of our justice system. It is also about putting in place greater responsiveness to the needs of our modern society, making sure that cases can be heard as efficiently and quickly as possible. Part of our justice system is of course the importance of having access to it and that is also about making sure that it is affordable. That means that litigants in civil matters should be able to commence proceedings in the lowest appropriate jurisdiction to try to keep down costs for those litigants.

The bill proposes increasing the civil jurisdiction of the County Court from its current limitation of $200 000 to an unlimited monetary jurisdiction. That was a recommendation picked up in the justice statement I mentioned before, which suggested that the government re-examine the civil thresholds as between the County Court and the Supreme Court.

In the criminal area the bill makes a number of reforms which again are about providing for fast resolution of criminal matters and ensuring that the impact of court proceedings can be minimised as they apply to witnesses and victims of crime. The amendments to the criminal law area have been developed with the very active cooperation of and consultation with a range of stakeholders, including the courts, the Director of Public Prosecutions, the Office of Public Prosecutions, Victoria Police and Victoria Legal Aid, amongst many others. The most significant of a number of reforms relates to the committal process. The amendments seek to provide specifically for the earlier identification and resolution of issues at the committal mention stage. That will involve compulsory discussions between the prosecution and the defence and allow the court to direct case discussions to occur between the prosecution and the defence.

Unfortunately the current system focuses very much on compliance with processes rather than on achieving outcomes. As a result, pleas of guilty are arising at a later stage in the criminal trial process rather than at the committal stage and that of course involves a significant amount of expense being incurred by the justice system and Victorian taxpayers. The proposed new process is designed to get both the prosecution and the defence talking to each other about case direction at an earlier stage in the process. That may well lead to guilty pleas arising at a much earlier stage.

Another set of reforms in the criminal law jurisdiction relates to the reclassification of a number of indictable and common-law offences to what are known as indictable offences triable summarily. They will be able to be determined summarily if the defendant and the Magistrates Court agree — for example, the offences of common-law assault, affray, and false imprisonment will now be classified as indictable offences triable summarily. A list of property offences — that is, offences such as theft and obtaining property by deception — will also be included in that category. They will be able to be heard in the Magistrates Court if the property involved is valued at less than $100 000, which is an increase from the current threshold of $25 000.

The amendments are not intended to in any way denigrate the importance of our jury system. I am certainly a very strong supporter of our jury system. It is a very important part of a democracy that all of us as citizens are able to participate directly in the justice system by sitting as a member of a jury. Unfortunately,

due to having practised as a lawyer previously, I have never been able to participate in a jury, but I consider it important that members of the public avail themselves of that opportunity. Occasionally people complain to me when they are called up for jury duty, but I consider it a responsibility that we should take very seriously, along with our other civil obligations to our democracy, such as, for example, exercising our right to vote. The reclassification of the offences is included to ensure that matters can be heard fairly quickly in the lowest jurisdiction possible, which is of course the Magistrates Court, having regard to the seriousness of the offence.

The bill includes for the first time a set of criteria to guide magistrates in deciding whether to determine an indictable offence summarily. The intention is to promote more transparency in our justice system when those decisions are being made by our magistrates.

Another set of amendments relating to the criminal law jurisdiction will allow the County Court and the Supreme Court to impose aggregate sentences of imprisonment — that is, one sentence covering a number of offences. Already the Magistrates Court is able to impose aggregate sentences. The bill provides that option for higher courts. I point out that aggregate sentences will not be permitted to be imposed in relation to serious offences such as sex offences and violent and drug offences because in those cases there is a statutory presumption that sentences imposed on serious offenders will be served cumulatively.

A further amendment allows postal service of all summary offences. Currently postal service is allowed for some summary offences. However, that is not consistent. It is proposed that summons for all summary offences will be able to be served by post. A number of safeguards are included in the bill. For example, a defendant will have an automatic right to a rehearing where the summons was served by post and the court is satisfied that when the hearing takes place the defendant has not received that notice. In addition the court is not able to impose a sentence of imprisonment on a defendant who has been served by post and is not present in the court.

A further amendment to the bill relates to a stipulation that a court is required to read charges to a defendant or explain the substance of those charges if the defendant is not legally represented. This is currently the existing practice that is common before our courts; however, the bill will ensure that it is a statutory requirement that must be adhered to in the future.

One further amendment in the bill relates to a court's ability to deal with a corporate defendant that has refused to attend court in answer to a charge. Currently corporations are able to avoid prosecution for an indictable offence by simply refusing to attend court. Because it is a body corporate it is of course not able to be arrested for failing to appear. The proposed amendments will ensure that the courts are able to determine charges if a corporation fails to attend the court to answer a summons. This will be subject to the safeguard that the court is satisfied that the corporation is aware of the charges.

The final amendment that I want to touch upon relates to a specific prohibition in the legislation to provide that the Magistrates Court is not able to impose a sentence of imprisonment if the defendant is not present in court. This reflects the principle that it is inherently unfair to impose a sentence of imprisonment in a defendant's absence.

In conclusion, this is an important piece of legislation. It contains a number of very technical amendments to both the civil and criminal jurisdictions of our courts. They are consistent with the Attorney-General's visionary justice statement handed down two years ago. The reforms seek to promote greater fairness, efficiency and public confidence in our justice system. I thank the other parties for supporting it.

Motion agreed to.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Consumer Affairs) — By leave, on behalf of the Minister for Sport and Recreation, I move:

That the bill be now read a third time.

In so doing I thank all members for their contributions to the debate.

Remaining stages

Passed remaining stages.

WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Hon. M. R. Thomson.

CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 20 July; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. ANDREA COOTE (Monash) — In rising to speak on the Children, Youth and Families (Consequential and Other Amendments) Bill I say at the outset that the Liberal Party will be supporting this bill.

Today in another place there was a very historic announcement by the Premier, Steve Bracks, together with the Leader of the Opposition, Ted Baillieu, and the Leader of The Nationals, Peter Ryan, who made an apology to wards of the state who had been abused as children when they were under foster care and were the responsibility of various governments of this state. It was both moving and poignant. Many of those who were subjected to that abuse were in the chamber to listen to those apologies. Many of their stories are tragic and concerning for us as a community. Looking back it is unacceptable to think that children could have ever been the recipients of abuse such as those people suffered. All of us feel pleased to be part of a community that is mature enough to be able to say to those people that it is sorry.

It is timely that today we are dealing with a bill that makes provision for children, youth and families here in Victoria. Not so long ago the Children, Youth and Families Act 2005 was debated in this Parliament. At that time we were told that it was a once-in-a generation opportunity to look into these issues involving children, and all of us would have agreed. It comes as a surprise to see this legislation re-presented.

I will come back to some of my criticisms of and major concerns about the bills. I am not concerned about the technicalities of the bills but am concerned about their procedure. In light of what we all experienced today from the statements made by the leaders of our parties, there is one line in the second-reading speech that encapsulates what all parties, in a bipartisan way, feel about children in this state. The second-reading speech says:

> The Children, Youth and Families Act recognises that every child deserves a stimulating and nurturing environment where they can grow and develop to their full potential.

We cannot legislate for love. That came through in the stories we heard from people who have lived in foster care and have been at the hands of abusers of one sort or another. But even the carers themselves — and many of these carers have done an extremely good job — said it was the lack of love that caused these children such profound difficulties in their later lives. As I said, we cannot legislate for love; we can legislate to make certain that children within our care are properly and adequately cared for in every sense of that word. That is why the Liberal Party is particularly pleased to see this bill before the house today.

I will quickly run through the four major aspects of the bill and then go to my concerns about the procedure. The major provisions relate to retrospectivity and making certain the current cases — those children who are almost caught in limbo — are catered for and dealt with by the department through the Children's Court in the transition between the former act and the introduction of the Children, Youth and Families Act 2005. The act has been in place long enough now to see some anomalies that have arisen. This bill deals with those concerns.

For example, with the placement of children into permanent care the bill seeks to ensure that no child can be placed into permanent care before six months during the transition period. I think all of us would welcome that safety clause. Also children who have experienced multiple attempts at reconciliation with their parents will not be disadvantaged by the transition to the new act that came into being last year.

Another of the consequential aspects that has arisen out of the original act, which was amended last year by the Children, Youth and Families Act 2005, is the pre-conferencing issue. Pre-conferencing was intended as a mediation vehicle, but in reality it has become just a dry run for the actual case. It would seem that what is happening is that people go into the pre-conferencing set-up and all the issues are brought up at that stage. That was never the intention. The transition provision in the bill will allow for pre-conference hearings to continue until a positive model can be developed.

I would like to put my concerns here and say that I encourage the department and the minister to make certain that the positive model can be developed posthaste. I do not think anybody wants to see anything happen that may inadvertently cause problems for children or for parents and families in these circumstances. I encourage the quick development of the model, and I know the bill deals with this transition issue.

