PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

11 November 2004

(extract from Book 5)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Law Reform Committee — (*Council*): The Honourables Andrew Brideson and R. Dalla-Riva, and Ms Hadden. (*Assembly*): Ms Beard, Mr Hudson, Mr Lupton and Mr Maughan.

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

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

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

Hansard — Chief Reporter: Ms C. J. Williams

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Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy President and Chair of Committees: Ms GLENYYS ROMANES

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The Hon. ANDREA COOTE

Leader of the National Party:
The Hon. P. R. HALL

Deputy Leader of the National Party:
The Hon. D. K. DRUM

Member	Province	Party	Member	Province	Party
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Atkinson, Hon. Bruce Norman	Koonung	LP	Koch, Hon. David	Western	LP
Baxter, Hon. William Robert	North Eastern	NP	Lenders, Mr John	Waverley	ALP
Bishop, Hon. Barry Wilfred	North Western	NP	Lovell, Hon. Wendy Ann	North Eastern	LP
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Brideson, Hon. Andrew Ronald	Waverley	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
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Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Mrs Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip	Silvan	LP
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	NP	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	Ballarat	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	NP	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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THURSDAY, 11 NOVEMBER 2004

Thursday, 11 November 2004

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.32 a.m. and read the prayer.

PETITION

Tertiary education and training: regional agricultural campuses

Hon. DAVID KOCH (Western) presented petition from certain citizens of Victoria requesting that the Victorian government:

1. **fully support the retention of Longerenong campus;**

2. **support the retention of full-time student courses at Longerenong campus by the University of Melbourne;**

3. **provide and maintain adequate infrastructure and provide sufficient recurrent funding for such infrastructure renewal;**

4. **allow the Longerenong campus to further develop and provide an extension of its educational opportunities;**

5. **ensure a long-term commitment to the Longerenong campus; and**

6. **ensure that the Longerenong advisory board be given representation on the board of management of the Institute of Land and Food Resources (University of Melbourne) (192 signatures).**

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2004–05

Hon. BILL FORWOOD (Templestowe) presented report on 2004–05 budget estimates, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Hon. BILL FORWOOD (Templestowe) — I move:

That the Council take note of the report.

Honourable members will see that I have in my hand 823 pages of the Public Accounts and Estimates Committee report into the 2004–05 budget estimates. Yesterday the house talked about the role of the committee in following up reports of the Auditor-General. Two other important aspects of the committee's work are to look at the estimates for this year going forward and to work on the outcomes for last year for tabling early next year. Both of these are part of informing the Parliament and the people of Victoria about the budget cycle.

At the outset I should put on the record the thanks of committee members for the extraordinary work of the staff, led by Michelle Cornwell, and particularly the work of Roger Farrer, Ian Claessen, Martin Newington, Kai Swoboda, Pek Toh, Trevor Wood, Karen Taylor, Frances Essaber and Jennifer Nathan. All of them worked very hard on this important and comprehensive report.

The committee does not expect members of the public or members of Parliament to read every single word of the report.

Hon. T. C. Theophanous — You haven't read it yourself!

Hon. BILL FORWOOD — Unfortunately, Mr Theophanous, I have. Perhaps I should say, fortunately I have, along with my colleagues Mr Baxter and Ms Romanes. The point I want to make is that people can read the bits in this that are of interest to them and I am sure get value from it. Yes, you can read the budget papers and ministerial press reports, but what you can get with this report is a more in-depth analysis of what the government intends to do and how it is going about allocating the resources of the state through the appropriation and other processes in trying to achieve its objectives.

This report is very comprehensive. It makes significant recommendations — from memory there are 177 recommendations. What the committee looks forward to is the response it will get from the Minister for Finance when he analyses the recommendations put forward in the interests of the Parliament.

The committee prides itself on putting forward unanimous reports, and this report again is unanimous. That does not mean there was not some vigorous debate around the table as members came up with the best method of wording things we wish to say to inform people while not ducking the hard issues which arise whenever you are dealing with a budget of the size of

the budget of the state of Victoria. I recommend that honourable members look at and study the report and get from it whatever is possible to get from it, and there is a lot in it.

The other point I make is that another thing the Public Accounts and Estimates Committee is doing is looking at the process for parliamentary accountability and governance. It will be doing further work on this. It is important that members of this place have faith in the guidelines of the Minister for Finance and how they operate and in particular have an understanding of the way the government moves money around and how it accounts for the money as it is moved around.

The report I am tabling today on behalf of the committee goes part of the way in that process, but the committee will be doing further work on this in the years ahead. Let me finish by again thanking the staff of the committee, who did an outstanding job.

Hon. T. C. Theophanous — So you should; they wrote it all!

Hon. BILL FORWOOD — We all had a hand in it, I can tell you that. The staff did an outstanding job in difficult circumstances. Members of the committee met many times to analyse this report and streamline it. I am confident next year's report will not be quite as long as this one, but as I have said, I thank the staff for the work they have done and commend the report wholeheartedly to the Parliament and people of Victoria.

Ms ROMANES (Melbourne) (*By leave*) — I endorse the remarks the Honourable Bill Forwood made in tabling the report of the budget estimates for 2004–05. As Mr Forwood said, it is a very important report for the Parliament, because it provides a comprehensive overview and scrutiny of the budget process and an in-depth analysis using all the information that can be gathered to assist with that.

I would also like to pass on my congratulations to Michelle Cornwell, the executive officer of the Public Accounts and Estimates Committee, and all the staff who have put in an extraordinary amount of hard work to put together such a comprehensive report.

There are a lot of themes which members will find of interest in the budget estimates report this year. One recurring theme is the undeniable problem of the federal underfunding of Victoria. On a per capita basis Victoria will be sold short by around $1.73 billion for the coming year, and that is reflected in the health, housing and aged care areas in particular. It is very important that the people of Victoria understand that Victoria does not receive its fair share of commonwealth receipts, and it is time that message was put very loudly and clearly to the federal government by members of this Parliament, particularly by those on the other side who have the capacity to influence their mates to give Victoria a fairer share of revenues in this country.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Mental Health Review Board — Minister's report of receipt of 2003–04 report.

Nurses Board of Victoria — Report, 2003–04.

Psychosurgery Review Board — Minister's report of receipt of 2003–04 report.

Rural Northwest Health — Report, 2003–04.

South Eastern Medical Complex Limited — Reports —

1 July 2003 to 27 February 2004.

27 February 2004 to 30 June 2004.

Statutory Rules under the following Acts of Parliament:

Sex Offenders Registration Act 2004 — No. 135.

Tobacco Act 1987 — No. 134.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 133.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 135.

Victorian Health Promotion Foundation — Report, 2003–04.

Victorian Institute for Forensic Mental Health — Report, 2003–04.

MEMBERS STATEMENTS

Tertiary education and training: regional agricultural campuses

Hon. PHILIP DAVIS (Gippsland) — I would like to congratulate all those country communities which have campaigned vigorously for the retention of the regional campuses of the University of Melbourne. Members will recall the debate that occurred in this house last week when concern was expressed about the future of agricultural education and training as a consequence of a policy decision made by the

University of Melbourne to effectively abandon its regional campuses other than Dookie.

There was a very strong campaign by the communities involved in the Longerenong, Glenormiston and McMillan campuses in Gippsland which effectively forced the hand of the university, and the university has reversed its position as a result of a board meeting. But the issue has not declined in significance. All we have is a window of opportunity to ensure that there is a proper process in place so those regional communities can be engaged with the university to ensure a proper long-term outcome for those campuses, and I urge the university to take that initiative.

Brunswick neighbourhood house: achievements

Ms ROMANES (Melbourne) — Brunswick neighbourhood house is a dynamic community organisation which provides a wide range of programs, support and services for nearly 1000 people every week. Its focus is on increasing the life opportunities and skills of families, women and disadvantaged groups. The number and diversity of programs and services continues to grow. A family support worker now provides one-to-one assistance. The neighbourhood house has now become a registered provider to assist parents to access the Parents Return to Work program, and youth developments include homework support, young women's health sessions, work experience placements and a year-round young mums group. Some important ongoing programs are those designed for people with disabilities. They include mixed media, pottery, and movement and dance. This evening the fourth Creating Waves exhibition will open to exhibit works of artists with a disability.

The neighbourhood house provides incredible value for money for the Brunswick community at just over $400 000 per annum, and it produces the most compact, informative, readable and innovative annual report of the many that come across my desk at this time of year. It is in the form of an A5 bright yellow notepad, so it is also useful and will be a constant reminder of the invaluable contribution of Brunswick neighbourhood house to the life of the Brunswick community during coming weeks.

Lower Plenty cricket club: food safety regulations

Hon. BILL FORWOOD (Templestowe) — I would like to share with the chamber today an email I have received from Dale Knight, the secretary of the Lower Plenty cricket club. It says:

> I thought I would send you an email about my frustration in dealing with government bureaucracy. I am the secretary of a local cricket club and I am up in arms at the absurdity in having to get government approval to sell pies, pasties and hot dogs. We have to pay our local council $62.50 for the pleasure of selling our members some basic food (our canteen would be lucky to make a profit of $60) and we have to jump through all sorts of hoops in order to comply with state and local government regulations, gain certificates and develop food safety programs.
>
> Government is supposed to serve the people, not the other way around. I often wonder what would have happened before big government was upon us. Were people dying in the streets? I doubt it. Now I agree that bad food retailers should be punished, but these nanny state regulations achieve nothing but creating jobs for bureaucrats and frustrating law-abiding citizens, who would like to get on with their lives.
>
> Government keeps getting bigger, controlling more of our lives, telling us what we can do and when we can do it. When is a member of Parliament going to stand up and say 'enough'?

In relation to sporting clubs and parents clubs trying to run a canteen or, as on an election day, selling pies and pasties, I am prepared to say these are ridiculous laws and enough is enough.

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

Fuel: prices

Hon. J. H. EREN (Geelong) — I wish to raise the subject of petrol prices, which have risen dramatically across the country in the past year. Figures show that petrol prices have increased by a staggering 16 per cent in the Geelong region this year. The Howard government is reaping the benefits of excise and GST gains but is giving nothing back to Geelong motorists. We are not getting any relief from the federal government, which appears to be sitting on its hands while the whole country is suffering. As members in this place would recognise, transport costs have a direct effect on the cost of everyday goods.

Hon. Bill Forwood interjected.

The PRESIDENT — Order! The Honourable Bill Forwood is interjecting and using unparliamentary language. I ask him to desist from interjecting and from using such language. Mr Eren can continue his contribution, and I ask honourable members to desist from interjecting.

Hon. J. H. EREN — Thank you, President. This has a direct effect on the cost of everyday goods, so while the Howard government does nothing, ordinary working families across Geelong and the rest of

Victoria are suffering. Diesel prices have risen, for example, in Victoria this year by 26 per cent and petrol prices have also skyrocketed. If this trend continues we will have a crisis on our hands that will devastate this country. The increased cost of diesel is having a significant economic impact on regional economies, while the increased cost of petrol is a serious blow to regional motorists who frequently have to travel long distances.

Australian Automobile Association data shows that average unleaded petrol prices in Geelong were 87.7 cents per litre in December last year and had jumped to 102 cents per litre by September of this year. That is an increase of 16 per cent.

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

Boroondara: elections

Hon. RICHARD DALLA-RIVA (East Yarra) — I wish to raise a matter for the attention of this house. There are elections presently before the City of Boroondara. On one candidate's brochure the councillor, Gina Goldsmith, has used a photo of herself with me. Next to that photo are words which could be interpreted as being expressed by me. This is not the case. In fact the photo was one of a series for which I gave permission for use only in the local traders newsletter *The Greythorn Grapevine.* This related to a number of safety bollards that had been installed in the Greythorn shopping strip. This express permission was recorded in an email that I sent to Cr Goldsmith and the Greythorn Traders Association coordinator, Janet Busby, on 30 July this year in which the subject title was 'Photos from Greythorn for the Grapevine'.

I wish to place on record that the inclusion of a photo of me in Cr Goldsmith's election campaign material is in no way an endorsement of this councillor. I have not formally endorsed any candidate in the City of Boroondara council elections.

Save Albert Park: 10th anniversary

Mr SCHEFFER (Monash) — Last Sunday afternoon I attended the celebrations for the 10th anniversary of the Save Albert Park group's vigil. The vigil, in protest against the Formula One motor race in the park, began on 5 November 1994. With the exception of the Aboriginal tent embassy, the Save Albert Park vigil is the longest running protest action in Australia.

To commemorate the 10th anniversary artist-craftsman Bill Henshall was commissioned to make a heavy cyprus park bench. The back of the seat bears a bronze plaque that reads 'Your parks are your breathing space. Guard them. Cherish them'. Those words were written by Patrick White in the struggle to save Centennial Park in Sydney. The unveiling of the bench was formally performed by Senator Lyn Allison, whose support for the aims of Save Albert Park is widely recognised.

The Save Albert Park group captured the public with its flair, audacity and imagination. Who can ever forget the evening when hundreds of people circled the lake holding candles that they floated on the water in the moonlight? Who can forget the Save Albert Park flag, reputed to be the largest in the world and under whose billows hundreds of people walked? As everybody knows, over its 10-year existence Save Albert Park has been one of the most passionate and creative community organisations in Australia. This year's yellow ribbon award was presented to local artist Liz Grieb by actor Alan Cassell. Liz devised the great flag and ran the fabulous art auctions.

I congratulate Save Albert Park for its pure conviction, peaceful protests, intellect, sense of humour, dramatic brilliance and unfaltering persistence.

Irabina Childhood Autism Services: funding

Hon. A. P. OLEXANDER (Silvan) — I wish to encourage and congratulate the Irabina Parents Action Group (IPAG) that has lobbied the Victorian government persistently over the last four years about the reinstatement of early intervention services for preschool autistic children. Irabina is located in Bayswater and is Victoria's only specialist provider of early intervention services for autism.

The parents were told that their issue is causing dissent within the government, and they feel that it is remarkable, despite 14 government members of Parliament advocating for a increase in their funding, that decision-makers in the Bracks government have decided not to provide $5 million for every autistic child in Victoria to receive 5 hours per week of life-changing early intervention. It has been very demoralising for the grieving parents and their children who have suffered further reductions in services while they have been lobbying for more. In 1999 children at Irabina received 12 hours per week of therapy. In 2004, under this government, they received just 1½ hours per week: the nature of autism has not changed in that time.