The bill also deals with four major technical items. One concerns Aboriginal cultural issues, and the bill

clarifies them. Those of us not from an indigenous background often overlook and do not understand the cultural ramifications for our indigenous community. It is important that these issues are clarified, and the bill goes a long way to doing exactly that. It is designed to ensure that privacy is adhered to and that cultural sensitivities are not just recognised but are also met. As a community, we will all be pleased to see that.

The bill also clearly defines that the secretary of the department can collect information pertaining to a child and can use the information effectively. These are complex and detailed cases and it is important for the secretary of the department to have such information and to be able to use it effectively.

The bill also clarifies what the Attorney-General is responsible for and what the Minister for Children is responsible for. This is as a consequence of it not being clearly enunciated before. In practice it is important that these issues are clearly identified so that everybody is certain about who is responsible for what in dealing with these issues concerning children.

Finally, the bill also provides clarification of quality assurance. In the new act staff assurances for people working directly with children were made, but no allowances were made for those people who did not have direct involvement with children — such as music teachers, tutors et cetera. This bill gives the power to the legislation to define who does not have to be included in these parameters — for example, gardeners and cooks.

My concern with this bill is with the procedural aspects. A very complicated and comprehensive bill was presented to this Parliament last year. It was the Children, Youth and Families Bill 2005. It was a very complicated and thick document. The criticism by many people within the sector is that they were not given sufficient time for input into this once-in-a-generation opportunity to discuss the children's bill. It almost looked as though it was the minister's last gasp. We all know the minister is retiring at the end of this Parliament and this looked like her last hoorah.

A good attempt was made at getting it right, but the disappointment is that it could have been done so much better, with better cooperation and better consultation. I am certain that those involved felt that they put in an inordinate amount of time and consultation into the process. But the bill that we are dealing with today has 87 pages of changes that have yet to be made. It is such a pity that we did not take the chance to get it right the first time. This is another indication of sloppy legislation from this government. We have seen it time and time again. We have seen bills come into this house and then not much longer after they have been proclaimed we have had to go back to the drawing board and make a huge number of consequential amendments.

This government only has a short time left; we have only three weeks left of the parliamentary sitting. It is such a pity that this was a wasted opportunity. It could have been done at the time. It could have enabled the whole sector to move forward with great confidence that the government actually got it right. It is a great pity that we are facing the consequences of a bill having been rushed through in unseemly haste. Today's 87 pages worth of consequential amendments are indicative of the fact that the government should have got it right the first time.

That was not the only problem. I was pleased to be given a very good briefing from the minister's department, and I thank the departmental officials who gave me that briefing, including Catherine Neville who came to that meeting. But at the time I was not told there were going to be some amendments to this bill — no-one realised that until the speakers in the other place got to their feet. As I have said, if the original bill had not been rushed through initially, if the consequential amendments we are dealing with today had been incorporated in that, if there had been proper discussion and consultation with the sector, then back in 2005 we would have been presented with a far more comprehensive bill.

That was bad enough, but whilst the bill was in the lower house, without any consultation with me as the shadow Minister for Children, we were landed with additional amendments. This is not good procedure. It is just not good enough. It is not professional. It could have been expected that with only three sitting weeks to go the government would have started to get it right by this stage. it could have been expected that it would have finally got it right. Apparently the new amendments — members should keep in mind that I was not briefed on this — that went through the lower house enable the minister and secretary of the Department of Human Services (DHS) to consent to the medicinal assessment and treatment of children and young people who are placed on an interim accommodation order. It would seem that is necessary because those children will need assessment when they go into this realm and parents are not always able to consent to the treatment.

Many parents have significant problems of their own. Sometimes they are drug and alcohol related, although

there are some rare cases where they will not consent on religious grounds. Obviously the Liberal Party supported the amendments, but I am concerned because those provisions should not have been left out in the first place. We should have made certain they were incorporated into the legislation; we should have been given a briefing in the first place.

In her speech on the original bill when it was introduced in 2005 the then shadow Minister for Children, Helen Shardey, the member for Caulfield in another place, raised all of these issues. She gave a very good and comprehensive run-down of what was in the bill and what had been left out. The issues we are dealing with today were raised by the Liberal Party at that time, and we are therefore pleased to see them being dealt with in this bill. I am concerned that the proper procedures were sloppy and that it was all done with undue haste. It is a great pity that it was not done particularly well.

However, the Liberal Party supports this bill because it will enable a smoother transition process that will assist vulnerable children. These concerns were raised by the Liberal Party in 2005, and we still stand by those concerns. None of us wants any of the people who follow us in Parliament to ever have to stand up and make an apology such as our three leaders had to make today. I hope this bill will go some way towards ensuring that that will never happen again and that children in our care will be properly and adequately cared for well and truly into the future. I commend the bill to the house.

Hon. D. K. DRUM (North Western) — The Nationals will not be opposing this legislation, as we did not oppose the principal act that was debated some months ago. However, I remind members about the bizarre process by which the previous bill, which subsequently became the principal act, was presented to the Parliament. We were given a very short time to look through the draft copy of the bill, which at that stage had a different name. It was a huge piece of legislation, and we had very little time to get our heads around how it was going to work or to get it out to the respective agencies it was going to affect. When we finally received their comments the government had already made some minor changes to the bill. It suddenly put the bill before the Parliament, and we had to discuss it there and then without ever getting to see whether any of the recommendations that had been put forward by the respective agencies had been picked up or knocked off. We effectively had to debate the previous bill on the run. At that time the government said that this was a once-in-a-generation change to legislation affecting the way in which we were going to be looking after children, particularly children who had been forced through no fault of their own to live away from home.

The legislation came in on the back of the government trumpeting the fact that it had appointed a Minister for Children. I share the disappointment of the Liberal Party that the minister foisted with this new responsibility seems to be a minister who is on the way out. She seems to be one who does not need an extra workload and who will have an awful lot of trouble coping with an additional and very complex portfolio. The government has given more responsibility and a greater workload to a retiring member who does not seem to have her heart in this issue at the moment. Be that as it may and regardless of whether the portfolio should have been given to a stand-alone minister or a minister with a smaller workload, we had to deal with the bill. Essentially it centres around creating a situation where there is early intervention and a real emphasis on trying to keep in their own homes troubled children who live in home settings where they feel incompatible. Using out-of-home care will be now more of a last resort option than it previously was, and that approach needs to be encouraged and supported.

I also want to tell the government about something that needs to be conveyed to the department. I hear time and again from foster families that they are increasingly being told how they are expected to raise foster children rather than being recognised as responsible people who know what is best for those children. They have already shown enormous courage and leadership within the community in taking on board the responsibility of raising a troubled child, and they tend to just accept the interference and lack of flexibility that is sometimes shown towards them by the government department with which they have to work. It has been put to me that we could do with a greater understanding of the skills that many of our foster families have, and that they should be given more support to make some of the tough decisions they are forced to make on a daily basis.

I certainly think that needs to be explored in this whole question of whether children stay in a home if they are forced to leave their own family, and it is certainly applicable to Aboriginal children living outside their own culture. It is often difficult for a foster family that has the responsibility of bringing up Aboriginal children to take also on board the responsibility of trying to maintain that cultural link with a young Aboriginal child's family while trying to work out the balance as to when to lay down the law of their house versus the cultural links with both the Aboriginal family and the Aboriginal family's relatives and their culture.

This new bill will deal with the retrospectivity of people caught up in the transition of the act that we passed some months ago. Consequential amendments have had to be put forward so that the people who were caught up in the transition stages are having their cases set out more clearly. It is hoped that some of those transitional problems will be sorted out by this legislation and we will remedy that situation so that we have a smoother transition when the principal act is finally enacted.

I have had cause to talk to some people at my electorate office about how this situation is currently being played out. The government will have to fund this new system significantly to contend with the many child abuse and neglect issues that will be covered in the principal act. It was put to me that unless the government gets serious about putting the proper funding out there we will retain the current problems, such that if you had the exactly the same incident occur at Castlemaine, Bendigo and Ballarat you would get three totally different responses to that crisis. That is something we really need to fix. It is all to do with funding. Certain non-government organisations are funded properly in some areas and will take away from the Department of Human Services some of the responsibilities it has in those areas. Other areas are not funded at all and cases there have to be left for longer. It is only when those cases reach crisis stage that they receive a response at all. If we are going to introduce a better system for early intervention in these domestic issues, the government needs to ensure that it is totally responsible by putting the appropriate funding into the system to make it work.

The Nationals view this bill as making consequential amendments to enable the principal act to work better. There will be some issues in relation to Aboriginal children living outside of home and ensuring that their cultural links are maintained. There are also issues around the powers given to the secretary of the department to share information. We believe that is commonsense and will hopefully lead to better outcomes for the children that come through the department's care.