The IPAG parents feel that they have exhausted the possibility of resolving the problem by talking to the Bracks government but they are not giving up, walking away or accepting defeat. They are currently running a

campaign 'Victoria: the place to be unless you're autistic'. I call on the government to supply the $5 million for those preschoolers so that they can get at least 5 hours per week of critical, life-changing early intervention.

Whittlesea agricultural show

Hon. R. G. MITCHELL (Central Highlands) — Last weekend I attended the local Whittlesea Agricultural Society show which was another fantastic effort run by the community. Although it was a little bit wet and dampened a few people's clothes, it did not dampen the spirits, and it was great to see the number of people who turned out in the pouring rain to enjoy one of the great attractions Whittlesea has to offer.

There were plenty of displays: different animals, kids on horseback, motorbikes, and the best part of the show were the Mernda Fire Brigade's magnificent steak sandwiches which I always make sure of getting. A lot of people still attended the show despite the sloshy mud, and it was wonderful to see the kids running around there in the pouring rain. We all welcomed the rain even though it made things a little bit difficult.

Again I say I had a fantastic time, and Chris Widdows and the team who are involved in the Whittlesea Agricultural Society should be congratulated for their hard work, dedication and putting on such a great show each year for the Whittlesea community.

Nandaly: honour board

Hon. B. W. BISHOP (North Western) — Last Sunday my colleague Mr Peter Walsh, the member for Swan Hill in the other place, and I were privileged to attend the unveiling of a pioneer honour board in the Nandaly hall. The honour board recognises the work and people that pioneered the Mallee in the Nandaly, Nyarrin and Pier Millan districts.

The really compelling part was that the honour board came about because of the wishes of Maurice Pudney, who moved from Melbourne to Nandaly some 10 years ago because housing was more affordable and he felt safer there. The local community welcomed him with open arms and typical Mallee generosity, and he quickly became a part of the scene to the extent that at his death he donated resources to put together a magnificent honour board that now stands proudly in the Nandaly hall. His son Morris, who shared the unveiling of the honour board with the mayor of the Shire of Buloke, Cr Robyn Ferrier, said the family will maintain the house and garden, which includes 40 grape vines, in memory of their father, who enjoyed the friendship of the community, and also to have a quiet retreat in the country. Billy Herrick, a local character who looks after the town's features, also received a plaque in recognition of his services, which wound up a great day that saw 120 people enjoy reminiscing, which was a fitting reward for the great organisational work of Julie Parkinson and Bev Cook, who head the Nandaly progress association.

Ararat Legacy: 75th anniversary

Hon. DAVID KOCH (Western) — Last Saturday my wife, Jan, and I, along with the member for Ripon in the other place, had the pleasure of joining Ararat Legacy members in celebrating their 75th anniversary. Ararat Legacy was the 10th legacy branch formed in Australia. Created in 1929, it continues to serve Ararat and district including Willaura, Lake Bolac, Skipton, Beaufort and Stawell. The current membership of 45 legatees contributes to the welfare of some 300 wives, widows and families of ex-servicemen. This is a magnificent example of volunteers caring for the community. Their efforts deserve to be roundly applauded.

We enjoyed an evening of much cheer amongst 240 legatees, with many branches from throughout Victoria represented to celebrate this important anniversary. The speeches, especially that of guest speaker Mr Peter Isaacson, former fighter pilot, businessman and immediate past chairman of the shrine trust after 44 years service, along with recollections and entertainment by the Ararat music club, contributed to one of the most enjoyable events in Ararat's recent history. My congratulations to outgoing president Peter Norton, secretary Russell Rachinger, Dianne Radford, and master of ceremonies for the evening, Peter Carthew, along with other Ararat legatees for organising such a memorable evening that closed a week's activities on the occasion of Ararat Legacy's 75th anniversary. I warmly wish the incoming president, Doug Streeter, and his team well in the coming year.

Police: Northcote station

Ms MIKAKOS (Jika Jika) — On 26 October I had the great pleasure of attending the official opening of the new $6.34 million Northcote police station by the Minister for Police and Emergency Services in the other place, the Honourable André Haermeyer. This new police station can accommodate up to 70 staff and will increase the presence of police members in our local community. It will enable police to continue their proactive and priority policing activities which are

already showing excellent results in reducing crime and making our local community safer.

There has been a police presence in Northcote for nearly 150 years. With next year marking this significant milestone, it is satisfying to see the opening of this new facility, which will serve the people of Northcote and surrounding areas for decades to come. The opening of this purpose-built facility demonstrates this government's commitment to community safety and increasing police numbers.

It also highlights that the Bracks government values our police force and is committed to improving the facilities in which these dedicated men and women work. Since coming into government in October 1999 we have pledged to build 135 police stations. This is an unprecedented capital works program in the order of $280 million which is benefiting all parts of Victoria. This is in stark contrast to the plans of the Kennett government in 1999 to close, or plan to close, more than 50 police stations. We understand that a modern police force needs state-of-the-art technology and facilities. That is our commitment to making all communities safer places to live.

I note also that the Northcote police station is one police station that never seemed to make it onto the Kennett capital works program. I take this opportunity to thank the minister for this important initiative.

Safety Beach Sailing Club

Hon. R. H. BOWDEN (South Eastern) — Last Sunday, as patron, I had the pleasure of attending the opening of the sailing season of the Safety Beach Sailing Club. I would like to congratulate the Safety Beach Sailing Club on its progress and excellent work on what is a very complicated and complex endeavour.

At the present time a very large marina is being constructed south of Mount Martha in the vicinity of the Safety Beach Sailing Club, and the plans for the coastguard and the Safety Beach Sailing Club to have combined facilities on the present site in close proximity to the canal and the new development is a very exciting and productive endeavour.

Progress on the facilities that are now starting to take shape gives great credit to all involved. I would also like to recognise the enthusiastic and very constructive attitude that the Mornington Peninsula Shire Council has brought to this exercise. Cr Anne Shaw, the current mayor of the Mornington Peninsula Shire Council, has been very supportive, as has the entire council, in this endeavour.

When this project is completed — and that is expected towards the end of next year — it will be an excellent resource, both for the community and the many people involved. This whole exercise gives great credit to all those involved.

Great Ocean Road: improvements

Ms CARBINES (Geelong) — As a member for Geelong Province and a former member of the parliamentary Road Safety Committee, I was pleased last week to accompany the Minister for Transport in the other place to the Great Ocean Road memorial arch where he announced that the speed limit on the Great Ocean Road between Anglesea and Apollo Bay would be reduced from 100 kilometres per hour to 80 kilometres per hour. This comes on top of the $12 million worth of road safety infrastructure improvements to the Great Ocean Road announced by the Premier at the launch of the Great Ocean Road regional strategy in September.

Over the last five years at least five people have died and 312 people have been injured on the road between Anglesea and Apollo Bay. The local community, the road safety council, local municipalities, police and paramedics have all called for a speed reduction on the Great Ocean Road. The *Geelong Advertiser* has reflected community concern by leading an extremely responsible campaign — the Make it Safe campaign — to highlight the need for safety improvements along the Great Ocean Road, including the need for a reduction in the speed limit.

The Great Ocean Road safety improvements announced by the Bracks government reflect its commitment to improving road safety for all Victorians in the ongoing campaign to reduce our state's road toll. I congratulate both the Premier and the Minister for Transport on their endeavours.

Air force: Governor-General's Banner

Hon. S. M. NGUYEN (Melbourne West) — I wish to talk about an event I attended on 27 October which was held at the Point Cook air base. It was a presentation of the Governor-General's Banner to the Royal Australian Air Force officer training school.

This award was approved on 26 September 2001 and may be awarded to non-operational units of the RAAF that have completed 25 years' service. The banner is basically a symbol of the Governor-General's appreciation of especially outstanding service to the RAAF and of course the Commonwealth of Australia. On the day we were escorted by Wing Commander

Steve Edwards, who I must say did a sterling job on such a miserable day.

The event was thoroughly enjoyed by all in attendance and I thank and congratulate the Governor-General's office for devising such an award, which recognises the important role our air force plays, not only in this region but right throughout Australia.

Bendigo: Governor-General visit

Hon. D. K. DRUM (North Western) — I would like to congratulate the Premier for giving me the opportunity for me to attend the reception last Monday, 8 November, to mark the first official visit of the present Governor-General to Melbourne. He gave members of Parliament not only the opportunity to go along and meet the Governor-General, but also the opportunity to invite two representatives from our areas.

I was able to invite this year's and last year's citizens of the year from my electorate. Both guys were very happy to come along to the National Gallery and meet the Governor-General. Both Leon Scott, who was last year's recipient, and Ian Dyett, this year's recipient, have done tremendous work for the city of Bendigo. Leon Scott has also been very prominent in the rebuilding works that have gone on in East Timor, and through the organisation of the Rotary clubs of Bendigo and Eaglehawk, he spends a lot of time going over there to work.

I congratulate them on the work they have done as ambassadors for the City of Bendigo. They did not miss an opportunity when the Premier introduced the Governor-General to all the dignitaries and local heroes who were there in the evening and got into his ear and informally invited him to Bendigo, which invitation he also informally accepted. We are certainly looking forward to the six or seven months lead time that it will take to organise a tour. We are confident we can get the Governor-General to Bendigo, where he can look at and sample the great city that it is. Once again we thank the Premier for putting on the evening. Everyone there enjoyed a great show.

STATEMENTS ON REPORTS AND PAPERS

The PRESIDENT — Order! The question is:

That reports and papers tabled in the Council be noted.

Planning: amendment VC29

Hon. PHILIP DAVIS (Gippsland) — I make a statement in relation to the Planning and Environment Act 1987, Victorian planning provisions (VPP), amendment VC29. On 28 October the Minister for Planning approved amendment VC29 to the Victorian planning provisions, which amends all VPP and all planning schemes except the port of Melbourne planning scheme. It makes a change to clause 52(17) to clarify that the exemption from the need for a planning permit for the removal, destruction or lopping of native vegetation for farm structures does not include removal caused by the establishment or operation of a central pivot irrigation system.

I wish to say that this planning scheme amendment which was tabled in the house yesterday demonstrates the complete city-centric orientation of the Bracks government, and an embarrassing lack of understanding and knowledge of issues affecting country Victorians. The impact of this on the development of agriculture and the efficient utilisation of water resources is profound. It is quite clear that there is a conflict in government policy between the Minister for Environment and the Minister for Water in the other place, who happen to be the same person for the time being. He clearly does not understand the impact of the different policies which he has adopted and which he has had the Minister for Planning implement with regard to the VPP.

However, it is more bizarre that the Minister for Planning herself has no idea. For example, she was quoted this week in the media as saying:

> ... a flood or border check irrigation system properly established and maintained is roughly as efficient as a pivot irrigation system.

That is not what the government's own Department of Primary Industries has to say on the issue. Indeed the DPI web site advises that border check irrigation systems:

> ... can use too much water and contribute to the development of shallow water tables, nutrient loss to river systems and salinisation problems. In areas where border check irrigation may be inappropriate, conversion from a border check to a centre pivot system is one option for reducing water use and alleviating the environmental impacts of irrigation.

That was from the DPI web site. The DPI has carried out work on this issue, particularly at the Tatura site, where trials have been conducted. I have to say that these trials have demonstrated a 20 per cent higher water efficiency for sprinkler irrigation compared to

border check or flood irrigation systems. Earlier work has shown these efficiencies can be up to 50 per cent.

The point I make in terms of the policy conflict is that we have the member for Albert Park in the other place, John Thwaites, seemingly confusing his portfolios of environment and water because he has allowed the planning minister to change government policy on vegetation on his behalf with a restriction that limits the objective of improving water utilisation efficiency in his water portfolio. The Minister for Planning in the other place, Mary Delahunty, has made the amendment without consultation and obviously without any knowledge of how important these irrigation systems are to the water minister's conservation campaign.

Time and again the Premier and Deputy Premier have observed that the most important policy issue confronting Victoria for the time being is the long-term use and preservation of our scarce water resources, a view which the opposition endorses. However, the government's behaviour in rolling out continual layers of red tape, which are inhibiting the capacity of farmers to manage their land and, importantly, reducing the potential for water savings to be achieved demonstrates the government's incapacity to understand these issues.

Zoos Victoria: report 2003–04

Hon. KAYE DARVENIZA (Melbourne West) — I rise to make some comments about the Zoos Victoria annual report. If members have had the opportunity to have a look at this report, they could not help but be impressed by its spectacular presentation. It truly is a very beautifully presented report with fabulous photos of the animals we are able to see when we visit the zoos. The report is divided up into a number of sections that deal with the Melbourne Zoo, the Werribee Open Range Zoo and the Healesville Sanctuary. Each section of the report gives some information about the highlights of the past year. One thing which strikes you when you read the report is the solid growth in attendances, particularly to the Melbourne Zoo. Visits have exceeded 1 million for the second consecutive year, which is a 2 per cent increase on the previous year.

Like many members in this chamber I love to go to the zoo. I often visit the Melbourne Zoo and the Werribee Open Range Zoo, which is in my electorate. I urge members if they do not frequent the zoo to take the opportunity to go and look at it. I was there for the opening of the Trail of the Elephants some time ago, and it is a terrific exhibit which won an exhibit award for excellence from the Australasian Regional Association of Zoological Parks and Aquaria. Other highlights include the extension of the schools sleepover program, Zoo Snooze; the first Lord Howe Island stick insects bred in captivity hatched at the Melbourne Zoo this year; and the first Sumatran orang-outang bred at the Melbourne Zoo, a male, was born in July 2003. There are a range of highlights and the report goes into some detail about the zoo.

The highlight for me when I last visited the Werribee Open Range Zoo was a rhinoceros charging the van I was in. He was trying to see us off his bit of turf! It was very exciting, and you are able to get quite close to the animals. The Werribee Open Range Zoo has had a phenomenal growth in attendance with over 40 per cent more visitors than the previous year. The zoos saw over a quarter of a million visits in the past year which was greater than any year that the zoo has been open. Another attraction at the Werribee Open Range Zoo which is well worth having a look at is the Lions on the Edge, which was launched in January this year.

The report also outlines some of the dedicated planning and animal rescue work that is occurring at Healesville Sanctuary and some of the changes that have been made to make it a little bit more visitor friendly. I must say that I have not been to Healesville Sanctuary for some years, and reading the report has made me decide to go out there to have a bit of a look. Another interesting thing worth looking at is the section on threatened and endangered species, which is highlighted in the report. I congratulate the board, the chair and the chief executive officer.