The bill will also better delineate the responsibilities between the Minister for Community Services and the Attorney-General, and it is good to see that line drawn in the sand. I hope the bill will clarify some of the cases that have recently been clouded by this transitional stage, and I hope positive outcomes will be achieved into the future. We will not know about the success or otherwise of the bill for many years. We will not know until the system is implemented and time has passed so that we can see the outcomes for these children living with increased support in their homes or out of home with better opportunities to reconcile with their families.

It will take some years before we can judge the benefits or otherwise of the principal act, but certainly we all hope the government gets this right because, as has been mentioned by speakers in both this and the other house, there is no greater gift to our community than the welfare of our children.

Hon. H. E. BUCKINGHAM (Koonung) — I thank both the opposition and The Nationals for their support of the legislation and for their contributions to the debate. Members will know that I have taken many opportunities in this chamber when debating legislation to speak about the rights of children and most often in 90-second statements, when I have spoken about the rights of child asylum seekers. Only this week I spoke of my concern about the legislation which is currently being proposed and which will enable the federal government to incarcerate asylum seekers on a ship. As I pointed out, these asylum seekers could well be children, and they will be outside the protection of Australian law.

Good governments — and Petro Georgiou would know this — protect children. The Children, Youth and Families Act passed in this Parliament last November sets out to do just that. In the second-reading speech on the amendments the minister stated:

> … investing in children's early years, giving parents the help they need to raise their families and ensuring our most vulnerable young people receive the support they need — when they need it — are among the most important things any government can do.

It goes without saying that we must give all children the best possible start in life. The Children, Youth and Families Act replaces the Community Services Act 1970 and the Children and Young Persons Act 1989. It will not commence, however, until 2007. This legislation will make services more accessible and adaptable and will guide the future delivery of family services, child protection and out-of-home care services.

The new act also guides decision making by the Children's Court in the areas of child protection and youth services. The act promotes a more integrated system of child, youth and family services that focuses on children's safety, health, learning, wellbeing and development — also very important. It also supports earlier intervention to prevent the need for child protection involvement with vulnerable children and families as well as establishing stronger quality assurance for family services, foster carers — the good

people who take on that job — and out-of-home care services. It also happily encourages more culturally responsive service delivery.

The budget this year committed $151 million to support the implementation of the act. This will be spent in early intervention and prevention services for at-risk families, improving the safety and wellbeing of children in out-of-home care and employing more child protection workers. This funding is in addition to the $68 million announced last December, and that means a total of $219 million will be spent over the next four years to implement this act.

The bill before us today sets out transitional arrangements for when the Children, Youth and Families Act commences. It makes technical amendments to enable the effective implementation of the act, and it makes consequential amendments to other pieces of legislation that currently refer to the Community Services Act or the Children and Young Persons Act so that other legislation appropriately cross-references to the Children, Youth and Families Act.

In clarifying transitional arrangements the government is aiming to strike a balance between administrative ease and fairness. The bill provides that on commencing the new act will apply to all cases, including cases that are already part heard by the Children's Court, except that it will provide minimum time frames for permanent care orders and new maximum time frames for developing a plan for a child who cannot live safely at home. These new time frames will be calculated from the first day the act commences and will have no retrospective effect. Pre-hearing conferences will continue in their current form until October 2007. This will allow for new models of appropriate dispute resolution to be developed within the Children's Court, and of course there will be consultation with court stakeholders and experts in developing the models. I have faith that the models will be developed well.

Since the Children, Youth and Families Act was passed last year implementation planning has identified the need for some technical amendments to implement the act. I will mention three of those amendments. An amendment clarifies the Aboriginal child placement principle and voluntary child-care agreements. The act sets out the additional decision-making principles to be applied when dealing with Aboriginal children. One of these is that decisions about an Aboriginal child should involve a meeting convened by an Aboriginal convenor approved by an Aboriginal agency. The amendment clarifies that Aboriginal family decision-making processes should be applied whenever a significant decision is being made about a child, including decisions about placing a child away from their home. This will ensure that families are involved in managing decisions about their children.

The bill clarifies information-sharing provisions to ensure that when child protection is notified that a child may be in need of protection it can consult with all community service organisations and other professionals to assess the level of risk to the child. This addresses the unintended anomaly that arises when family services can consult with a broader range of professionals during an investigation but not in an initial risk assessment. Everyone would agree that this is a sensible and necessary amendment. The bill clarifies what information can be shared between services. More importantly it provides for the protection of the identity of people who make reports and referrals. This change was supported by community service organisations. The bill also clarifies ministerial responsibilities in relation to dispute resolution conferences in the Children's Court. The bill clarifies that it is intended that the Attorney-General be responsible for this part of the legislation.

This government has a proud record in the reforming of Victoria's child, youth and family services sector, hence our financial commitment of over $219 million over the next four years. We have held extensive consultation on these reforms with peak community service organisations and peak Aboriginal organisations. The Children's Court and other key legal stakeholders also support the proposed amendments.

Society and governments are judged by many measures. I believe the treatment of the most vulnerable in society is the most important measure of our commitment to them — and that commitment should be absolute. Those who do not have a voice must depend on us — the legislators — to give them a voice and protect their rights. Whilst the bill before us today is an amendment to the act passed last year, it establishes the necessary transitional arrangements to put this extremely important piece of legislation in place in 2007. I commend the minister and her department, and I commend the bill to the house.

Mr SCHEFFER (Monash) — The Children, Youth and Families Act was passed last November. Its purpose was to establish an integrated child protection and child and family support system. In particular the act provides for community services to support children and families and for the protection of children, including those who have been charged with offences or who have been found guilty of offences. The act also

contains provisions for the Victorian Children's Court to continue its specialist work with children.

The act followed the first major review of Victoria's child protection laws in 15 years and reflects the priority that the government and the community places on the wellbeing of children and on the community's responsibility to protect children from harm, promote their rights and foster their growth and development. The act is a large and comprehensive document. It runs to well over 500 pages and covers the provision of services to children and their families and arrangements for child protection and for children involved in issues relating to the criminal law and the Children's Court.

Among the key reforms the government announced at the time were: the establishment of a Victorian carers list that would provide guidance on the approval of foster carers and employees of agencies; new and more rigorous processes for government-funded child, youth and family services; an extension to the role of support services so that they are able to respond earlier when families first show signs of difficulty, thereby ensuring long-term, stable alternative care for children who cannot live safely in the home situation; and the provision of more culturally appropriate services that can respond better to keeping Aboriginal children connected to their culture and community. The government also announced that the act would establish a new Children's Court therapeutic treatment order for children who exhibit sexually abusive behaviour. As well, the Children's Court will be empowered in special circumstances to order separate representation for children who are too young to provide independent instructions.

It is always difficult to know to what extent the world has changed or to what extent our perceptions have changed. The Minister for Children in the other place, in her concluding remarks in the second-reading debate, pointed to two issues that she said stand out and to which the act is a response. The first is that the problems of families that come into contact with child protection services have become far more complex. She said that increasingly these families confront complex combinations of issues such as substance abuse, mental health conditions, disabilities and family violence. She said that 50 per cent of children at risk come from families with domestic violence and substance abuse problems. The second issue the minister referred to is that we have now much better evidence of the negative impact of abuse and neglect on children's development. The act is grounded in the key strategy of providing support to families so that family breakdown does not happen. This is the best way to keep children with their parents. If children have to be removed from the family, we need to make sure that they are safely cared for, brought back to the family as soon as possible and then well supported to prevent future problems occurring.

The Children, Youth and Families (Consequential and Other Amendments) Bill sets out the transitional arrangements for the implementation of the provisions of the Children, Youth and Families Act and makes a range of consequential amendments to other legislation that is affected by the provisions of the new act when it comes into operation in 2007.

The transitional arrangements relate to part 4.10 of the Children, Youth and Families Act and detail the conditions that must be satisfied for permanent care orders to be made by the court. The transitional orders make sure that arrangements for children who cannot live safely at home and are to be placed in care are appropriately phased in and fair.

The transitional arrangements also allow for new kinds of mediation and alternative dispute resolution approaches to be developed within the Children's Court while the current system of pre-hearing conferences continues until the relevant sections of the act are implemented in October next year. As well, all matters that have been only part heard by the court will be considered under the new provisions once the bill has been brought into effect.

There are a number of technical amendments included in the bill. Where an Aboriginal child is to be placed in out-of-home care the Department of Human Services must consult with an approved Aboriginal agency so that the child remains connected to his or her culture and community. But where the parents voluntarily decide to place their child in out-of-home care, there is no requirement that an approved Aboriginal agency is consulted — the parents can make the choice to do so or not.

The bill clarifies that child protection can consult with all community service organisations and other professionals to assess the level of risk to a child — a power not provided for in the principal act. As well, the Secretary of the Department of Human Services is empowered to disclose information when the disclosure will protect and enhance the wellbeing of a child who is at risk.

The bill also facilitates better information sharing in the interests of the wellbeing of the child by allowing child protection and a family service to pass on the details of a case as disclosed by a person who has reported information. This means that child protection can now pass a case on to a family service and also let the

service know who reported the concern so that the service can follow up any details. But the service is then bound not to disclose the identity of the informant. The bill also clarifies that the Attorney-General is responsible for those parts of the principal act that deal with dispute resolution conferences in the Children's Court; it is not the responsibility of the Minister for Children.

The bill and the principal act underpin a broad reform agenda that the government has been committed to since its election in 1999. The government has strongly focused on supporting families through greater investment in housing, health care, schools and public transport. Families and children do not exist in a vacuum, and public investment in infrastructure and services lifts the overall wellbeing of the community.

The Children, Youth and Families (Consequential and Other Amendments) Bill and the Children, Youth and Families Act are only part of the story. The provisions contained in this legislation complement the improved services that will help prevent vulnerable families from succumbing to the complex pressures that put them at risk. The new act will be supported by training programs for service providers to strengthen their capacity to work effectively with children and their families.

This is important legislation that will make practical differences to the welfare of children and families that find themselves in difficult circumstances. I commend the bill to the house.

Ms CARBINES (Geelong) — I am pleased to speak this evening in support of the Children, Youth and Families (Consequential and Other Amendments) Bill which seeks to strengthen the Children, Youth and Families Act that was passed in this place last year. I congratulate the Minister for Children in the other place, the Honourable Sherryl Garbutt — she is the very first Minister for Children — for her preparedness to act in the interests of Victoria's children by introducing a comprehensive reform agenda aimed at protecting the state's most vulnerable children and young people, so that these young people have the best possible chance of growing up healthy, happy and better able to realise their individual potential as adults.

It is incumbent on all governments to work in the interests of the most vulnerable in our society. It is sad to say that too many Victorian children are placed in vulnerable situations. Over the years of my professional career — before becoming a member of Parliament — as a teacher in state schools, many times I had children referred to me or children have come and told me of their concerns about abuse that was taking place in their own family. I have had children write stories to me that inferred abuse was taking place in their family. It is always an unsettling experience when one realises that someone in your care is potentially being abused. I was a strong supporter of the mandatory reporting provision that was introduced under the Kennett government. I thought it was an appropriate way of dealing with information that is often passed on to teachers and to other professionals. It has been an important change in our state to ensure that this information is passed on, reported and acted upon.

As members of Parliament we are sometimes contacted by constituents who are concerned about a family, a child in a family, or indeed a child in their own family. It is incumbent upon us to ensure that information is passed on and those concerns are reported to child protection. As I said earlier, it is always an unsettling experience when you are exposed to reports of such abuse, and it stays with you for a long time.

It is important that all governments act to protect the interests of children, and Minister Garbutt and the Bracks government have worked hard to reform the way in which children in our state are protected. This bill seeks to strengthen the Children, Youth and Families Act which was passed last year. The act will commence next year and will replace the former Community Services Act 1970 and the Children and Young Persons Act 1989. When it comes into operation next year it will guide the delivery of family services, child protection and out-of-home care services in our state, and will also guide decision making by the Children's Court.

I am pleased the government has committed substantial funding, some $290 million, to implement the act. This is aimed at boosting earlier intervention services for at-risk families, improving the safety and wellbeing of children in out-of-home care, and importantly, employing more child protection workers.

It is appropriate that we are debating this bill today, the day in which the Premier made an apology to people who in the past have been in the state's care and suffered abuse. I understand that the debate that took place in the Legislative Assembly was very moving and was heard by many people and their carers who had been victims of abuse while under state care in the past. It is important that the government, through the Premier, made that apology today. I know it is an important day in the lives of many people who have suffered abuse in our state while in state care.

The bill seeks to implement some consequential and technical amendments aimed at clarifying the transitional arrangements for the introduction of the Children, Youth and Families Act next year. It is aimed at striking an appropriate balance between fairness and of course administrative ease. The bill specifically outlines that the new act will apply to all cases, with the exception of new minimum time frames for permanent care orders and new maximum time frames for developing a stability plan for children who are unable to live safely at home.

The bill clarifies that these new time frames will not be retrospective. The new time frames will be calculated from the day the act commences. It also clarifies that pre-hearing conferences will continue in their current form until October next year. That will allow time for the development of new models of mediation and dispute resolution within the Children's Court, which will be done in consultation with stakeholders, experts and of course the community.

The bill also seeks to amend the principal act with regard to the Aboriginal child placement principle and voluntary child-care agreements. This is to preserve Aboriginal families' choice as to whom to engage with, a mainstream community service or an Aboriginal agency. This is important to make sure that the families have a say in determining the service with which they engage. We know this part of the bill has the strong support of not only the peak Aboriginal bodies in this state but regional organisations as well.

We know that information-sharing provisions are critical to children's safety. This bill seeks to strengthen these provisions by allowing child protection to consult with all community service organisations and other professionals to assess the level of risk to a particular child or children. This bill also authorises child protection and family services to pass on reported details to each other. However, it is important to note that the identity of the person or persons who report the case must still be protected in this process. This provision is supported by community service organisations.

The bill also clarifies exactly who is responsible for various parts of the act. There has been some debate about dispute resolution in the Children's Court and which minister is responsible. The bill clarifies that the Attorney-General is responsible for the part of the principal act relating to dispute resolution conferences in the Children's Court. Concern has also been expressed about the need for the clarification of prescribed services by out-of-home care agencies that will not be subject to approval requirements. The bill addresses this by outlining that services which do not involve directly working in close proximity to children without supervision will not require approval. It suggests that the sorts of jobs that will not require approval are jobs such as those of gardeners and cooks — that is, people who will not be working in close proximity to children and who will not be left without supervision if they are close to children.

A house amendment was moved in the Legislative Assembly to enable the minister or the Secretary of the Department of Human Services to authorise medical assessments and treatment for children who are placed in a hospital or a baby-parent unit under an interim accommodation order.

This is a comprehensive bill that builds on the Children, Youth and Families Act, which was passed last year. It clarifies a number of transitional and consequential amendments that need to be made. It builds on the government's commitment to making sure that every child in this state has the best possible chance of living safely, happily and of course healthily throughout their childhood, and making sure they realise their maximum possible potential as adults. It is incumbent on governments to make sure they look after the interests of the most vulnerable and disadvantaged in our society, and it is hard to imagine a group of people who are more vulnerable than children. Whilst the vast majority of us as MPs have grown up in loving families and probably have never been touched by abuse or neglect personally, it is of course incumbent on us as legislators to make sure that we have very strident legislation in place which works to protect those members of our communities — and there are sadly many of them — who are subject to abuse as children. It is important that our legislation works to protect the interests of those children.

This bill builds on the strengths of the government's commitment under the principal act. Minister Garbutt has shown in her role as Victoria's Minister for Children that she is prepared to comprehensively reform the legislation which protects the children in our state. I am sure she is looking forward to the commencement of the act in 2007 and to the enhanced protection it will bring to Victoria's children. I congratulate Minister Garbutt and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Ms BROAD (Minister for Local Government) — By leave, I move:

That this bill be now read a third time.

In doing so I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

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

STANDING ORDERS COMMITTEE

Review of joint standing orders

The ACTING PRESIDENT (Hon. J. G. Hilton) — The following message has been received from the Legislative Assembly:

The Legislative Assembly has adopted the joint standing orders and joint rules of practice as recommended by the Standing Orders Committee in its report on the review of the joint standing orders of the Parliament of Victoria, July 2006, with amendments, to take effect from the start of the 56th Parliament, to which the agreement of the Legislative Council is sought.

Ordered to be considered next day.

NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 20 July; motion of Ms BROAD (Minister for Local Government).

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a contribution to the debate on the National Parks and Crown Land (Reserves) Acts (Amendment) Bill, which is a bill that the opposition supports. It is a bill that does a lot of things. It amends the National Parks Act 1978 basically by adding land to parks and amending various provisions relating to marine parks and sanctuaries. It amends the Crown Land (Reserves) Act 1978, creating a series of regional parks, nature conservation reserves, a recreation reserve and a series of water reserves. It also amends the Heritage Rivers Act and the Mineral Resources Development Act and adds about 4000 hectares to 4 national parks, 1 state park and 1 national heritage park. The opposition supports these steps, which are taken through amendments to particular schedules.

The bill provides for land additions to smaller parcels of land on the Mornington Peninsula and on French Island, and various roads in those places are also dealt with. An additional 188 hectares has been purchased for the Great Otway National Park, and that land includes abutting unused roads. There are also some corrections.

I note the addition of the Ironbark Basin adjacent to Point Addis. Members in this house will know Point Addis. It is a beautiful beach, and the swap of land undertaken by the shire down there is a welcome step. I note that as part of this process the state government has agreed to give a section of land to the shire, and in doing so intends it to be used as a public recreation reserve. I have to say for the benefit of the house that I have looked at that reserve. I understand there are now concerns about the value of the vegetation and fauna on the site, and I support an examination of those values. There may well be a case for ensuring that that land is properly protected into the future. It may be difficult for the government to keep the bargain with both the shire on the one hand and the community on the other while ensuring that a proper recreation reserve is created on the site.