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

Victorian Institute of Sport: report 2003–04

Hon. B. N. ATKINSON (Koonung) — I wish to make some comments on the report of the Victorian Institute of Sport. I had the opportunity of visiting the facility two months or so back and met with Dr Frank Pyke, who is the head of that organisation. I went right through the facility at the Glasshouse, which of course is the new home of the Victorian Institute of Sport. It is an outstanding facility. I guess the only thing that concerned me about the facility was that the Collingwood Football Club was sharing the accommodation — I would have preferred that the Melbourne Football Club were ensconced in those facilities. They are without doubt some of the most outstanding facilities and certainly bring together some very expert people in all aspects of sport who are underpinning Victoria's athletic and sporting prowess and certainly contributing to the results that we as a nation have achieved at the recent Athens Olympic

Games, at world swimming sports, and at a range of other competitions around the world, including the Commonwealth Games in 2006, which we look forward to.

The centre has been operating for quite a number of years, and it obviously enjoys bipartisan support. Indeed, it has made significant progress under very good leadership. The chairman of this organisation is Steve Moneghetti, a man who had a remarkable career as an athlete and is showing every bit of the drive and enthusiasm that took him from Ballarat to world races and success on the world stage in his role as chairman of the Victorian Institute of Sport.

The team that he and Dr Frank Pyke have assembled, particularly in the staffing areas, has been a significant factor in Victoria's advancement in quite a range of sports. Of course the institute supports a very diverse range of sports. It has facilities there for training and for nutrition and medical treatment, and it certainly provides opportunities for education for people involved in sport.

Although its focus is clearly on supporting organisations that are working with elite athletes, much of the work of the Victorian Institute of Sport obviously has direct application right through all levels of sport, right down to juniors playing sport on weekends right around Victoria in metropolitan and country sporting facilities.

The work the institute is doing, particularly in highlighting injuries and working to better manage injuries and stress for athletes and overviewing the research that has been done in other jurisdictions, will also contribute very significantly to people enjoying sport more and indeed enjoying continued success with this remarkable trend we achieve as human beings where we are able to continue to break records. It is quite extraordinary to look at sporting records that are constantly under pressure from new athletes coming forward. You wonder where it can stop. The 4-minute mile is now just a distant memory — in fact the mile is a distant memory! — but we are constantly lowering those sorts of times or bettering those records, and organisations like the Victorian Institute of Sport are playing a key role in achieving that.

I congratulate Dr Pyke and his team and Steve Moneghetti and those people who support that executive team. We as Victorians can be very proud of the facilities established at the Glasshouse and indeed a precinct of world renown that has developed around that area, with the Olympic Stadium and various other stadiums that support our sporting successes in Victoria.

Barwon Water: report 2003–04

Ms CARBINES (Geelong) — I am pleased to speak on the Barwon Region Water Authority's report for 2003–04. Barwon Water is the regional urban water authority that services my electorate of Geelong Province. It is the largest regional urban water authority in the state. It services more than 250 000 permanent residents from Little River to Colac and then out to Apollo Bay. It is a very well organised authority under the leadership of the chief executive officer, Dr Dennis Brockenshire, and the chair, Mr Stephen Vaughan. It has about 360 employees, and it is one of the institutions in Geelong that is extremely highly regarded.

Of course, like any water authority, Barwon Water faces many challenges, not least being the drought that has confronted Victoria for the past eight years. I must say that Geelong and its surrounds have not been as hard hit by water shortages as Melbourne has been in recent years, and we have not been on water restrictions in Geelong for years now. However, we were on water restrictions for some three or four years before Melbourne was on restrictions.

The Geelong and regional communities got so used to water restrictions that when they were lifted by Minister Garbutt, the responsible minister at the time, in our first term of government, they said to us, 'Why did you do that? It does not seem to make sense. We are supportive of some level of restrictions'. As a result of that Barwon Water consulted further with the community and decided to bring in the state's first permanent water conservation measures. I was very pleased to attend the announcement of these measures by the Minister for Environment in the other place, John Thwaites, in Johnstone Park in Geelong last year.

The measures have been received very well by consumers. Our water conservation measures do not allow sprinklers to be used between 10 a.m. and 5 p.m.; they do not allow people to hose down impervious surfaces such as driveways or garages; and if you are washing your car or windows, you have to use a trigger hose. The Geelong community has embraced these restrictions — these permanent water conservation measures. No concern about the measures has been expressed to me as a member for Geelong Province. In fact they have had very broad support.

The consultative approach that Barwon Water took in relation to water conservation measures is an indication

of the seriousness with which Barwon Water engages with its consumers across the Geelong region. If we look through the annual report, we will see that a satisfaction survey shows that some 94 of Barwon Water's consumers are very satisfied with the service they received from Barwon Water.

The permanent water conservation measures were introduced almost two years ago in Geelong. Barwon Water advises me that it estimates that the measures have saved about 5 per cent of the water in our catchments. This is a significant saving. Minister Thwaites was so impressed by Barwon Water and its approach to water conservation measures that as part of the white paper he released earlier this year he foreshadowed the rolling out of such water conservation measures, following community consultation, around the state.

Barwon Water — and I meet regularly with the chief executive officer and the chair — is very much a supporter of the commitment of the Bracks government to water savings across the state and very committed to our white paper on water —*Securing Our Water Future Together*. In fact the annual report says on page 9:

> We congratulate the Victorian government on its comprehensive water reform package, Securing Our Water Future Together.
>
> Barwon Water, together with the regional urban water authority sector, sought to positively respond during the discussion phases of the white paper's development.
>
> Barwon Water supports the paper's integrated approach to water management. We look forward to working with the government to implement its initiatives.

I very much appreciate Barwon Water's progressive approach to water supply and conservation across my region.

Barwon Water and the Geelong community have challenges ahead in relation to further conservation, recycling and biosolids. I know that Barwon Water will work progressively and actively with our community to make sure that we have sustainable water supplies into the future.

Parks Victoria: report 2003–04

Hon. A. P. OLEXANDER (Silvan) — I welcome this opportunity to comment on the annual report of Parks Victoria 2003–04. In doing so I would like to make it very clear that it has become a feature of much of the information that is presented to the public and indeed to the Parliament under this government that the reports and information we receive are often more instructive to us in what they do not discuss and what they do not say than in what they do say. This report is another example of that disturbing phenomenon and trend.

I refer specifically to the two very key stated objectives within the Parks Victoria report: one being the management and maintenance of our national parks network and the other being the very important and critical role of the management and maintenance of some very significant metropolitan parks and reserves — particularly those reserves that are often overlooked in terms of their significance and utilisation by the community as well as often being overlooked for funding by the government through Parks Victoria.

I would like to make it clear that in my contribution on the report this morning I will focus on two key instances in my region of what I believe to be a significant failure of Parks Victoria regarding these two key objectives. One is the very parlous situation that is facing the Warrandyte State Park — a park of enormous significance in both flora and fauna terms to the state of Victoria. It is no secret that for a long time the Warrandyte Community Association and the shadow Minister for Environment in the other place, Phil Honeywood, have been lobbying and working very hard for an improvement in the status of maintenance works at the park. I have joined the campaign to assist them in bringing this issue to some prominence.

Under the last government $100 000 was earmarked for very essential weed and vermin control and maintenance works at the park. This was conducted in large part, but not totally, by contractors who were hired by Parks Victoria to undertake those works. It is a sad fact that last year the government slashed the funding from $100 000 to $10 000 — a 90 per cent cut. The reason the local community was given for that was that the money needed to be diverted to other parts of Victoria. I do not deny that other parts of Victoria have claims on money for maintenance works in parks, but I do not believe you should rob Peter to pay Paul. I certainly do not believe that the 21 rare and threatened flora species at Warrandyte and the 12 fauna species deserve to be lost because species in other parts of the state deserve to be protected. This is occurring on a widespread basis and needs to end. We do not have any mention of these sorts of issues in the Parks Victoria report.

I refer to a reserve of very great significance in my region which is experiencing similar difficulties. It is the Hodgkin's Ridge flora reserve in Croydon, which contains many significant and threatened flora species, mainly orchid species. The problems with the maintenance of this reserve by Parks Victoria is that it

sacked the local management committee. The local council had withdrawn due to maintenance works cutbacks by the management committee, and we have a situation where the fuel load and the weeds and grasses have tripled over the last three years, putting at risk this very significant reserve.

The problem is compounded by the fact that the burn-off conducted by Parks Victoria last year was inappropriate. We still do not know how many significant species were lost as a result. We still do not know the future of this reserve and we still do not know what role Parks Victoria will play in its future. We want Parks Victoria to be more proactive in our community — —

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

Glen Eira: planning amendment

Mr SCHEFFER (Monash) — I welcome the notice of approval of the amendment to a planning scheme for the City of Glen Eira, C25, approved by the Minister for Planning in October this year.

The City of Glen Eira has developed an approach to planning that aims to strike a balance between a requirement to meet the needs of a growing and diverse population and the need to protect the built environment that makes Glen Eira a highly desirable place to live.

Glen Eira is a middle-ring, low-density locality characterised by handsome single-dwelling homes in garden settings, and it features a number of excellent strip shopping centres. The municipality is well served by public transport and has the capacity to support a larger population without difficulty, provided this is well planned.

The challenge for the future is to manage this population growth through encouraging and supporting the development of greater housing diversity. This development must be managed in a way that improves and protects the liveability and amenity of Glen Eira's suburbs. The municipality also needs to encourage and improve the growth and quality of mixed-use developments around the shopping and entertainment precincts.

The amendment to the Glen Eira planning scheme C25 tabled in this house is based on the municipality's planning policies on urban villages, housing diversity, residential development and minimal change.

The planning approach taken by the City of Glen Eira is well supported across the community and is consistent with the state government's Melbourne 2030 planning framework, and I am delighted that after all the negative static generated by critics of the government and reported in the local media during and since the last election, the City of Glen Eira has taken Melbourne 2030 seriously and has developed this sound planning scheme amendment.

Under the amendment strict neighbourhood character provisions will apply to designated minimal change areas. This means that the open house and garden character of Glen Eira's established neighbourhoods will be protected. Within the minimal change areas, single houses and extensions to existing dwellings will be permitted whereas large multiunit developments will not. These will be focused within the identified housing diversity areas where the intensity, scale and form of housing will be suitable for medium-density development.

The planning amendment also increases the private open space provisions for multiunit developments from 40 to 60 square metres, increases rare dwelling setbacks and reduces the footprint for single and multiunit developments from 60 to 50 per cent.

As is the case in most of Victoria but especially in the inner and middle ring of Melbourne, the pattern of peoples living is changing. For example, the number of people living alone is dramatically escalating. The city of Port Phillip, adjacent to Glen Eira, will very shortly be the first municipality where the proportion of people living alone will reach and then exceed 50 per cent.

As the population ages we will want to make sure that as far as possible suitable age-friendly housing is available. We will need to make sure that older residents can live close to their families and community services. They will need smaller apartments and blocks that are secure and fitted out with lifts, for example. The residential accommodation will have to change.

In Glen Eira there is also a need for more student housing close by the Caulfield campus of Monash University — a number of custom-designed apartments have already been built, with more planned. All this makes it critical for the municipality to plan for more diverse housing types. The housing diversity areas will include the urban villages at Elsternwick, the Phoenix park precinct around Caulfield station, the Caulfield racecourse and Monash University. These are key development sites around public transport.

I have learnt a great deal from the community in my discussions with local associations that have an interest in local planning — in particular, organisations like the Glenhuntly Progress Group. There is a healthy community debate under way in Glen Eira around planning. I encourage the council and the municipality to be more constructive in this regard, and the C25 amendment provides an excellent basis for that. This is a sensible planning scheme amendment, and I congratulate the City of Glen Eira.

Department of Justice: report 2003–04

Hon. RICHARD DALLA-RIVA (East Yarra) — I have pleasure in making a statement on the Department of Justice annual report 2003–04. This report again demonstrates a government that is fundamentally losing it when dealing with prisoners and those in our correctional system. The report demonstrates a failure by the government to consolidate and understand that having prisons and prisoners in Victoria means you need responsible dealings with the way our prison system operates.

Page 73 of the report sets out the inconsistency of the minister and the government in the way it deals with the overall average daily prison capacity. Time and time again I have raised with the minister the fact that the government is running the present system at 16 per cent above its design capacity.

In effect it means that the government has fundamentally failed to construct additional jails where needed. The other point I want to make is that these figures are backed up by the Productivity Commission's report, which continually tells us that Victorian prisons are well in excess of their design capacity. More recently the government sought to remove the design capacity out of its budget papers by establishing an exclusion of those figures from future reporting requirements.

This report demonstrates the government's failure to deal with the increase in the number of prisoners, which in the course of the last year has been in the vicinity of an extra 200 to 300 prisoners. Despite the government's rhetoric when it says that it is dealing with crime and that a huge number of people are being arrested, the reality is that that does not work in the sense of what the government is reporting. I make that assessment from a reading of page 73 of the report under the headings 'Community-based offender supervision', 'Quantity', 'Average daily offenders under community-based supervision' where the target was set at 7300 but the actual daily count was 7865. In other words, each day there are 565 offenders additional to the government's own target.

What is the government doing about it? If you refer to page 41 under the heading 'Community correctional services' you will note the growth in terms of what the government is doing. From page 42 I note that the government is throwing as many prisoners as it can out of the system. It is too hard for it to deal with the fact that people who commit crimes have to serve time in jail, so it is increasing the number of people on parole. I know from my own investigation report that the Adult Parole Board has increased the number of people on parole by close to 100 per cent over the period that the government has been in power. The government has introduced the home detention system, which the opposition opposed. It is another solution for dumping prisoners out of our system and putting them back into the community. Combined custody treatment orders are also substantially higher, and so on. The report demonstrates the way the government says one thing but is delivering quite the opposite. Unfortunately for Victorians it means that our prison system continues to operate in crisis mode. It continues to operate at a level which it cannot adequately and effectively deal with.

Page 63 deals with prison industries, and I must commend the government and the prison system for the way the prison industries operate, given my dealings with other prison agencies in other states. But the fact is that the employment take-up rate for prisoners is still at a very low level. Page 62 notes that around 87 per cent of prisoners take up employment; the figures do not say over what period. So a prisoner may take up employment, but may be gone two or three weeks later. There is no detail in the report as to what the take-up rate is over what I consider to be a reasonable time.

Two effective results in terms of prisoners not reoffending are employment and housing, and I would hope that in future reports — —

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

Phillip Island Nature Park: report 2003–04

Hon. J. G. HILTON (Western Port) — This morning I would like to make some comments on the Phillip Island Nature Park annual report for 2003–04. Phillip Island Nature Park is usually associated in people's minds with the penguin parade, and although that is a major feature of the park it is only one element. There is also a koala conservation centre, which attracted 120 000 visitors in the last year, and Churchill Island, which attracted 40 000 visitors. However, the

penguin parade is a major international tourist feature. Last year 53 per cent of the 470 000 visitors to the penguin parade were international visitors.

However, my favourite event on Churchill Island is the Working Horse Festival, which celebrates and showcases the natural and cultural values of Churchill Island. The two-day festival comprises working horse and pioneering skill demonstrations, market stalls and musical entertainment. It is also a major fundraising activity for the Friends of Churchill Island Society, which contributes significantly to the organisation and running of the event. In 2004 the festival attracted 4500 visitors; there were 200 exhibitors, 60 stallholders and 50 performers.

The nature park is more than just a tourist facility. It is committed to delivering ecotourism experiences for all visitors. Ten of the park's rangers have ecotour guide certificates, which ensures that visitors participating in the park's guided tours and activities can be assured that there is a guide of the highest standard. What is less well known is that the park employs a team of researchers, which continues to add to our knowledge in a wide variety of areas. Studies are conducted into penguin research — for example, the marine ecology of little penguins, and seabird and mammal research including a study into the marine ecology of Australian fur seals.

An integral part of the park's strategy of continuing high-quality research and maintaining a reputation as a research institute is to develop strong links with tertiary institutions and supervise honours and postgraduate students. In 2004, nine theses were either completed or in progress, including work on the population dynamics of Victorian koalas, behavioural ecology of little penguins, diet selection in koalas and the role of plant secondary compounds in the feeding ecology of koalas.

It is not possible to make any contribution on the Phillip Island Nature Park report without commending the total and absolute commitment of the large number of volunteers who have a role in the sustainability and success of the park. Friends groups and hundreds of volunteers contribute literally many thousands of hours to the park programs.

For example, a community of members volunteered to assist with rescuing young short-tailed shearwaters as they take off on their migration to Alaska, and the penguin study group volunteers monitor the penguins monthly. This monitoring is now in its 36th year and is the longest-running bird study in Australia. Guides work in the historic area of Churchill Island seven days a week. Guides wear period costumes and welcome visitors and provide them with information as they walk through the historic buildings.

I would like to commend all the people involved in the park's activities — the board, the executive, the employees, the Friends of Phillip Island Nature Park and the volunteers — for their ongoing, enthusiastic and dedicated commitment to ensuring that Phillip Island remains and is further developed as one of Victoria's and indeed Australia's leading tourist attractions.

Economic Development Committee: economic contribution of Victoria's culturally diverse population

Hon. B. W. BISHOP (North Western) — I am pleased to take the opportunity to make a few comments on the report of the Economic Development Committee on the economic contribution of Victoria's culturally diverse population dated September 2004. Prior to making those comments I would like to recognise a contribution in an area I would probably know best — the multicultural community in Sunraysia. It has certainly played a major role in the production of irrigated horticulture and viticulture in that area and has become a strong part of that community. I noted the terms of reference for this report, and I thought they were quite fitting to the particular task they were directed towards. I also noted that the committee had done a fair bit of travelling. I would have been delighted if it had gone down to Robinvale, even though it went to Mildura. It might have got a very clear picture of a true multicultural community there.

Robinvale is a thriving place that is expanding rapidly. A few weeks ago it had its 80-year celebration. It was a great three days of reminiscing, and a great time was had by all, as generally happens at back-tos in country areas. The Robinvale area has seen a huge expansion in irrigated horticulture and viticulture. In the old days — if you want to put it that way — following the soldier settlement after the Second World War there was a great amount of dried fruit and dried grapes in the area. That has largely been taken over now by a huge amount of table and wine grapes, olives and almonds, and we have well-established properties producing large amounts of carrots and lettuces, among other products. You could say it is integral to Robinvale that it has a true multicultural community.

The first recommendation I want to mention is 3.4, which recommends putting adequate resources into schools with the view to ensuring the timely provision of adequate language instruction. One of the issues we

see in schools concerns reading skills. It is important for the government to look at that recommendation closely when considering the provision of language instruction. I was advised not long ago that nine languages were spoken at the primary school at Robinvale, and it is quite a challenge for the teaching staff to manage that issue.

Another of the recommendations, of which there are many, is 4.2, which recommends that the Victorian government initiate discussions with the federal Department of Immigration and Multicultural and Indigenous Affairs to pilot regional settlement programs for new arrivals in places such as Mildura, Swan Hill, Shepparton and Warrnambool. This is an absolute classic for Robinvale where there is a huge population of people who have come to Australia from other countries and are highly valued for their work in the horticultural areas there. Certainly it could be better managed. Mildura, which is probably one of the biggest areas, would certainly require a full-time situation such as that, but it should look at Robinvale as well. Another recommendation is 4.4, which recommends that the housing situation be addressed. That is absolutely crucial in Robinvale, so this recommendation fits it perfectly. We need housing there to harness the opportunity we have for economic development.

It is a good report. There is a lot more I could say on it. I urge the government to act on this report, as we have a huge pool of talent, particularly in that Sunraysia area, just waiting for the government initiatives — —

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

Western District Health Service: report 2004

Hon. S. M. NGUYEN (Melbourne West) — I would like talk on the Western District Health Service annual report for 2004. The report covers the period 1 July 2003 to 30 June 2004. It was prepared for the Parliament of Victoria, Minister for Health and the community to show what the health service has done in the Western District. There are a lot of things in it that I would like to highlight to Parliament. The board as well as the executive committee perform their duties to serve the community. As well, the community helps the Western District Health Service to improve its performance and services. The report looks at acute care, extended care, community-based services, improving performance, human resources management, safe practice and environment, facilities and equipment, community and marketing and leadership and management.

They are the key points of the report. Page 6 highlights things like the organising of the charity ball fundraising campaign, which was supported by 500 people buying tickets for the ball; and the chapel/Linkways appeal by which the community raised money for that centre.

I mention the community involvement listed on pages 34 and 35. On page 34 the report states:

> The community liaison department forms a link between health and our community.

It is important to see the community get behind the centre to support it and raise money for it. Page 34 also lists the achievements:

> $261 000 raised for chapel/Linkways appeal
>
> Top of the Town charity ball launched and all tickets sold
>
> Annual fundraising $422 000
>
> Increased referrals to health service
>
> Volunteer participation up by 15 per cent
>
> Regional forums held.

Many people spend their time working with the hospital and in community projects, and I mention two of them: the Murray to Moyne cycle relay teams; and the Hamilton Relay for Life, which is held with Cancer Council Victoria and raised more than $98 000. I pay my respects to the volunteers because the service relies on volunteers as well as fundraising. The service has a high number of around 165 registered, unpaid volunteers. Approximately 15 volunteers provide a comforts trolley service; 10 run the opportunity shop; 53 took part in the Hospital Sunday doorknock in May 2004 and raised about $13 000; 17 participate in the palliative care service, with 8 of them having provided 266 visiting hours this year in caring for 10 clients and their carers; 19 provided a total of 852 hours of aged care services at the Grange; and 27 are registered drivers and escorts for the Hamilton community transport service.

The DEPUTY PRESIDENT — Order! The honourable member's time has expired. This is an appropriate time to suspend the sitting for members and staff to attend the Remembrance Day service to be held on the steps of Parliament House.

Sitting suspended 10.56 a.m. until 11.05 a.m.

Department of Human Services: report 2003–04

Hon. D. McL. DAVIS (East Yarra) — I want to make a contribution to the statements on reports today

on the Department of Human Services annual report 2003–04. I shall focus on page 27, which is the output performance of the acute health services output group. That output group lists emergency patients admitted within the recommended period — that is, less than 12 hours. The government's target sought to admit 95 per cent of people within a 12-hour window. The achieved actual was only 86 per cent. I believe that can be regarded as a damning indictment of the government — a failure to achieve what most people would consider appropriate.

It is interesting to see the stress on our emergency departments due to the government's mismanagement of them and to look in that context at the number of people by destination waiting in emergency departments for more than 12 hours in 2002–03, as discussed by the Auditor-General in his May 2004 report. That report on major metropolitan hospitals saw that 35 123 people had waited in emergency departments for more than 12 hours. That 35 000 figure can be expected to be much greater in the metropolitan hospitals given the failure of the government to achieve its performance measure of 95 per cent admitted within the 12-hour period. I hasten to add that the Auditor-General's exposé in his report of May this year on managing emergency demand made it very clear that the 12-hour figure that is reported in the hospital services report and is alluded to here is an incomplete figure and misleads the community, in my view.

This figure relates to the number admitted to that hospital within 12 hours. A patient can spend 12, 24, 36, 48 or 96 hours in the emergency department of one of our public hospitals and not be counted in either of the hospital services report measures or the measure that the government has reported in its annual report this year. Those patients include those who are returned home after a day or two or three or four in the emergency department. They could be patients who are moved to another hospital or, tragically, patients who die in hospital — they are not recorded in that measure even though they may have waited a day or two or three in the emergency department. This measure that the government has failed to achieve is an inadequate measure, and the government needs to change it to incorporate all patients who enter an emergency department. It should record the numbers who wait more than 12 hours, whatever their final destination.

I note also in this report on acute health the percentage of time on bypass. The government claims an actual achievement of 1.8 per cent of time on bypass, but increasingly the evidence is starting to come out that the government is using the hospital early warning system (HEWS) and the pre-bypass system as a way of avoiding declaring official bypass. The government should declare in its admitted services output performance, the amount of time spent on HEWS. It should declare the number of occasions when pre-bypass is operating within hospitals. The effect on patients and people in ambulances heading towards a hospital with the bypass is just the same. A patient heading towards a hospital who is diverted because of a HEWS call needs to have that made explicit. They know they are not being sent to the closest hospital. They know that additional time is elapsing, and they know that in many cases their lives may be put at risk. We know that — —

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — I make the point to Mr Theophanous that his government claimed to be open, accountable and transparent, and these measures are not open and transparent. We know the Auditor-General in this same report showed that the number of HEWS in the June quarter 2003 was 632, whilst the number of ambulance bypass occasions was 178, making a total of 810 ambulance diversion incidents. The June quarter just gone shows ambulance bypass up to 234, and we know there were many early warnings in that time, perhaps leading to up to 1000 ambulance diversions. The government has to improve its statistics and stop misleading the community — —

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

Central Highlands Region Water Authority: report 2004

Ms HADDEN (Ballarat) — I rise to speak on the Central Highlands Region Water Authority's annual report 2004. The report sets out its vision, mission and corporate aims, but I have great concerns that it is not living up to those visions and aims. I wish to give three examples, though there are dozens more.

One thing that I am pleased about is that the Central Highlands Region Water Authority has maintained its operating profit at very high levels: $42.8 million in the last financial year. That has been steadily rising over the last four or five years.

The authority maintains that it listens to its customers, it meets their expectations and it delivers high-quality water et cetera. Quite frankly, in three instances it has not. It is not a rare thing that I complain about Central Highlands Water. I complain about it most of the time

on behalf of my constituents, who have real and genuine complaints.

The first example is of Cosgrave Reservoir which used to provide Creswick with its water supply. It was built and paid for by the people of Creswick in the late 1970s with a surcharge on their water rates. That reservoir was taken off Creswick in 2000 without consultation by Central Highlands Water. The pipeline was built at a cost of $2.5 million — again without consultation with the community. The water is pumped from White Swan in Ballarat, over the Great Dividing Range — against environmental commonsense — and into the town.

The community has been protesting about this since 2000 and 2001. Every protest, every community consultation and every consultation report by the University of Ballarat has been ignored. In the annual report Central Highlands Water has the gall to put on page 9 that it will spend $1.4 million to build yet another pipeline to pump the water from Cosgrave Reservoir, which is at the top of the Loddon Basin, over the Great Dividing Range to Ballarat. That is not what the community wants. The community has had numerous protest meetings.

It wants the Cosgrave Reservoir returned to the township for the simple reason that Central Highlands Water promised to do that. It was in its forward estimates and its capital projects figures: it was just $800 000 in 1998–99. It promised to build a water treatment plant at Cosgrave Reservoir, but it did not. Its excuse at the public meeting in January was, 'We had to spend it on other towns', but it forgot to consult with the community. Now the community has passed resolutions and has said that it wants Central Highlands Water to honour its promise. The community wants Cosgrave Reservoir returned to the township, and it wants this at no extra cost to the community, because the community has already paid for it. It has been paying for it ever since.

I wish to read a letter which has been sent to me from Mr J. F. Sewell, AM, a World War II veteran, who is a highly esteemed statesman and respected member of the Creswick community. He says:

> The elation of the community by the announcement at Creswick on 5 October 2004 by Hon. John Brumby of the agreement for connection to natural gas has now been turned to concern at Creswick's future development if tied to Ballarat's stressed water system. A recent community questionnaire revealed almost unanimous support (99.34 per cent) for a return to Creswick's own water resource. Similarly, a meeting conducted on 5 October 2004 by Ballarat University assisted by Central Highlands Water Authority staff to consider future options for Central Highlands Water supply, brought an attendance of over 60 community people who were united in their expression of a return of Creswick supply to Cosgrave Reservoir as an important option in securing both Creswick's and Ballarat's water resources in the future.

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

Question agreed to.

PETROLEUM PRODUCTS (TERMINAL GATE PRICING) (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Mr LENDERS (Minister for Consumer Affairs) on motion of Hon. T. C. Theophanous.

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

> That the bill be now read a second time.
>
> Terminal gate pricing was mandated in Victoria under the Petroleum Products (Terminal Gate Pricing) Act 2000. The act was passed with bipartisan support in November 2000 and came into operation on 1 August 2001.
>
> Victoria was the first Australian jurisdiction to legislate for terminal gate pricing. Voluntary schemes have since followed in other states and the commonwealth has proposed a national scheme.
>
> Terminal gate pricing tackles some of the fundamental problems that affect the efficient operation of fuel markets. These include a lack of information about the components that make up wholesale prices and the price at which fuel is exchanged across different sectors in the supply chain, and restrictions on access to fuel at terminals.
>
> These problems arise from the vertical integration of the oil majors across refining, wholesaling and retailing and their dominance in wholesale fuel supply. In the past this meant that fuel resellers (distributors and retailers) were unable to readily compare wholesale prices across suppliers or negotiate to purchase and pick up fuel at terminals thereby reducing their ability to source and, in turn, offer competitively priced fuel.
>
> Terminal gate pricing was introduced to address these problems. In particular its objectives are to promote greater transparency in the wholesale pricing of petrol and diesel and to improve access to competitively priced fuel at terminals for all customers. Over the longer term it has the potential to improve the competitive position of fuel resellers, in particular independent operators, and may assist to reduce the differential between metropolitan and rural fuel prices.
>
> To assess the effectiveness of the act in achieving these objectives it was reviewed and the results published in October 2003.