I make the point that the government has created a debt through that deal. There is an understanding that the deal that has been done will mean that the people of Aireys Inlet and surrounds will have access to the recreation facilities — that is, the oval and other sporting facilities. I am very conscious that the process that surrounds the examination of the flora and fauna on this parcel of land may well put these issues at risk. It is incumbent on the government to ensure that it does not leave the community high and dry in terms of recreation facilities.

The onus is squarely on the government to come through on the deal and deliver those sporting facilities. I note that the minister at the table today is the Minister for Sport and Recreation. I have no doubt that when he reflects on this he will agree with me that the community along the coast has every right to have proper sporting facilities. As you come into Aireys Inlet and turn off to the right you can see that nice parcel of land. If the minister responsible for examining the flora and fauna decides that there are significant biodiversity and other values associated with that parcel of land, the government will come up with a solution, I am sure, which will guarantee the sporting outcomes for that community.

There are also changes to the Grampians National Park, with the purchase of 188 hectares of Crown land, and there are some adjustments to incorporate the unused roads. There is a correction to the plan and the excision of some unused roads. Clause 14 amends the description of Broken-Boosey State Park and provides for the addition of purchased land. Other changes are made there too. I note that the National Parks Advisory Committee has not opposed these changes and indeed is probably quite supportive.

There are also a series of changes to the Beechworth Historic Park, which correct the plan, the Steiglitz Historic Park, with the excision of some sections of roads, and to the Castlemaine Diggings National Heritage Park, with excisions and the purchase of another 4.5 hectares.

Clause 11 relates to the repeal of sections 65 and 66 of the National Parks Act — that is, Point Nepean. I would appreciate it if the minister would provide some clarification as to the future of the park and various government plans. I might talk to him privately on this matter after my contribution.

The marine national parks and sanctuaries provisions will be amended to make enforcement easier. I hasten to add that I was nervous about the application of a strict liability principle to those who traverse national parks in boats and otherwise because I can see that potentially overzealous rangers may not act sensibly on every occasion. However, on balance what I was told at the briefing and my subsequent investigations indicate that this is a reasonable provision. I take the chance to put on the record my thanks to the minister and the bureaucrats for the briefing. It was rather longer than the average briefing and more detailed in terms of the shape of the maps and following this through. It is a complex bill in the sense — —

Hon. J. M. Madden — I do not know whether that is a good reflection on him.

Hon. D. McL. DAVIS — The minister — —

Hon. J. M. Madden — I was only joking.

Hon. D. McL. DAVIS — I know you were only joking, but the reality is that these are sometimes complex and — —

Hon. J. M. Madden — They do a fantastic job.

Hon. D. McL. DAVIS — Indeed. There are corrections in this bill that tidy up small issues that occurred following other attempts to get things right. I make that point in passing rather than as a deeper criticism just to point out how complex some of these issues around precise descriptions in the maps can be.

I note also that three regional parks are created, with the addition of just under 9000 hectares of public land in and around the Bendigo Regional Park. We dealt with that series of steps in this chamber earlier but this goes further. The water supply infrastructure around that park is both public and private. Ownership of that infrastructure is provided for and the various water supply authorities will continue to maintain that through an ongoing authorisation process. We have had discussion about the Bendigo park in this chamber recently. The opposition supports the steps being taken here. It is conscious of the fact that they will improve lifestyles and livability in Bendigo, and the opposition is keen to embrace that.

We add a couple of caveats. It has been put to me on a number of occasions now by knowledgeable individuals that it is very important for the greater extent of parkland that now surrounds Bendigo to be well managed or there will be risks for Bendigo, not only for the maintenance of vegetation and fauna but also in terms of fire and a risk to the townships in some of the outlying areas. There needs to be some caution exercised here. My point in making these comments is not to be critical but to sound a note of caution that these matters need to be appropriately dealt with through the management plans. I note also that the Greater Bendigo City Council is supportive of these steps — indeed it is very supportive — and has allocated money to it. I also make the point that the government must ensure there are sufficient resources to undertake these significant steps with respect to parks.

Another one of the regional parks that is adjusted is the Kurth Kiln Regional Park north-east of Gembrook and adjacent to the Bunyip State Park, where 3400 hectares are to be added. The bill implements steps that are in accordance with the former Land Conservation Council and central highlands regional forest agreement, and I note that the bill allows for low-intensity timber harvesting to continue in the eastern section of the park. In doing so it designates that that part of the park is be protected forest within the meaning of the Forests Act 1958.

The creation of the Macedon Regional Park is also an important step. This park comprises most of the forested Crown land in the prominent Macedon Ranges, which along with a number of these other parks are known and loved by people around the state. Nearly 300 hectares of forested land currently owned by Western Water will be included in the park. In a

sense these are just transfers of ownership, but one hopes that the proper integrated management that goes with those transfers will be actually delivered. Again I sound a note of warning that these management plans are actually the key step. It is easier to designate things and to change the titles and ownership structures than it is to actually deliver good long-term management of these important pieces of parkland. The final size of the park will be 2200 hectares.

I note that in the Macedon area there is a growing unease with the government's planning approach and planning policies. I am not specifically talking about parkland here, I am talking about the land proximate and adjacent to parkland. I have had many representations made to me in recent times about the management of biodiversity and other issues in that region. Of course these parks cannot be looked at completely in isolation. It would be wrong to view them in that way. This is in effect a more general point, but I am making it with respect to the Macedon Regional Park. There needs to be a thoughtful integration of the management of the parks with the surrounding terrain and the surrounding, private and public territory. There needs to be an embracing of that by private land-holders. It needs to be done in a way that will allow private land-holders to embrace those plans constructively and without excessive and unreasonable costs and burdens being imposed on them.

In recent times the Liberal Party has made a number of points about land management in country Victoria, recently releasing our important country Victoria policy which deals with a number of those issues. There are real issues in country Victoria now that flow out of the consultations and discussions that many in the opposition shadow ministry have had with country Victorians over the past months and years. The government's rural zoning policy has created real difficulties. The size of properties and the restrictions that are increasingly being placed on people, including retrospective provisions, have begun to bite and have real impact, in some cases harsh and unjust impact. As we have said in our policy, there is a need to create proper titles that allow rights of land use that are essential to country communities. They need to be firmly protected. That is about strengthening local country communities and their economies.

There is a series of issues about how planning in rural zones is managed. I make the point that the government has not got this right and that will have an impact long term on the management of biodiversity and other land-use issues, particularly in conjunction with national parks. The parks are important linchpins in regional biodiversity plans and the government's mismanagement of rural zone titles and rights augers poorly for their future. If the government does not get land-use issues right and the titles and protections correct, it is unlikely to get the support that it needs from private land-holders, who are critical to making regional biodiversity plans work.

In this context there has been great discussion in looking at parks and reserves across the state that are created and amended through this process. There are issues about native vegetation and the rights that are dealt with there. The opposition is concerned also about the government's approach to native vegetation protection. We do not believe that the government has got that right. We need simple and straightforward guidelines that do respect property rights. The government needs to set realistic and sensible targets for the retention and development of native vegetation, going forward 5, 10, 15 years and longer into the future.

In the context of the national parks and various reserve systems that are dealt with in the bill and the fact that they play a key role in the protection of our biodiversity into the future, it is interesting to reflect on what is happening with climate change. I make what in a sense is a side point, but in another way is a quite central point in considering how we should manage and deal with our parks and reserves in the future. Victoria faces a significant challenge with climate change — the increases in temperatures, the declines in rainfall and the changes in patterns. Even where rainfall patterns may in aggregate equal the same quantity as before, the pattern is that the rain is coming at different times and in different quantities and that is having a huge impact on certain types of vegetation and floral and faunal communities. As the temperature increases — and there is no realistic disagreement with the concept that the greenhouse effect is causing temperature rises — there will be a significant impact on issues of biodiversity in Victoria. Without dealing properly with climate change, the community will not be able to protect its flora and fauna adequately into the future.

On the Macedon area, I make some comments that can be put in a broader context as well. The government has brought forward the Victorian renewable energy target, or VRET, scheme to in theory deal with some of the greenhouse issues. Members know that with the way the government is currently implementing its wind farm policy it is not going to achieve the results that are required. We know from the evidence, which is stark and clear, that the cross-subsidies provided by consumers between one power type and another will do little to assist with managing or reducing greenhouse gas production in Victoria — specifically carbon

dioxide output. In fact there is likely to be a minimal impact on the very expensive VRET scheme.

Its more likely impact is that it will simply make Victorian industry uncompetitive and more costly in comparison with our competitors interstate and overseas. The government needs to look more closely at this. The opposition will certainly be looking at it, and biodiversity will be one of the key drivers of that. We will be looking to announce policies to take a series of strong steps to reduce carbon dioxide output in the future. By reducing carbon dioxide output and hence greenhouse gas impact, we can make our contribution on those issues.

Victoria is a small net player in the world environment, on which the effect will be marginal. Nonetheless there is a moral obligation to take significant steps. If the world does not take those steps to reduce greenhouse gas output, there will be a significant impact on states such as Victoria. Try as we might to create national parks as a key part of our landscape and to protect biodiversity, we will not achieve those aims if the temperature keeps rising, rainfall is more sporadic, the land gets drier and drier and species are driven out of territory and terrain that they have traditionally inhabited.

In the context of the landscape and the purposes of the bill, which are to amend the National Parks Act and the Crown Land (Reserves) Act, I also make the point that I am very concerned about the government's wind farm policies in respect of the visual impact that they may have on a number of our important sanctuaries and reserves. I note that the bill deals with a number of nature reserves in the Otways region. The Victorian Environmental Assessment Council's Angahook-Otway investigation, which preceded the bill, recommended five nature conservation reserves in the Otways region. One of those is already in existence and the bill creates the other four: the Bungador Stony Rises Nature Conservation Reserve, which is in essence three remnants of public land in the Stony Rises region; the Jancourt Nature Conservation Reserve, which contains the largest remnant of the Heytesbury Forest, and is complemented by a further reserve, the Coradjil Nature Conservation Reserve; and the Marengo Nature Conservation Reserve, which extends and protects remnant coastal heathlands.

I make the point that with the government's policies important areas of visual significance in the Otways are at risk. Members need look no further than recent statements in the past couple of days in AAP reports and the Warrnambool *Standard* and other local papers that are very interested to protect their local regions to see that the issue of wind farms near the Otways has begun to reach a point of significant concern. I want to quote in part from an article headed 'Wind farm raises ire', in the Warrnambool *Standard*. The article reports on the proposed wind farm at Newfield near Port Campbell. A number of people have begun to express their concerns about the 15-turbine wind farm that is to be built there.

I hasten to add the opposition is not concerned about wind farms per se; it is concerned about the impact of wind farms and the cross subsidies the government is giving these entities. But in this case, this wind farm is proximate to the Great Ocean Road and I am very concerned that it will be intrusive.

It is interesting that one Port Campbell resident, Marg O'Toole, has said to the local paper that she was concerned about the visual impacts or intrusions on the landscapes. Ross Powell, a landowner with land adjoining this wind farm project, and others in the area have said the towers are overbearing. Make no mistake, these are monstrous towers. They are huge structures; they are bigger than jumbo jets and their impact on important and pristine landscapes can be dramatic and destructive. I am very concerned that this government's approach will see a proliferation of wind farms.

The Tuesday before last Ms Hadden and I were at a significant public meeting in the township of Haddon, which is in the Legislative Assembly electorate of Ripon. It is a small township. There were slightly more than 70 people at the meeting in the local school. That community was fighting for its life — 350 houses in a cluster around a small radius of a couple of kilometres from where it is proposed to build a significantly sized wind farm. The company, Wind Power Pty Ltd, which proposes to build the wind farm had gone through what I think was only a sham consultation process. Even that country, which is not part of the Great Ocean Road or an environment that might be seen as iconic across the community, is significant terrain. It would have impacted on local lakes and wetlands and would have significantly impacted on the visual amenity of the area and on those communities.

The government's policy is flawed. It is interesting that the day after the visit by Ms Hadden and me to the large meeting, the company and the government announced the cessation of this process — —

Hon. W. R. Baxter — You are very influential.

Hon. D. McL. DAVIS — I am putting the credit on to Ms Hadden on this occasion, but I was happy to assist her. Vic Dunn, who is the Liberal candidate for

Ripon, was very strongly opposed to that wind farm. There was a notable absence, and that was the Labor member for Ripon, Joe Helper, who was invited but chose not to attend.

Hon. W. R. Baxter — He would be no help.

Hon. D. McL. DAVIS — He was not helping anyone. Indeed there was a great deal of anger and I would go further and say animosity towards Joe Helper because he had not been prepared — —

Ms Carbines interjected.

Hon. D. McL. DAVIS — I am talking about landscapes and national parks. Your plan, Ms Carbines, and I know you are trying to run for the Western region in this state — —

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! Through the Chair, Mr Davis.

Hon. D. McL. DAVIS — Through the Chair, members of this chamber who intend to run for seats should be prepared to stick up for their communities, and that includes protecting national parks and important visual landscapes.

Hon. W. R. Baxter — They should have put Ms Carbines higher up the list.

Hon. D. McL. DAVIS — They should have put her higher up the list. She is actually exposed in that third position and may or may not be elected. That is a matter for the electorate.

An honourable member interjected.

Hon. D. McL. DAVIS — I quite like Ms Carbines. I think she is one of the government's better performers in this place. But the truth is that unless she is prepared to stand up and do something about that wind farm down at Newfield, she is going to face real challenges. People in that area are very angry about the proposed wind farm that will be highly visible from the Great Ocean Road. I have to say that part of the importance of these national parks, including the Greater Otways and the Great Ocean Road stretch, is that they are important visually to the community in terms of heritage values and biodiversity. But it is also an important tourism driver. If this government wants to get its tourism policy quite wrong, putting wind farms on the Great Ocean Road would be right up there as one of the silliest things it could do.

We heard in the chamber today that the minister will not rule out wind farms at Newfield — he would not rule it out. I know Mr Brideson was angry at that; he was determined to ensure that the Great Ocean Road was properly protected. It is clear that this government will not do it. It will always roll over to the interests of the wind farmers. It will always roll over to give them a go no matter what values are concerned, including values that surround visual amenity and protection of national parks and tourism.

I would invite Ms Carbines, who I know will address this chamber a little later, to make some comments about what she proposes, as a candidate, to do to protect areas along the Great Ocean Road. Is she prepared to step forward and simply say this is wrong and has to stop? Is she prepared to tell the Minister for Planning in another place, Mr Hulls, and the Minister for Energy Industries that they have to pull back from this policy of subsidising wind farms and plonking them on areas of visual significance along the Great Ocean Road?

In conclusion I want to make a number of comments. There are a number of other Crown land reserve changes that are made in Nathalia, Numurkah and Wattville. We talked about the Aireys Inlet recreation reserve earlier, and there are some changes made under the Mineral Resources Development Act in terms of restricted Crown land.

The opposition is pleased to support this bill. I have made a number of comments about the way national parks and Crown land reserves sit within the broader aims of government policy. This bill assists in a number of those broader aims and for that reason the opposition is pleased to support it. But I am keen to add to the debate in terms of saying it is not just the creation of national parks and Crown land reserves that is important, it is the proper ongoing management of them and the placement of those management plans within regional communities and biodiversity plans. With those comments I commend the bill to the house.

Ms CARBINES (Geelong) — I am very pleased and proud to speak tonight on behalf of the government on the National Parks and Crown Land (Reserves) Acts (Amendment) Bill as Parliamentary Secretary for Environment. The bill builds on the Bracks government's visionary environmental policy to protect Victoria's unique natural environment. Over the last six and a half years we have worked hard to do just that and increase the area in the state that is covered by national parks.

I would like to remind the chamber of some of the great initiatives that have been undertaken by this

government for the protection of our unique environment. In our first term we created the world's first reserve system of marine national parks and sanctuaries, which has placed us at the forefront of marine conservation not just nationally but in the world. We have protected our box-ironbark forests; we have created what is very dear to my heart, the Great Otway National Park; we have secured the Point Nepean National Park; and we have worked hard to assess the amount of logging across the state and have found that it was at unsustainable levels, so we have reduced by one-third the amount of logging across Victoria. That was in our first term. We have also increased the amount of funding to parks management by some $98 million. The Bracks government has created more national parks than any other government in Victoria's history. That is a record of which we should all be incredibly proud.

This bill will add some 400 hectares to four existing national parks, one state park and a national heritage park. It creates the Bendigo, Macedon and Kurth Kiln regional parks, with eight associated water reserves at Macedon. It creates four nature conservation reserves in the Otways — the Bungador Stoney Rises, Jancourt, Coradjil, and Marengo nature conservation reserves — which in total cover some 5000 hectares. The bill also involves some minor amendments to the enforcement provisions for marine national parks.

I would like to focus my contribution tonight particularly on the areas of the bill that relate to the Great Otway National Park. The Great Otway National Park is an initiative of the Bracks government. As members of this place know, we took to the Victorian people for the 2002 election a policy saying that if we were re-elected we would create the Great Otway National Park and would end logging in the Otways by 2008. We are well on track to ending logging by 2008, and have already advised the remaining licensee in the Otways that his contract will not be renewed when it expires in 2008. During this term we have created the Great Otway National Park, and I was very proud to participate in debate on that in this chamber.