The review found that during the first year and a quarter of operation the act had achieved its objectives. Access to supply at terminals was no longer considered an issue by resellers while published terminal gate prices were found to be more reasonable as they were closer to actual transaction prices. There had also been a modest improvement in the transparency of wholesale pricing.

While the review period was too short to assess whether the act had contributed to enhancing the long-term competitive position of resellers, the average city-country retail price differential was found to have decreased due to an increase in prices and margins in Melbourne. However, as similar increases were experienced in other mainland capitals, this was most probably not related to terminal gate pricing.

The report made six recommendations, three of which require an amendment to the act.

First, the bill improves transparency by requiring terminal gate prices to be determined by reference to the volume of fuel measured at 15 degrees Celsius. Currently the act is silent on the temperature at which fuel is measured to calculate terminal gate prices. This has resulted in occasions when the temperature, and hence volume, underpinning published terminal gate prices has been different to that used to determine the price at the time of sale, which must be referenced to 15 degrees Celsius to comply with temperature correction legislation. As the measurement temperature affects the unit price of fuel this arrangement is misleading and confusing for resellers.

Second, the bill also provides for greater flexibility in the administrative arrangements that allow declared suppliers to refuse to supply customers where there is a fuel shortage. The bill proposes that the exemption be moved to the regulations and be based on a simpler notification arrangement between declared suppliers and their customers. In the first instance the regulations will require declared suppliers at the time of refusing to supply fuel on the grounds of a shortage to provide, on request, documentary evidence of the shortage direct to their customers and, if requested, to provide details to government. If this new process fails, the regulations will be amended to reintroduce compulsory notification of shortages to government.

Third, other amendments to clarify the operation of the act are concerned with a range of matters such as: the definitions of distributor and retailer; the categories of customer to which the act applies; the allowance for return on assets in a retail site; requests for pricing information; the grounds for refusal to supply; and, the penalties for failure to produce documentation, answer questions and comply with the regulations.

Today, as was the case when the act was introduced, crude oil and international refined product prices are high. In this context published terminal gate prices are a targeted measure to provide market participants and consumers with an independent benchmark for assessing fuel prices.

I commend the bill to the house.

Debate adjourned for Hon. W. A. LOVELL (North Eastern) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL

Second reading

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

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

That the bill be now read a second time.

The bill refers Victoria's power over property and other financial matters arising out of the breakdown of de facto relationships to the commonwealth Parliament. For some time, the Standing Committee of Attorneys-General has sought to reach agreement on a suitable referral from the states in relation to property disputes of de facto couples to enable de facto couples to access one forum to resolve issues arising from the breakdown of de facto relationships. This bill implements a model developed by the Standing Committee of Attorneys-General. This will reduce duplication of proceedings, reduce costs and help minimise the stress that accompanies the breakdown of relationships.

As a result of references of power by the states (except for Western Australia which has a state family court) to the commonwealth in relation to ex-nuptial children, all matters relating to the children of de facto couples are dealt with by the Family Court, while property matters are generally dealt with by the state courts. Without similar references, de facto property issues will remain outside the commonwealth jurisdiction.

Since the commencement of the new commonwealth superannuation splitting regime on 28 December 2002, resolution of this issue has assumed greater importance. The superannuation splitting regime enables married couples to divide their superannuation interests in the same way as their other assets on the breakdown of a marriage. The commonwealth has indicated that it is not prepared to make amendments to the superannuation industry supervision legislation to give effect to state legislation for the division of superannuation interests of de facto couples, either for heterosexual or same-sex couples. The commonwealth considers that it is preferable for issues concerning the division of superannuation to be dealt with at the commonwealth level. In this way, uniformity between married and de facto couples in the division of superannuation interests will be maintained and will ensure that the treatment of de facto couples does not vary between the states and territories.

At present, under the Victorian Property Law Act 1958, a 'domestic partner' can apply to the state courts for resolution of property matters arising from the breakdown of a domestic relationship. References of power by states to the commonwealth in relation to de facto property matters would enable the provisions of the commonwealth Family Law Act to apply in those states to the property of de facto relationships. De facto couples would be able to use federal courts to resolve issues relating to both children and property, including the superannuation splitting regime. Property

legislation would thus apply consistently and nationally to both married and de facto couples.

However, the commonwealth government has made clear that, despite referral by the states of powers in relation to de facto couples for both heterosexual and same-sex couples, it will act only on the referral in relation to heterosexual de facto couples. In that case, the limb of the referral in relation to same-sex couples would lie dormant until the commonwealth chooses to exercise it in the future.

The commonwealth's position in relation to same-sex de facto couples means that same-sex couples will still need to access the state's courts to resolve property disputes arising from the breakdown of their relationships, while accessing the Family Court to resolve issues in relation to children. The Howard government only wants heterosexual de facto couples in its courts and says same-sex couples should not be given the same status as heterosexual couples. This attitude is discriminatory and blatantly homophobic, but not surprising. The United Nations human rights committee recently found the Howard government had breached the international covenant on civil and political rights by not providing war veteran pensions and bereavement payments for same-sex partners of deceased veterans.

By way of contrast, the Bracks government in 2001 enacted the Statute Law Amendment (Relationships) Act and the Statute Law Further Amendment (Relationships) Act to give same-sex de facto couples the same rights as heterosexual de facto couples in 57 acts of state Parliament, including the division of property on the breakdown of a relationship. I have written several times to the commonwealth Attorney-General urging the commonwealth to change its position in relation to same-sex couples, on the basis that it continues to perpetuate discrimination against same-sex couples. However, the commonwealth continues to maintain its discriminatory position that it will only act on the referral in relation to heterosexual de facto couples.

By referring these powers, Victoria and the other states are giving the Howard government a golden opportunity to end its outdated, outmoded and outrageous views about same-sex couples and to ensure that the Family Court can deal with financial matters arising from the break-up of all relationships.

Currently, de facto couples going through a break-up have to go through the state and federal jurisdictions to deal with unresolved child access and financial matters, whereas married couples can sort out all their matters through the Family Court.

The current situation forces de facto couples to go to greater expense and effort to deal with the often traumatic legal circumstances surrounding the breakdown of a relationship.

Access to affordable justice is one of the cornerstones of our democracy. That is why all jurisdictions, including the commonwealth, agreed that de facto couples should be given the option to deal with all their matters in one court. It is obscene that the commonwealth now wants to deny a part of our community equal access to the federal courts.

Despite the discriminatory behaviour of the commonwealth, the majority of states consider that it is desirable to extend the benefit of the Family Law Act property division provisions to the very many heterosexual de facto couples in their jurisdictions, particularly as de facto couples will otherwise be denied access to the superannuation-splitting arrangements. It is therefore preferable that a reference be made even if the commonwealth refuses to legislate with respect to same-sex de facto couples. The referral bill contains separate definitions applying to heterosexual and same-sex de facto couples. This has been done to ensure the validity of any commonwealth legislation in the face of clear indications from the commonwealth that it intends to exercise power only in relation to heterosexual de facto couples.

In introducing this bill, I urge the commonwealth government to abandon its discriminatory attitude towards same-sex couples and live up to its obligations to protect the human rights of all Australians.

I commend the bill to the house.

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

Debate adjourned until next day.

MAJOR CRIME (INVESTIGATIVE POWERS) BILL

Second reading

Debate resumed from 10 November; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise on behalf of the Liberal Party to state that we will be opposing this bill.

Ms Mikakos interjected.

Hon. RICHARD DALLA-RIVA — I note the immediate interjection from Ms Mikakos who has many times before in this house raised the rights of individuals — and I will get to that later. It is interesting to listen to those who have said one thing but now indicate otherwise.

On behalf of the Liberal Party it is appropriate that I now move its reasoned amendment:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the government establishes a royal commission to:
>
> (1) investigate police corruption and links to organised crime; and
>
> (2) review the provision and operation of coercive investigative powers, including the creation of an independent crime commission'.

The Liberal Party regards the overall process that the government has adopted — as I said, I will later get to

evidence on that point — is a bandaid approach to dealing with this issue which has been before the community for a number of years. It seems from my research that the government continues to lead this debate via the media.

This is a debate that really should be conducted within Parliament, but as we have found there has been limited, if any, community consultation in the process. This bill is one in a series of six that we have had in recent months — in just one sitting of Parliament — where this has been the case. The Liberal Party says there is a time when a line has to be drawn in the sand to say, 'Enough is enough'. The government cannot continue to develop policy on the run and take an approach to a very serious issue in our community that really does not take into account what is occurring in other states and what is occurring nationally in the way we deal with corruption at the highest level.

The government continues to push out bill after bill, and you only need look at a few of the recent ones brought forward. They include the Crimes (Controlled Operations) Bill, the Crimes (Assumed Identities) Bill, the Surveillance Devices (Amendment) Bill, the Major Crime Legislation (Office of Police Integrity) Bill, the Major Crime (Special Investigations Monitor) Bill; and now we are debating this one — the Major Crime (Investigative Powers) Bill. That list does not include amendments to the Ombudsman legislation, the Crimes Act, further amendments to the Surveillance Devices Act and so on. The government has to be honest — it does not know what on earth it is doing. There are and have been so many amending bills before Parliament at the moment that it really does not know what is going on.

I will be interested in what Ms Mikakos has to say about the bill because while she stands here as a lawyer she will be making a case for the government that goes against the opposition to the bill by all the legal organisations in this state. I look forward to the member's contribution to the debate, although I know it will be a set speech that will just dribble out the government's rhetoric. The government knows in its heart that it cannot continue to develop an ad hoc bandaid approach to corruption in this state, yet it continues to deliver that ad hoc approach to policy on a very serious issue.

There are pages and pages of reports in the *Age* and the *Herald Sun* where the government has delivered its policy not through this house but via the media. There is a story here from page 3 of the *Age* of Tuesday, 14 September 2004, headed 'Bracks hails police boost'. The government is once again announcing its policy via the media, this time in reaction to a number of issues. The Police Association secretary, Mr Mullett, was quoted in that article as saying in relation to supporting the measures:

> However, with coercive powers, they have to be used on a limited basis and they have to be used responsibly ...

I agree. Let Ms Mikakos and the Minister for Energy Industries, Mr Theophanous, see what happens when organisations get coercive powers. On 29 September 2004 the *Herald Sun* ran an article headed 'ACC strike rate' and stated in relation to the Australian Crime Commission:

> Coercive powers have been used 474 times to uncover information ...

Four hundred and seventy-four times! What is different in the legislation here?

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

Hon. RICHARD DALLA-RIVA — The point, Minister, is the principle underlying this policy. I am sure Ms Mikakos and others on the government benches will get up and talk in depth about the bill. They will go through it in a monotone voice — —

The DEPUTY PRESIDENT — Order! I ask Mr Dalla-Riva to speak through the Chair.

Hon. RICHARD DALLA-RIVA — I will speak through the Chair, Deputy President, but it is interesting that if you read the bill — and I would advise those on the other side to read the bill, because I am sure they have not yet — —

Hon. Andrew Brideson — They have only read the spin.

Hon. RICHARD DALLA-RIVA — They have only read what has been reported in the paper, so I suggest members opposite read exactly what this bill says. The Liberal Party stands here opposed to the bill. The Liberal Party stands here with a reasoned amendment — what I call a rational, reasoned amendment. 'Rational' and 'reasoned' are words the Minister for Energy Industries probably finds hard to understand; they are not in his dictionary. The legislation does not enable us to deal with organised crime. On page 3, under 'Definitions', the bill states:

> "organised crime offence" means an indictable offence against the law of Victoria, irrespective of when the offence is suspected to have been committed, that is punishable by level 5 imprisonment (10 years maximum) or more and that —
>
> (a) involves 2 or more offenders; and

(b) involves substantial planning and organisation; and

(c) forms part of systemic and continuing criminal activity; and

(d) has a purpose of obtaining profit, gain, power or influence;

It sounds rational and it sounds logical, but when you think about it and its application, there would be many cases where an 'organised crime offence' could describe shoplifters working together.

Ms Mikakos — That is ridiculous!

Hon. RICHARD DALLA-RIVA — Ms Mikakos says this is ridiculous. Read the legislation! As I said before, members opposite have not read the legislation. By saying this is ridiculous Ms Mikakos has admitted that she has failed to read the legislation and to understand the implications of the bill before the house. She has admitted that she has no understanding of this bill. Any person who has basic 101 legal training would understand that this could include shoplifting. If you commit the offence of shoplifting in this state, you get a warning for your first offence. You do not even go to court for an indictable offence, yet in this bill the government has created a provision which could pick up gangs of bucks involving two or more people. There could be substantial planning — 'We are going to do this place, then hit this place and this place' — it is systemic, it is a continuing criminal activity and it is for the purpose of obtaining profit because, 'I am going to steal all the Panadol from the Big W store and sell it for a profit'. That scenario fits the definition of an organised crime offence in the legislation before the house. I look forward to Ms Mikakos's contribution and her telling me how that is not an organised crime offence. She will talk rhetoric about a higher level, but if you apply the law as the police and law enforcement officers will apply the law, that is the appropriate definition.

Hon. T. C. Theophanous — What about you organising to nobble Bill Forwood? Does that fit under it too?

Hon. RICHARD DALLA-RIVA — The minister is talking about some internal matters. This is the way the government deals with it. Government members cannot handle the fact that the arguments I am presenting are cutting them down to size, so the minister goes on a personal attack on another matter. It demonstrates the shallowness of this minister in dealing with a very complex issue. I invite the minister to take the bill home tonight, to sit down with a nice cup of tea by a reading lamp and read it. This demonstrates the minister's lack of understanding of this particular bill.

Hon. E. G. Stoney — He does not want to know!