The bill incorporates into the Great Otway National Park an area of land that has been bequeathed to the people of Victoria by the O'Meara family. I would like to particularly acknowledge the O'Meara family's generosity in donating land next to Mount Sabine to the people of Victoria. Some 25 hectares of land there had been bought by the O'Meara family to honour the memory of their father, Jack O'Meara, who was a constituent of mine who lived in Torquay. Jack was a great conservationist, and as part of his bequest he wanted his family to use part of their inheritance to purchase land to be bequeathed to all Victorians to be conserved forever. It was a great moment for the O'Meara family when they finalised the deal to purchase the land in the Otways and prepared to donate that land to the Victorian people. I congratulate them and thank them for their generosity; it will not be forgotten.

The bill also revokes the status of the Aireys Inlet Bushland Reserve so that instead of being for conservation purposes it is for recreation purposes. This is a really interesting issue in Aireys Inlet and the Surf Coast shire. The government is pleased to support the members of the Aireys Inlet community and the Surf Coast shire Council in their pursuit of the identification of a piece of land at Aireys Inlet that could be suitable for the construction of a recreation reserve. For the past 20 years the Aireys Inlet community has worked and lobbied hard to identify some land at Aireys Inlet on which a recreation reserve could be constructed. Currently it does not have any such reserve. It is hard to imagine a community without a recreation reserve, but one exists at Aireys Inlet. It is very sad that the children of Aireys Inlet have to practise their football and cricket in the local Aireys Inlet pub car park. That community does not find reasonable the expectation that children should have to play footy and cricket in the pub car park. They think they should have a recreation reserve, and it is hard to argue against them.

The Surf Coast shire and the Aireys Inlet community had identified the land at the Aireys Inlet bushland reserve as a possible location for the recreation reserve. The site is some 2.4 hectares in area. They formed a community lobby group called FAIRGO, which has worked really hard to raise this issue locally, with the council and with the state government. I remember that when a community cabinet was held in Torquay members of FAIRGO lobbied the Minister for Environment, Minister Thwaites, about their desire that the Aireys Inlet bushland reserve be considered for construction of a recreation reserve.

The Surf Coast Shire Council was pleased to present those concerns to the government. In doing so it has lobbied Minister Thwaites and me very hard. We have received dozens of emails on this matter. Minister Thwaites had to weigh up whether or not he should allow the exploration of the bushland reserve to be considered for a recreation reserve. It was a hard decision. He had to weigh up the desire of the community to have a recreation reserve within their own area and the conservation values of the site. I was pleased to join Minister Thwaites at the Aireys Inlet pub in June last year when he announced to that community that he had agreed to the Surf Coast Shire

Council's request to consider the exploration of the feasibility of constructing a recreation reserve on the site.

As part of this process the Surf Coast shire asked the government to revoke the status of the land from being for conservation purposes to being for recreation purposes. It also generously offered to donate Ironbark Basin, which is some 164 hectares of high conservation value land, to the people of Victoria by its being added to the Great Otway National Park. That land adjoins Point Addis Marine National Park. It contains red ironbark species and vulnerable coastal headland scrub, and adding it to the Great Otway National Park will give it a high level of protection. The Surf Coast Shire Council is to be congratulated on its generosity. I know that the people of Victoria appreciate it very much.

The government has agreed to the status of Aireys Inlet bushland reserve being revoked. The council had applied to the government for some funding to examine the feasibility of constructing a recreation reserve on the site. The government has given it $30 000 to do that, which complements its own funding, and that process is under way at the moment. But it was made very clear right from the start that the construction of a recreation reserve on this land may ultimately not be feasible.

If at the end of this process the Surf Coast shire finds that it is not feasible, then of course the community, the council and the government will need to look for alternatives. However, it is important for the community to know that if it is deemed feasible to construct a recreation reserve on this site, there will still need to be a planning process. People who support the proposal and people who oppose it will have a chance to have their say through the appropriate planning processes. There are many hurdles left in relation to this site.

It is very important that the community has the opportunity to explore the feasibility of constructing a recreation reserve on this site, and I would like to read a letter from Adrian Kennelly, the chair of FAIRGO, who wrote to me in September last year saying:

> On behalf of the FAIRGO committee and the broader community of Aireys Inlet and Fairhaven, I wish to sincerely thank you for everything you have done to assist us in our search for a suitable site for a community recreation ground.
>
> …
>
> The road ahead still presents a challenge and the partnership we have formed will be critical to the eventual outcome.

This has been a hard decision for the government. In the context of creating the Great Otway National Park, which covers in excess of some 100 000 hectares of land, the minister decided — and he announced this over a year ago — that he was prepared to allow the exploration of the Aireys Inlet Bushland Reserve for the possible construction of a recreation reserve. This was at the Surf Coast shire's request. The shire generously offered to donate the Ironbark Basin for addition to the Great Otway National Park, and we thank the shire and acknowledge it for that donation.

A feasibility study is under way at the moment in relation to the Aireys Inlet Bushland Reserve. The shire asked that the conservation status of the site be revoked and that it now be given recreational purpose status. The government has acceded to every request made by the Surf Coast shire. As a government we listened hard to what the community of Aireys Inlet had to say to us. We have made a difficult decision in relation to this issue. We listened hard to what the Surf Coast Shire Council said, and we agreed to work with the shire in the exploration of this site. It is a very exciting time in Aireys Inlet. People are very interested in what is going on, and I would like to point out that we are the only government that has ever taken an interest in this issue and been prepared to work very strongly with the community.

I have to say that the local lower house member, the member for Polwarth in the other place, Mr Terry Mulder, has been entirely absent on this matter. In fact he had nothing to say on the matter until about two or three weeks ago, and then it was in the context of the forthcoming state election. Mr Mulder needs to be very careful about what he says about this site, because if he knows that community — and I suspect that he probably does not know it very well — he would know it strongly supports the process the state government has put in place in conjunction with the Surf Coast shire. He needs to be very careful that he does not come in at the 11th hour in a ham-fisted attempt to somehow gain some political kudos with his colleague Mr David Davis, whom I noticed in my local paper has been traversing the site. Mr Mulder needs to be very careful — as does Mr Davis — that he does not read this issue wrongly. I have a strong sense that they have, and they need to be very careful because this community has worked very hard on this issue.

The government has made a hard decision to revoke the status of the site to allow the exploration of whether it is feasible to put a recreation reserve there. We have put our money where our mouth is by announcing that an amount of $30 000 will go to the Surf Coast shire for the feasibility study to complement its own funding.

That process is under way. If it is deemed to be feasible, a planning process will then need to be completed. There is a long way to go on this, but the journey has commenced courtesy of the Bracks government.

This is an exciting bill that will add significantly to national park reserves in this state. I thank the opposition for its support of the bill. I understand The Nationals are not opposing the bill, and I thank them as well. It is important that the unique environment in our state is looked after. One of the mechanisms for looking after our natural environment is of course to protect it, and you cannot get any higher protection than including it in a national park. This bill adds significantly to our national park reserves.

Hon. J. G. HILTON (Western Port) — I would like to make a brief contribution to the National Parks and Crown Land (Reserves) Acts (Amendment) Bill that is before the house this evening. The bill has not been opposed by The Nationals or the opposition. As we have had a very comprehensive description of the clauses in the bill by the parliamentary secretary, Ms Carbines, I do not think it appropriate that I take up too much time of the house.

The bill essentially makes some minor changes to the size of certain national parks across Victoria. It is always worthwhile in these debates indicating that a significant part of Victoria is protected in certain ways, either as wilderness, state regional parks or reserves. About 15 per cent of Victoria has that protection, which is something of which we can be very proud. It means that a significant part of our natural assets are going to be protected for this and for future generations.

I would like to specifically mention two additions which affect my own electorate of Western Port Province. An area of 0.17 hectares has been purchased and added to the Mornington Peninsula National Park. This is essentially two house blocks which are in an area totally surrounded by the present park, and it obviously makes sense to incorporate this area into the park. There is also an addition to the French Island National Park. Two areas with a total area of 28 hectares have been purchased. They contain some endangered swamp vegetation and wetland which is not currently represented in the existing park. The area also has some significant flora and is an important habitat for migratory waders.

I want to make some comments about another area in my electorate, which is Devilbend reserve. It is actually in the heart of the Mornington Peninsula and used to be a reservoir for Melbourne Water. It has been decommissioned over the last few years. The government has decided that Devilbend will now become part of the parks estate in Victoria.

The total size of Devilbend is approximately 1057 hectares, and the government has decided to create a national park out of all that land, apart from 40 hectares. This 40 hectares course has been the subject of some dispute. The opposition says that it will reserve or incorporate all of the land presently covered by the surrounding area of the reservoir including the 40 hectares, which the government has decided to sell to raise funds to establish the park in Devilbend.

Anybody who has any understanding of that area at all would know that the 40 hectares is certainly not in any way integral to the establishment of the park. This parcel of land is in fact separated from the existing park by Graydens Road, and it has been suggested that if people have to cross Graydens Road to get from one area to the other it could be quite dangerous because Graydens Road has a speed limit of 100 kilometres an hour.