Hon. RICHARD DALLA-RIVA — Exactly, Mr Stoney, he does not want to know. He probably does not read the *Herald Sun* that often and probably fails to understand that policy is being delivered via the newspapers — the Bracks government is delivering policy via the newspapers.

Hon. T. C. Theophanous — You are such a fool! This is the worst contribution I have seen you make.

Hon. RICHARD DALLA-RIVA — He again interjects with personal remarks. The fact is I am here to discuss the principle, the underlying issue of the policy and how it applies to the broader community.

The application of this is flawed — that is why I have moved the reasoned amendment. We have always said we need to have an independent crime commission. Why is it that Victoria seems to move along with a very ad hoc approach? This piece of legislation will place the capacity of police to enforce coercive powers solely on their presentation to a Supreme Court judge — no committee, no oversight. That exists subsequently but not in the initial stages. As I said, members opposite will discuss all the mechanics with the chief examiner and the examiners. That is fine, that is what is in other legislation. The issue is in the initial stage and ensuring the rights of citizens in this state. I genuinely look forward to Ms Mikakos's contribution, because she is going to struggle to establish a credible case given her background and experience. I will find that very interesting.

I have some publications here, including the media release of 29 October 2004 from members of the Victorian Bar, the Criminal Bar Association, Liberty Victoria and the Law Institute of Victoria (LIV). These people have presented at the parliamentary Law Reform Committee. It is amazing what they are saying. On 29 October they called for a halt to the passage of the major crime legislation. The release says:

> This legislation has been rushed into Parliament without any consultation or any opportunity for public debate.

Well, I suppose if you read the papers that is your public debate.

> The chairman of the Victorian Bar Council, Ross Ray, QC, said the investigative powers bill gives police powers previously only entrusted to a royal commission for specific and limited purposes in Victoria.

> 'It gives these powers to the police at a time when Victoria Police itself faces unprecedented problems of corruption. No other Australian police force has these powers' ...
>
> Law Institute president Chris Dale said he was alarmed by the lack of consultation for reform that would remove a person's fundamental legal rights.

He said:

> 'The idea that such a major revolution in police powers could be legislated without public consultation is undemocratic'...
>
> Liberty Victoria vice-president Brian Walters, SC, said organised crime is a community issue and so is the danger of a police state.
>
> 'The fear of organised crime is being used to drastically increase police power over citizens — in a way which will be profoundly oppressive for many innocent people'...

There is a submission by the Law Institute of Victoria dated 11 October. Some of the key points are:

> ... the LIV is … troubled by the lack of consultation on such significant extensive reforms and calls on the government to suspend debate on these bills to allow appropriate consultation and submissions from all relevant stakeholders.
>
> ...
>
> The lack of consultation on these bills, in particular the Major Crimes (Investigative Powers) Bill ... flout the Bracks government's 2002 election platform ... The platform states that two key Labor values are rights and democracy.

It is important to put that on the record. The government went to the election in 2002 with this:

> Democracy.
>
> Labor values the essential democratic principle that every person should have the right to a say, directly or indirectly, in every decision that affects his or her life.

Under 'Rights', it said:

> Individual liberty, the rule of law and a democratic system of government are the basis of Australian society. However, these rights are all too easily taken away ... Labor believes in creating a better society. One which gives people more rights ... and greater levels of personal freedom.

That is the government's policy and principles. The release from the LIV continues:

> The LIV implores the government to act in a manner consistent with the basis upon which it was elected.

The government has gone against its core constituency in regard to this matter. We are not saying we do not want these powers. In fact the reasoned amendment says we do. But we want them in such a way that it promotes and facilitates a proper process. Let me give you some examples. Ms Mikakos may be interested to know why we are calling for a royal commission and an independent crime commission. The New South Wales Crime Commission also has coercive powers, but it has one overarching principle that we do not have — there is a management committee. Its principal functions have to do with the way it allows investigations to be conducted. It refers matters to the commission for investigation. It refers police inquiries on matters relating to any criminal inquiry to the commission for review. There is a clear establishment of process and principles before a matter is investigated with the use of coercive powers. I look forward to the contribution from the government to tell me where that is in the legislation — the use of coercive powers before, not afterwards and not with the chief examiner — —

Hon. E. G. Stoney interjected.

Hon. RICHARD DALLA-RIVA — Exactly, Mr Stoney. They will not bring it up. They will talk about the mechanics and the process afterwards, but they will not talk about the underlying principles attached to this piece of legislation. The New South Wales crimes commission consists of a committee that establishes the process which it moves through. There are central themes to this process. The first is that there is a board that oversees the inquiry. After the board is satisfied that it meets certain criteria, it can be referred to the relevant crime commission for investigation. I do not see that in the legislation before the house today.

The Western Australian Corruption and Crime Commission was established on 1 January 2004. That also has coercive powers but — surprise, surprise! — guess what it has overarching that? Before the coercive powers can be applied, it has a parliamentary inspector and parliamentary committee appointed to oversee the corruption and crime commission. In other words the relevant corruption and crime commission can apply to an independent board for the use and application of coercive powers.

Ms Mikakos interjected.

Hon. RICHARD DALLA-RIVA — Does Ms Mikakos get that theme? There is a theme. I would love to listen to her underlying principles on this, because I do not think she has any.

The next one is the Queensland Crime and Misconduct Commission. It was created on 1 January 2002, and it operates on three fronts, fighting major crime, raising public sector integrity and protecting witnesses. Lo and behold, it has coercive powers! I quote from a brochure produced by the commission:

> Our act gives us the power where appropriate to:

> conduct coercive hearings.

But what has it got to do before it gets to coercive-power usage? How accountable is it? I further quote from the document:

> We are accountable to the people of Queensland through the Parliamentary Crime and Misconduct Committee (PCMC), an all-party committee that monitors and reviews our activities and deals with complaints against us.

It has a board in an overseeing role before matters can be referred to it. Dealing with coercive powers, I earlier referred to the fact that even the secretary of the Police Association has said he believes in the bill, but he was reported in the *Age* of 14 September as having said:

> However, with coercive powers, they have to be used on a limited basis and they have to be used responsibly.

We agree, and that is why we oppose this bill and have moved a reasoned amendment. I again refer to the *Herald Sun* article about the Australian Crime Commission's strike rate:

> Coercive powers have been used 474 times to uncover information ...

What does the Australian Crime Commission have? It has coercive powers. It says:

> The ACC has access to special coercive powers to assist in intelligence operations and investigations.

But it is interesting that it goes on to say, and Ms Mikakos and others on the government side should note this:

> These powers are not exercised by police agencies and are necessary in circumstances where traditional law enforcement methods are not sufficient to combat sophisticated criminal activity.

I repeat: these powers are not exercised by police agencies. It says:

> The ACC is endowed with coercive powers under its enabling act. Use of the special coercive powers —

and this is the crunch, this is the underlying principle on which we are opposing it —

> is authorised by the board and exercised by independent statutory officers known as examiners —

et cetera. We know that. But the power is authorised by a board, not on the say-so of a police officer that may be given in camera without any scrutiny to a Supreme Court judge.

There is nothing in the legislation which has a protection preceding the granting of coercive powers to police in this state. There is no independent board, body or committee. As I have just explained, the New South Wales Crime Commission has one, the Western Australian Corruption and Crime Commission has one, the Queensland Crime and Misconduct Commission has one, the national Australian Crime Commission has one, yet the Victorian legislation that is before this house will fundamentally override any protection of persons in terms of investigation.

We do not believe that is appropriate. There needs to be a line drawn in the sand at some point where we say enough is enough. The Liberal Party supports a royal commission, and as our reasoned amendment says, we should:

> ... review the provision and operation of coercive investigative powers, including the creation of an independent crime commission.

Every other state that has had problems with police corruption and corruption at any level has established a crime commission. Since May we have brought in the Crimes (Controlled Operations) Bill, the Crimes (Assumed Identities) Bill, the Surveillance Devices (Amendment) Bill, the Major Crime Legislation (Office of Police Integrity) Bill, the Major Crime (Special Investigations Monitor) Bill and now the bill that is before the house. There have been alterations to the Ombudsman's Act and there have been alterations to the Crimes Act. The poor police out there who are trying to deliver real solutions to corruption are scratching their heads and saying, 'What next? I had better buy the *Herald Sun* tomorrow or I had better buy the *Age* tomorrow because I am sure the policy of this government will be released via those two papers'. I have just demonstrated that the publications I have sought for my review show that it is only through the media that the government delivers its policy. It has been shown quite clearly by many people and many organisations that there has been a lack of process.

Colleen Lewis, an associate professor of criminal justice and criminology at Monash University, wrote in the *Age* of Saturday, 28 August:

> The Bracks government's policy response to police corruption is woeful.

That is a great endorsement of the government's policy on the run. She went on:

> The transformation of the Ombudsman's office into something that is nothing like any other Ombudsman's office in Australia and beyond has occurred in a consultation-free zone.

We have got another one. We have got another lawyer out there saying enough is enough. She was talking

about alternatives to deal with this, and she went on to say:

> Another alternative would be for the Parliament to act, referring the Office of Police Integrity Bill to an all-party parliamentary committee that could receive public submissions. This would open up the debate and make the policy process transparent.

But we have not had that. She finished by saying:

> Such an ad hoc, reactive process can only lead to bad policy — and history tells us bad policy tends to hinder rather than enhance police accountability.

The editorial of the *Sunday Age* of 23 May headed 'Wiping corruption from the state' says:

> The long list of criminals slain in Victoria's gangland war provides a compelling case for the need to establish an integrity commission in Victoria similar to those operating in Queensland and New South Wales.

The editorialist has done some research and established that to ensure the protection of citizens' rights and still ensure that we are investigating corruption in this state, the establishment of an integrity commission is appropriate.

I had to think back to another Labor Party faithful, Barry Jones, when he was producing some policy. This was Labor's policy, if you remember, the Knowledge Nation — or Noodle Nation — that spaghetti mix of policy that was so confusing that not even the Labor Party itself understood what was going on. I think we have the same issue. It demonstrates that the government is not really fighting corruption at an appropriate level; it is not dealing with it in a principled way that we would understand.

It is interesting also that the government still followed the line. The Scrutiny of Acts and Regulations Committee (SARC) *Alert Digest* No. 9 of 2004 refers to section 17 of the Parliamentary Committees Act 2003, which says:

> The functions of the Scrutiny of Acts and Regulations Committee are —
>
> (a) to consider any bill introduced into the Council or the Assembly and to report to the Parliament as to whether the bill directly or indirectly —
>
> (i) trespasses unduly upon rights or freedoms ...

That is what members opposite are doing. I note that at page 1 of the SARC report, in dealing with the Major Crime (Investigative Powers) Bill, the committee states:

> The committee is of the opinion that the provisions may abridge the right to silence and the privilege not to give self-incriminatory evidence to a person in authority.

I have gone through the bill, and nowhere there — unless you are a person under the age of 16 who has been subpoenaed — are any of those rights afforded to you. The bill does not say 'may'; it says 'will'. My concern is that members of the government, which has the majority on that committee, still cannot truly and honestly hold their hands on their heart and say, 'Yes, we believe there is a taking away of people's rights'.

At the top of page 2 the report states:

> The committee will seek further advice from the minister concerning the possible abrogation of longstanding common law rights —

et cetera. It is interesting that there is underlining, because looking at page 41 it appears there was a division within the committee on this matter. The motion was:

> That in the committee comments, point 1 (right to silence and privilege against self-incrimination), concerning the Major Crime (Investigative Powers) Bill, the words 'may' and 'possible' as underlined be deleted.

The committee divided, and those who voted against it were of course all the Labor people and those who supported the principle of freedom of rights were of course the Honourable Andrew Brideson and the member for Sandringham in another place, Murray Thompson.

Again this is not an issue about endorsing corruption; this is about the underlying principles associated with the establishment of legislation that is going way over the top compared to other states. I have tried to put a rational argument that the underlying principles of this bill have been superseded and that the government has crossed the line. As the government is probably aware, the Liberal Party has supported other bills before the house, but enough is enough. It has now got to the stage where I think community outrage has said 'Enough'. Even the police association secretary has indicated his awareness of the coercive power use issue. There is no doubt that the evidence shows — it is without question — that there needs to be the establishment of an independent crime commission. The government does not need to do anything other than repeal all the acts it has put forward and copy the West Australian act, the New South Wales act or the Queensland act. They are already in play. The government does not need to create anything new, and it can save a lot of money by having the Ombudsman do what he needs to do — that is, investigate those matters that an ombudsman would ordinarily investigate — and having an independent crime commission that would actually deal with the real issue. There would be appropriate checks and balances in terms of individuals' rights in

this state and so that there would not be a potential abuse of the power that would be given.

Other reports have been provided which show that the police commissioner and indeed Victoria Police will now have greater powers than any other police force in Australia. As I said, the issue is not about powers; the issue is about the underlying principles attached to this bill. That is why the opposition opposes the bill and has moved the reasoned amendment. I say to those on the other side that this is the last chance they will have before the bill is passed. I would hope those with a conscience in that party — and there must be some — will say, 'Look, I agree with it, but I am going to oppose it as an individual'. Because I think the government is overstepping the mark in this matter. For that reason the Liberal Party opposes the bill before us.

Hon. W. R. BAXTER (North Eastern) — This is frightening legislation, it is dangerous legislation, and it simply must be opposed. I have to say that I am surprised and appalled that somehow or other it has got this far in the Labor Party. Where are the defenders of civil liberties in the Labor Party whom we hear so much about and from whom we have heard so much — some of which I agree with, much of which I do not — over the years? Here, if there ever were one, is an example for the protectors of individual rights in the Labor Party — and often they ascribe to themselves the quality of being the lone defenders against the dreadful forces of conservatism in defending individual rights — but they appear silent.

Does the backbench know what is in this legislation? There are 173 pages. How many of them have read it? How many of them have absorbed it or given it any consideration? There is Ms Mikakos. Like Mr Dalla-Riva I stand by with bated breath to hear how she justifies her past positions vis-a-vis this piece of legislation, because it seems to be absolutely contrary to the stances she has taken in this Parliament for over five years.

Where are Ms Romanes, Ms Hadden, Mr Scheffer and Mr Hilton — the people in the Labor Party who can actually think and who take an interest in these matters? I do not hold in much stead the rest of them on the backbench; they are here as cannon fodder. But there are a few on the Labor backbench whom I respect for having the sort of intellectual ability to look at legislation like this and say, 'Hang on a minute, this is not what we are on about. This is not what a Labor government should be putting on the statute book of Victoria'.

I am absolutely staggered that this legislation has got this far, legislation that takes away from Victorians fundamental rights that have been theirs for hundreds of years — for hundreds of years.

British justice, which is held up around the world as protecting people — —

Hon. C. D. Hirsh interjected.

Hon. W. R. BAXTER — And yes, I did not include the Independent member, Ms Hirsh, with those in the Labor Party who can think, and I know from her interjection now why I did not include Ms Hirsh in that list.

Even the language in this legislation is chilling. The language itself is chilling. If one turns to clause 1, the purposes of the act, one finds that it says the purposes:

> ... are to provide a regime —

the word 'regime' in itself is chilling because it suggests Stalinisation of our law —

> for the authorisation and oversight of the use of coercive powers ...

Yes, it might sound a strong analogy to refer to Joseph Stalin, but this is the sort of thing that led to his rise when communities were prepared to stand by and see fundamental rights abrogated and democracy undermined. One could even say it smacks a bit of the SS and the Gestapo — 'We have ways of making you talk!'. That is what it is.

Ms Mikakos interjected.

Hon. W. R. BAXTER — Ms Mikakos can say, 'Cut it out'. That is what they said in Germany in the 1930s, and look where it led them. That is the path we begin to go down this very day if we are going to put this sort of legislation on the statute book of this state. I am going to oppose it with all my might.

Ms Mikakos interjected.

Hon. W. R. BAXTER — It has got a lot more safeguards than this piece of legislation anyway. This legislation even ropes in children — 16–18-year-olds. It was only last week that we had legislation in this house to amend the age jurisdiction for the Children's Court to take it up to 18 years in order to keep children out of adult courts until they are 18 years old. What are we doing in this legislation only one week later? We are going to submit 16-year-olds to the sort of secret interrogation that this bill is going to allow.

What hypocrisy we get from this government. And talk about secrecy — someone who is summonsed under this bill cannot even tell his wife that he has been summonsed. He has to tell a legal lie when asked by his spouse where he is going today. He has to tell her a lie under this bill, because if he does not he is breaching the law and will be subject to even further punishment. Can you imagine it? That you actually bring in legislation, put it on the statute book of Victoria, which dictates to you that upon receiving a summons from the chief examiner you cannot even tell your wife about it. Is that what the Labor backbench wants? Have they thought about that? I suggest not, and I suggest they had better start thinking about it.

As I said, the right to silence has been abrogated by this legislation. Who would ever have thought that the Victorian Parliament would contemplate abrogating the right to silence. I know that this bill dresses it up and says there is a use immunity so that whatever the chief examiner discovers in this secret interrogation cannot be used against you in legal proceedings subsequently and therefore it is okay somehow or other. But there is no bar against derivative use. What is discovered in this secret interrogation can well be used as the link in incriminating a person, and that subsequent discovery, which would not have been made had it not been for the abrogation of the right to silence, can be used in a court of law against you. Again I think that is really simply playing with words.

This is not just a qualification; the right to silence is actually going to end in our community. It has been one of the most long-held tenets of the law in this state that the Crown or the police, the court or the prosecutor has to prove the defendant — the accused — is guilty. It is not up to the accused to prove that he or she is innocent. That has been the longstanding strength of the law of this land, yet it is not going to happen now. Basically we are doing away with it under this legislation, and I, for one, am not prepared to stand by and see that happen without a protest.

The bill also says that the police can be supplied with a copy of the video of the secret interrogation by the chief examiner. There is nothing in the bill that says that the person being examined will be provided with a copy of the video. I thought — little as I might know about the law, and I admit that — it was standard practice that anyone who was interviewed by the police and had a statement taken was supplied with a copy of that statement. Here we are to have a secret interrogation videoed, with a copy of the video supplied to the police but no copy given to the person who was secretly examined. Where is the justice in that, and how is it that the Labor backbench, those that can think at least, is allowing that to happen? I again call upon them to go back and have a rethink about this legislation, because I think it is dangerous. It gives immense powers to the police.

Yes, we acknowledge in The Nationals that we are happy to give those sorts of powers to the properly constituted authority, which we along with members of the opposition for months now, if not years, have been calling for — either a royal commission or something similar, like a standing commission or a crime and corruption commission. Yes, they can have those sorts of powers under the usual checks and balances as they have federally and in every other state in the nation, I believe, except perhaps in Tasmania. We do not have it in Victoria. What does this legislation propose to do, along with a litany of other bills and acts that Mr Dalla-Riva enumerated a moment or two ago? It gives it to the police. Yes, we are proud of our police force. Yes, it is the thin blue line. Yes, the police force does a great job, but we also know there are a few bad apples in the police force.

This bill is going to put in the hands of that minority immense powers to issue threats, to coerce people and to blackmail people. Why, when we have seen to our deep regret over the last four years a number of police officers caught out, caught up with and indeed prosecuted, and a number of others awaiting prosecution, under the existing powers of the police? Why would we contemplate putting in the hands of the police force, as much as we respect the institution of the Victoria Police, these sorts of secret initiatives and coercive powers? It is truly beyond belief that a Labor Party, for all its rhetoric for 100 years, would contemplate doing this. Again, I call on members opposite to rethink.

I ask: what about the Scrutiny of Acts and Regulations Committee? Is it any use our having the SARC in this Parliament? *Alert Digest* No. 9 of 2004 is the most extraordinary SARC report I have read since the committee was set up in its present form five or six years ago. It condemns this legislation, not perhaps in the strong language that I would have used had I any influence on it, bearing in mind the composition of the committee and the obligation, real or imagined, by government members to protect the government as much as they can. Even allowing for that, this report condemns this legislation, no matter how you read it. It might be dressed up in softer language, and Mr Brideson and his colleague may well have lost a division which would have sharpened up the language, but you could not say that the members of this committee have not, one way or another, expressed the deepest regret over this legislation. That in itself ought

to have been a signal to the government to take it back to the cabinet and to the caucus and have another think about it. It just seems to have been ignored. If we are going to ignore reports that are in this sort of language, what is this committee doing? It is wasting its time, it would seem. Members need not go. They put in all the work, and this is the notice that is taken of their report. The government should not treat this committee with such disdain or it will become purposeless.

I say that the Parliament cannot take the risk of this legislation. No matter how serious organised crime is in our community — and I do not underestimate that, and nobody in The Nationals does — the Parliament simply cannot acquiesce to this sort of legislation because we have a problem at the moment. Whether it turns out to be short or long term, who is to know, but we cannot have this knee-jerk reaction and this policy on the run, this refusal to establish a permanent commission, continuing to heap more powers on to the police as another reason comes along to do so. We cannot step into darkness by passing this sort of legislation. The Nationals oppose it vehemently.

Ms MIKAKOS (Jika Jika) — I am proud to be a member of a party that gives serious consideration to the legal rights of our citizens. Our track record on this issue remains unchallenged. On face value it could appear that this legislation is draconian in nature, but I want to emphasise that it is subject to many safeguards. I will focus on some of those during my contribution.

I will be supporting the legislation and opposing the amendment, because after giving this legislation a great deal of consideration, I believe it strikes an appropriate balance between civil liberties and the need to tackle organised crime in our state. Let there be no mistake: this bill is about tackling organised crime and police corruption. It is about eliminating the code of silence that protects our most notorious criminals and their accomplices. In relation to the contributions that I have just heard from members opposite, I have been extremely disappointed on many grounds. I was appalled by Mr Baxter's invoking the memory of the murderous Stalin and the Nazi regime purely for the purpose of scoring some political points. That was an appalling slur on the memory of the victims of those regimes, and I hope that type of political point-scoring will not be repeated in the future.

In relation to the Scrutiny of Acts and Regulations Committee report, as a former member of that committee I always regard their comments as important, and of course a response from the appropriate ministers will be tabled in a future *Alert Digest*, because I know those ministers also take those reports seriously. It is unfortunate that Mr Baxter, in the course of his contribution, probably breached parliamentary privilege because he tried to make some sort of suggestion that there was some vote in a committee, and both he and I do not know whether that occurred.

Hon. W. R. Baxter — The division is in the report. Where am I breaching parliamentary privilege?

Ms MIKAKOS — Can I say — —

Hon. W. R. Baxter — On a point of order, Acting President, I object to Ms Mikakos alleging that I breached parliamentary privilege. The division that I referred to is in the appendix of this report, which has been tabled in the Parliament, and I ask her to withdraw.

Ms MIKAKOS — On the point of order, Acting President, the *Alert Digest* does not indicate exactly the nature of the discussions and deliberations held by the Scrutiny of Acts and Regulations Committee. I was making the point that the member may have breached parliamentary privilege in the way that he — —

Hon. P. R. Hall — Throwing a bit of mud; that is all you are doing!

Ms MIKAKOS — He alluded, Mr Hall, to possible discussions or debates in a parliamentary committee that should not be the subject of discussion during the second-reading debate.

Hon. W. R. Baxter — Read page 41, it is all there; that is what I have quoted from.

Ms MIKAKOS — I do not think I have said anything that would require me to withdraw any remarks.

Hon. B. N. Atkinson — On the point of order, Acting President, it is clear that the material Mr Baxter referred to in the course of the debate is published in this report on page 41. It is therefore quite appropriate that he relied on that information in the context of this debate. There was a direct reflection on him in suggesting that he had breached parliamentary privilege. I suggest that his call for the withdrawal of those remarks ought to be supported by the President and the house.

The ACTING PRESIDENT (Ms Hadden) — Order! I did not hear precisely what is alleged to have been said by Ms Mikakos, but the *Alert Digest* is a document that is tabled in the Parliament. If the member is offended by a comment made by

Ms Mikakos, then I ask that she withdraw any inference.

Ms MIKAKOS — Acting President, I am happy to withdraw any inference, because I want to get on to the substance of what this bill is about, unlike the previous speakers.

Hon. W. R. Baxter — Are you withdrawing?

Ms MIKAKOS — I just did.

The ACTING PRESIDENT (Ms Hadden) — Order! The member may continue.

Ms MIKAKOS — As I said at the outset, this bill has a number of key safeguards, and I want to focus on those. Firstly, I emphasise that the questioning by the chief examiner can only be conducted in relation to organised crime. The bill contains an extensive definition of organised crime, which is defined as meaning an indictable offence. It carries a maximum penalty of at least 10 years imprisonment and involves two or more offenders, substantial planning and organisation, forms part of a systemic and continuing criminal activity, and has a purpose of obtaining profit, gain, power or influence. It is for this reason that I find Mr Dalla-Riva's example incredible. His ridiculous suggestion that a person committing a shoplifting offence would be regarded as organised criminal activity is — —

Honourable members interjecting.

The ACTING PRESIDENT (Ms Hadden) — Order! Ms Mikakos is making her contribution. I ask other members to be respectful and to listen.

Ms MIKAKOS — It is a ridiculous suggestion that shoplifting would be covered by this and is just a demonstration of how superficial the opposition's objections have been with regard to this bill.

I note that apart from the definition I have just referred to, there is also a public interest test. The Supreme Court must be satisfied that there are reasonable grounds to suspect an organised crime offence has been, is being or is about to be committed, and that it is in the public interest to make the order having regard to the nature and gravity of the alleged organised crime offence and the impact of the use of coercive powers on the rights of members of the community. Even if a matter falls within the definition of an organised crime offence, it may fail this public interest test and the court may refuse to make the order.

For Mr Dalla-Riva to come in here and make those ridiculous suggestions is a demonstration of how lightweight he is when it comes to these types of debates. The important thing to emphasise here, and something that the opposition has of course completely failed to acknowledge in its contribution, is that a coercive powers order has to be obtained by the Supreme Court.

I note that Mr Dalla-Riva talked about other jurisdictions and his preference for having a parliamentary committee oversight these types of orders rather than the Supreme Court. It is an interesting argument to try to suggest to the people of Victoria that the involvement of politicians is a way to deal with corruption and organised crime. That suggestion is just a complete joke. Perhaps Inspector Clouseau on the other side of this chamber wants to single-handedly tackle the crime bosses of this state, but I can assure him that the people of Victoria have greater confidence in the Supreme Court granting these coercive powers than putting Mr Dalla-Riva in charge.

There are other safeguards in place in relation to minors — for example, children under 16 may not be coercively questioned; children between 16 and 18, or persons with a mental impairment, have to have a parent, guardian or independent person present when questioned, or have the right to have such a person present; witnesses may be represented by a lawyer at an examination; and witnesses will be able to claim legal professional privilege in refusing to answer questions or produce documents.

I note that Mr Baxter at least had the courtesy to acknowledge another important qualification in that the measures provide that answers given by a person to the chief examiner cannot be used in a prosecution of that person — known as the use immunity — but can be used to derive other information or evidence for use in a criminal prosecution. That is the derivative use. I point out to Mr Baxter that that is an important qualification and in my view a very appropriate safeguard.

The bill provides other important monitoring aspects. It provides for the special investigations monitor (SIM) to monitor the conduct of examinations to ensure that the questions asked or documents required to be produced are relevant to the court order under which the examination is conducted. The SIM will produce an annual report to the Parliament. It will also within three years of the commencement of this legislation conduct a review on the operation of the legislation and report to the Parliament on the effectiveness of the powers and procedures and recommend any improvements. The bill also provides that the SIM will monitor the use of the

powers exercisable by the director, police integrity (DPI), in a similar manner to those exercisable by the chief examiner. The one minor difference is that the DPI complaints mechanism is slightly different to that of the chief examiner.

In relation to an examination by the chief examiner, the scope of the complaint is limited to the relevance of the questioning to the court order under which it is conducted. In relation to questioning by the DPI, the scope is limited to whether the witness had the opportunity to adequately convey their appreciation of the facts to the DPI.

In referring to other matters raised by the opposition, it is important to emphasise that these provisions are not unique to Victoria. They are remarkably similar to the well-established powers of the Australian Crime Commission (ACC), a fact acknowledged by Mr Dalla-Riva in his contribution. In 2002 these powers were reinforced and reconfirmed by the federal Parliament when the National Crime Authority (NCA) was dismantled and the ACC was established under the Australian Crime Commission Act 2002. Similar powers have been given to the Queensland Crime and Misconduct Commission and the New South Wales Crime Commission, so there is hardly an argument that Victoria is seeking to establish powers above and beyond all other jurisdictions.