The local people were of course highly delighted when the government made its decision to incorporate all of the surrounding area of Devilbend into the park, and I will quote from the remarks of a couple of people who have been fighting quite strongly to have this area incorporated, one of whom is Dr Brian Cuming of the Westernport and Peninsula Protection Council. He was delighted that the area was going to be designated as a park, and considered, when the minister made his announcement, that it was a happy day.

Jan Oliver of the Mornington Peninsula and Western Port Biosphere Project said the group was very relieved to find that conversation of the area would be the main focus and that Parks Victoria would be in charge. I also share Brian and Jan's delight at the decisions the government has made. This will be another tremendous addition to our national parks heritage.

I am very pleased to be part of a government which actually sees the great importance of national parks and the part they play in our society. I would like to compliment, as I have done previously, the excellent work of the Parliamentary Secretary for Environment, Ms Carbines, and her passionate commitment to the environment, and also compliment her for the wonderful work she does on all these bills which come before the house. I am personally very proud of this legislation for the effect it will have on my own area and for all of Victoria, and I am pleased to commend the bill to the house.

Debate adjourned for Hon. P. R. HALL (Gippsland) on motion of Hon. W. R. Baxter.

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

Rail: north-eastern Victoria

Hon. W. R. BAXTER (North Eastern) — I wish to raise a matter tonight for the Minister for Transport in another place. The government has made announcements in recent days of increased rail services, generating quite a bit of publicity. I think it has even used the figure of 471 additional train services to be provided, with most of those, I suppose, in suburban areas but some of them certainly in regional areas.

I welcome that initiative because country people are looking forward to improved train services, not only with the alleged fast train project but other services as well. But my disappointment is that I understand that any additional services to north-eastern Victoria are not scheduled to come into place for more than 12 months. I find it very difficult to understand why that would be so. Why would an announcement of additional services be made at this time, just prior to an election, when there is no intention of introducing those services for a considerable period of time?

I am a regular traveller on the train to north-eastern Victoria and will be using the train again tomorrow evening. I find it quite a satisfactory service, although many of the carriages are well overdue for refurbishment. It seems to me there is great capacity to increase the use of passenger rail in north-eastern Victoria if the services were revamped, the timetables improved and additional services provided.

I call upon the minister to ensure that north-eastern Victoria receives its fair share of the additional services that have been recently announced.

Public transport: companion dogs

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Transport in another place regarding the issue of companion animals travelling with disabled people on trains and buses.

I was written to recently by Kellie Butler. Kellie is disabled and is in a wheelchair. She intended to travel to Tocumwal from Spencer Street station and she rang V/Line to inquire about prices for both herself and her companion dog. She was told that her dog, a chihuahua, would have to travel in a travel case, and that she would have to purchase a ticket from Spencer Street.

Kellie was fine with that. She did ring a second time just to check that information, and was given exactly the same information and told that there would be a bus travelling from Spencer Street at 9.50 a.m. the next morning, and that it would travel to Shepparton where she would have to change for another bus to Cobram. She also explained her physical situation and said she was bringing her dog with her. Kellie's physical situation makes it difficult for her to travel.

Her father dropped her off at Cranbourne station and she caught a train into the city. When she reached Spencer Street she said the assistants there were very helpful in getting her transferred from that train and took her to the ticket counter, but she was told when she approached the ticket counter that she was supposed to book her ticket because she had a disability. She was not told this over the phone.

The next thing they told her was that it would be a train from Spencer Street to Seymour, then a bus from Seymour to Shepparton and another bus from Shepparton to Cobram; but at that point they also informed her that her companion dog could not travel on the bus and not even in the cargo. She was very upset about this and it meant her mother had to come down from Tocumwal to Seymour to pick her up, which was quite a distance for her to travel. Had it been a bus, as she was originally told, all the way from Melbourne, she could not have travelled at all.

The action I seek from the minister is for the minister to review the V/Line policy of not allowing companion pets on bus services, taking into account the important role companion animals play in the health and welfare of their owners.

Child care: regulations

Hon. B. N. ATKINSON (Koonung) — I address my matter to the Minister for Community Services in another place. It concerns creche regulations and childminding facilities. On this occasion I bring to the minister's notice my endorsement of the views of Fitness Victoria, in terms of inconsistencies in the rules that apply to creches in fitness centres. I might add that my experience of these regulations in other venues such as neighbourhood houses and similar venues also point to the same inconsistency in these regulations.

Essentially the rules are that one size fits all, and they have been developed for what are essentially commercial facilities that are involved in sometimes short but usually longer-term childminding, often where the parents or carers of those children are in fact absent from the premises. In other words, people put their children into a creche facility while they go about some other business.

The circumstance with neighbourhood houses and a number of similar community facilities, and certainly with fitness centres according to my correspondence with Fitness Victoria, is that parents or carers are essentially on the premises. They are not absent; they have not left. They only have their children in a minding centre within those premises whilst they participate in fitness or exercise programs at those premises. Yet these facilities are expected to maintain a level of staffing, care and observance of regulations that is not consistent with that position where parents are at the venue.

I am aware also of inconsistencies. Some of the hotel venues that have pokies and Bunnings stores have childminding facilities without being embraced by these regulations. A parent can leave a child there while they go off and play the pokies or do some shopping. There is an inconsistency there.

I request of the minister that these regulations be reviewed with a view to providing greater flexibility for facilities such as neighbourhood houses and fitness centres that are involved in looking after children while the parents are still on the premises and are available in the event of any incident that would require attention to those children. I urge the minister to review the regulations.

Electricity: interval meters

Ms HADDEN (Ballarat) — I direct my adjournment issue this evening to the Minister for Energy Industries. On 10 July the minister announced that the new smart electricity meters would be trialled across the state and would mean cheaper electricity prices at off-peak rates for those taking them up.

A very discerning constituent of mine has given me a six-page explanation of how he believes Origin Energy and the minister's department have defrauded him in relation to his energy charges. My constituent informs me that the smart meters have been rolled out across western Victoria since 14 January 2002, when the power industry was opened up to competition. His smart meter began working on 13 March 2002, so he believes some 60 000-odd households that have had smart meters installed since 14 January 2002 in the Powercor Australia supply area have been dudded — or defrauded, as he calls it — because they have been charged the peak rate and not the off-peak rate.

On his many inquiries of Origin Energy and the energy ombudsman he was told that it was just an Origin Energy thing, but in fact he is waiting for a refund of some hundreds of dollars from Origin Energy because he says that it needs to recalculate all his bills from 13 March up to the current time and refund him for the excessive amounts it has been charging him at peak rates.

The action I seek from the minister is that he investigate this issue as a matter of urgency and ensure that all constituents of mine who were connected to smart meters from January 2002 are charged at the appropriate off-peak rates.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Bill Baxter raised a matter for the Minister for Transport in the other place concerning existing and new country rail services and ensuring their maximum rollout. I will pass on that issue to the minister on the member's behalf.

The Honourable Wendy Lovell raised a matter for the Minister for Transport in the other place concerning companion animals, particularly dogs, being able to travel on V/Line bus services. The member asked that that policy be investigated and clarified to enable that to occur.

The Honourable Bruce Atkinson raised a matter for the Minister for Community Services in the other place concerning the regulations around creches in fitness centres and neighbourhood houses and the allowance of flexibility in relation to those premises.

Ms Hadden raised a matter for the Minister for Energy Industries regarding electricity smart meters and constituents whose premises have been connected to them since 2002. The member asked the minister to ensure that her constituents were being charged at the correct rate.

All matters will be passed on to the respective ministers.

Motion agreed to.

House adjourned 9.08 p.m.

Ivanhoe SECC

Tax Invoice

Ivanhoe SECC
Shop 14, The Mall, Bell Street
Heidelberg West VIC 3081

Phone: (03) 9455-3017
Fax: (03) 9455-3027

BILL TO:

The Mall Traders Association
ABN: 57 505 521 939
Shop 14, The Mall, Bell Street
Heidelberg West VIC 3081

Bill: 0001
Date: May 2005
Amount Requested: $700.00
For: Campaign Contribution

Item	Quantity	Amount Requested
Campaign contribution, including storage of items belonging to Mall Traders Assoc. at Fort Knox	1	$700.00
	Sub-total	$700.00
	Discount	$0.00
	GST	$0.00
	Total	$700.00

The Mall Traders Association Inc

Cheque Requisition

Cheque Payable To

IVANHOE SECC
Campaign Donation
State **Postcode**

Details For Which Cheque Required	Amount
Hire of Office Space/	
Storage etc at Fort Knox included.	
Total Cheque	$ 700-00

Cheque Requested By	CRAIG LAWSON	
	Print Name	**Signature**

Staple all relevant documents supporting the payment

Accounts Payable Action

000592		
Cheque Number	**First Signatory**	**Second Signatory**

File all cheque requisition and support documents in cheque number order.