The reasoned amendment moved by the opposition is completely unnecessary because through the passage of the previous legislation the government has given the director, police integrity substantially the same powers as would be given to a royal commission. We have clarified and strengthened those powers in this bill. There is no need to set up a separate royal commission, which would only have the effect of delaying the criminal prosecution of up to 50 individuals.

I note that at page 17 of the Ceja task force related corruption report of June this year the then police ombudsman said the powers that he then had, which have been subsequently enhanced, were in effect a standing royal commission.

A royal commission would only result in considerable delays and expense. As I said, it would delay prosecutions. The people of Victoria want swift action in dealing with organised crime rather than having a political witch-hunt, which is only what the opposition is interested in.

I note that royal commissions in themselves are certainly not panaceas. We have seen that in the other states where such royal commissions have been established. I have spoken about this previously, but if the members look at the outcomes of the New South Wales Independent Commission Against Corruption (ICAC), and the New South Wales royal commission, they will see that they cost $80 million in 1997 and resulted in only a handful of convictions. The New South Wales ICAC has had very limited prosecutions itself, and the Queensland Crime and Misconduct Commission was accused by the Queensland Leader of the Opposition, Lawrence Springborg, as:

> a multimillion dollar joke ...
>
> They couldn't track an elephant through snow and even if they could, they wouldn't know what to do with it if they did.

If these are the types of models the opposition is seeking to have adopted in this state, it needs to have a discussion with its colleagues interstate about the effectiveness of the models it is seeking to espouse.

A royal commission is a completely unnecessary process. The government has in fact taken considerable steps to put in place legislation that will effectively tackle organised crime and police corruption in this state, with appropriate safeguards for the civil liberties of Victorians. Honest Victorians and honest police officers have nothing to fear from this legislation, and I urge members opposite to get their heads out of the sand, get serious about tackling crime in this state, support this bill and oppose the reasoned amendment.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased that the Liberal Party will oppose this legislation. Having listened to the contribution of Ms Mikakos, who seems to be the Lionel Hutz of the Labor Party, and having listened to the minister by way of interjection, we have to wonder why the government is being so defensive about this legislation. If this legislation is as pristine as the government would suggest, why are we hearing such strong criticism of the contributions made by Mr Dalla-Riva and Mr Baxter on this legislation?

The reality is that this is just the latest piece of bandaid legislation the government has brought forward to deal with the issues of organised crime and police corruption. It is the type of the legislation and contains the types of powers that this Parliament would not want to give to an organisation which is viewed as lily white, open and transparent, yet in this bill before the house we are giving these powers to the Victoria Police at a time when elements of the force are under a cloud. We do not know the extent of police corruption, how deep or how broad it is; the government does not know how deep or how broad police corruption is; and the Chief Commissioner of Police does not know the extent of

the problem. Yet this government is willing to give these extraordinary, draconian powers to that very body, elements of which are under a cloud. It just seems extraordinary that the government is going down this path.

I listened to Mr Baxter talking about the champions of civil rights in the Labor Party. Indeed, where are they now? And can we seriously believe Ms Mikakos believes what she just said in her contribution?

I turn to the key provisions of this bill. It provides senior police — that is, assistant commissioners or above — with the power to apply to the Supreme Court for a coercive powers order. As Mr Baxter pointed out, it allows questioning under such an order to be held in camera and conducted at non-disclosed, secret locations, which is an extraordinary provision given the way in which our justice system has traditionally operated.

The bill apparently allows witnesses who are summonsed under this provision access to legal representation. However, it also gives the chief examiner the power to exclude particular legal practitioners at will. If a witness chooses a practitioner that is not acceptable to the chief examiner, the examiner has the power to exclude that person from the examination. It is hardly a case of having open and free access to legal representation when the opponent in the examination process has the power to dictate who your legal representative can be.

As Mr Baxter pointed out, the legislation will abrogate the principle of privilege against self-incrimination, which is an extraordinary step for a government that claims to be committed to civil liberties to take. It also makes provision whereby the refusal to cooperate with the chief examiner will be treated as a contempt of the examiner, with custodial penalties applying until such time as a witness cooperates either by answering questions or by disclosing requested documents. So extraordinary powers are being given to the office of the chief examiner — a person who seemingly, under this legislation, needs to have very few qualifications to occupy that office.

I have to say that I am deeply concerned at the government's continued willingness to jettison key principles of our justice system. We are seeing this time and again with this type of legislation. This is just the latest example of the government doing this. The government is diminishing a witness's legal privilege between legal counsel and the person being examined. The government will allow these examinations to take place in secret. As we all know it is a principle of our justice system that justice is open and transparent and the public knows what is going on. Under this legislation the justice system will not be open and transparent. There will be secret investigations. As Mr Baxter said, a person summonsed under this legislation will not even be able to tell their family that they are subject to summons and being investigated under this legislation. So we now have a secretive process.

The legislation also removes the important principle of a witness not needing to give evidence that would self-incriminate. That very significant principle is being eroded by this legislation. The reality is that this is Star Chamber stuff. In his contribution to the debate Mr Baxter spoke about Stalinist Russia and Nazi Germany. When I listened to him I asked myself whether it was going too far with that analogy and whether it was going beyond the realm of what this legislation is about. The conclusion I came to was that those situations in Russia and Nazi Germany started with one step. Ms Mikakos shakes her head, and I note that she said in her contribution that honest people do not need to be worried about this. That is sort of line you would have heard back then. Those regimes started with a single step, just as this process is starting with a single step. We need to be very aware of the direction in which we are heading, because once you head down a route like this, there is no — —

Ms Mikakos — And you talk about this — today of all days.

Hon. G. K. RICH-PHILLIPS — Ms Mikakos talks about today of all days. That is a good point. Today of all days, Remembrance Day, we are debating legislation which fundamentally undermines the principles of our justice system. We have to ask: why is this being done? What justification has the government given to justify what it is doing in this legislation today? Two weeks ago I listened to the Minister for Police and Emergency Services on talkback radio when he was called upon to justify this legislation.

Hon. Andrea Coote — It must have been excruciating.

Hon. G. K. RICH-PHILLIPS — It was concerning, because the minister who has responsibility for this legislation clearly had absolutely no idea what the provisions of the legislation are. He was all over the place when asked exactly how the legislation will work. He did not know the most basic details of his legislation.

Clearly this legislation has been put up by the Department of Justice. The Victorian community and the Parliament acknowledge that there are issues with organised crime and possible links with police corruption, but there is already a justice system in place to deal with that. What we have here is a lazy response from the Department of Justice, which is willing to put in place these draconian measures, backed by a minister who is too incompetent to know the details of his own legislation. We are seeing the thin end of the wedge; it is the beginning of the slippery slope down which we will slide.

I am heartened by the fact that my party and The Nationals will strongly oppose the legislation. I call on government members in the interests of the justice system to do likewise.

Mr VINEY (Chelsea) — I took a step up to the backbench so I could take a deep breath before responding to Mr Rich-Phillips's contribution to the debate. I, along with many members of my party, have approached this legislation with a great deal of caution. The reason I decided to speak, albeit briefly, is to put on the record my preparedness to support the legislation. As someone who respects and values the important principles of the judicial system, when dealing with these very difficult issues in Parliament — and having approached this legislation with the level of caution and concern that I have — it is important to place on the record your preparedness to support it. I refer to my preparedness to support it because I believe that, with the development of organised crime not just in Victoria but in Australia, it is incumbent on government to ensure that the investigative powers of our police force are up to date and able to deal with the pressures and changes that are confronting those investigators.

I was extremely disappointed with Mr Baxter's and Mr Rich-Phillips's analogies of Nazi Germany and Stalinist Russia. I was disappointed that the allegations about this government were raised on a day such as today. On Saturday I will be visiting the Bunyip cemetery to place a poppy on my grandfather's grave and a poppy on my father's grave. My grandfather fought in Flanders during the First World War and my father was in the navy in the Indian-Pacific region during the Second World War. I take very seriously the principles they fought for, the important principles of democracy and justice. It is appalling that members of the opposition would make accusations and allusions about this government using those dreadful comparisons. And it was appalling to do it today.

I took personal offence because of the great respect I have for people like my father and my grandfather, who fought for justice and democracy in this country. I do not take lightly legislation that alters the important justice system and principles in the state. I take it very seriously. I have looked at the legislation very carefully. On balance I believe that to deal with the changes in organised crime confronting the community we have had to introduce this legislation. What I looked for in the legislation was the balance. I believe that has been outlined by Ms Mikakos in her contribution to the debate, and I do not intend to go over the details, because it was also outlined in the minister's second-reading speech. The checks and balances in the system — the requirement for these things to be brought before the Supreme Court and the appointment of the monitor — are appropriate checks and balances.

I also say that this government has a proud record of defending democracy and justice in this state. That is one of the important principles we came to government on. We do not treat these changes lightly. No member of the Labor caucus has done that. Everyone has taken this legislation extremely seriously and approached it with a lot of caution. The community can be assured that the government will continue to monitor how the legislation is working and to ensure that the important democratic rights of our community are not diminished in any way.

I reiterate that I found it extremely offensive that members on the other side, on 11 November, would make the allegations they have made about this government today.

Hon. W. R. Baxter — You weren't even in the chamber.

Mr VINEY — I was listening to your contribution, Mr Baxter. I came in for your contribution and I listened to Mr Rich-Phillips. I came in to the chamber to hear your contribution because I was listening in my office. I found it offensive. This government has a proud record of defending democracy. We have dealt with this issue in a balanced and reasonable way in order to cope with the new changes and impacts of organised crime in this state. I am putting on the record my preparedness to support this legislation today.

Hon. D. McL. DAVIS (East Yarra) — I am pleased but disappointed to make a contribution to this debate. I note the Honourable Richard Dalla-Riva has moved a reasoned amendment. This is a debate that I want to make a contribution to because I am very concerned about the direction of this government's policy. While there is in the state a serious problem with organised crime, and no-one will deny that, and there is a problem with certain individual police in the police force, I make

the point that most police are people of great integrity, but the government's piecemeal approach to putting in place a proper system to deal with issues surrounding police corruption and organised crime that exist in the state has been most unsatisfactory. The organised nature of crime is a significant issue in our community, but this government's attempt to deal with it has been clumsy and bureaucratic.

The opposition has said there should be a proper, independent anticorruption commission, independent royal commission or crimes and corruption commission that would put in place an appropriate system to get to the issues surrounding crime in this state. It would have the powers that equivalent bodies have in other states such as Queensland and New South Wales. We understand the history of the development of those independent commissions in Queensland and New South Wales and that those models have largely worked in those states. The models that have been put in place in those other states are models with checks and balances. They are models where proper protections are in place and where the possibilities and prospect of abuse of the system are minimised so far as is possible.

I firmly believe the situation here in Victoria and the direction we are heading in is quite wrong. The government's ad hoc approach has been unsatisfactory, and this instalment in its ad hoc approach is the one that concerns me the most.

I am very concerned about the nature of the inquisitorial powers set out in this bill; the nature of the involvement of the police inquisitors, the police examiners and the Orwellian-sounding office of the chief examiner. The Scrutiny of Acts and Regulations Committee has made comments about this in its report on the bill. It states that clause 15:

> Describes the process for issue of a witness summons by the chief examiner if a coercive powers order is in force in respect of an organised crime offence. The chief examiner may issue a witness summons on his or her own motion or on the application of a member of the police force. Similar restrictions apply to such a summons as are found in clause 14 ...
>
> A summons must be served a reasonable time before the date on which the person is required to attend however the chief examiner may issue a summons for immediate attendance if the chief examiner reasonably believes that a delay in the person's attendance could result in evidence being destroyed or lost.

I note the application is required to be made to a single Supreme Court judge. I believe the Supreme Court is a body we can trust, but equally I believe the ability to test these things will not be sufficient, and there is the real possibility of justices being misled by evidence presented by the police.

I make these comments in the light of the fact that when we are setting up these structures we are doing so for the long term. Without reflecting on any of the people who are in those positions at the moment or will be appointed to them in the short term, I believe you have to set up a structure that protects citizens and civil liberties for the long haul. It is always the fact that a balance between the protection of civil liberties and the right of the community to deal with crime needs to be struck, but the balance has not been struck properly with this bill.

I am particularly moved by the submission by the Law Institute of Victoria, which I have seen. The submission was made to the Attorney-General, Rob Hulls, in the other place, and I am concerned that he has not listened to these issues. The submission makes comments about the intent of this bill to override the right to silence in certain circumstances, the summons to appear and legal professional privilege. It is a submission of merit, and I compliment the Law Institute of Victoria for its preparedness to make it. It states in its conclusion:

> Your urgent consideration of these matters is requested. Key stakeholders such as the Law Institute of Victoria, Victoria Legal Aid and the Bar Council were not consulted in relation to the details of these bills before they were introduced into the Parliament. We again urge you to consider deferring the legislation until these and other relevant stakeholders can properly assess the implications of the bills and provide comment to the government.

This is a major piece of legislation that shifts the balance away from the civil liberties of individuals in our community. In the long term there is a real risk that these coercive, extraordinary, inquisitorial and draconian powers will be used to attack the liberties of individual citizens. Some good can come out of this, but the government should pause and listen to the industry bodies, the legal community and those who have a genuine interest in protecting civil liberties. It should do so in the context of providing a structure that the community can live with and sufficient powers to protect those in the community and chase criminals where necessary as well.

An independent commission on corruption along the New South Wales or Queensland lines is the way to go. This is not the way to go, and I believe the community and indeed this government will rue the day that this set of coercive and extraordinary powers were introduced. These are powers without proper checks, balances and bulwarks against misuse in place. It is not necessary to point the finger at any individuals within the current structure. What is important here is that the structure

that is established is right and will see us through in the long term. I do not believe this structure is right, and it will be open to abuse. I predict confidently but with great sadness that this structure will be abused in the future. It will be used to target individuals; it will be used to inappropriately strong-arm people, and I am very concerned about that.

I implore the government to see that it is not too late, even at this late stage, to pause, reflect and consider the broader community's view and to come back with a piece of legislation that tackles this scourge of major crime in our state while doing so in a way that is consistent with protecting the long-established privileges and rights that are so much a part of our heritage: the right of habeas corpus, the right to silence, the right to fair treatment before the law, the right to — —

Mr Viney interjected.

Hon. D. McL. DAVIS — Mr Viney should hang his head in shame, as should other members on the Labor side of the house today, because they have sold out their principles; they have not been prepared to stand up for what I know some of them on that side of the house truly believe.

I am disappointed that they have not had the courage and capacity to stand up to the Attorney-General. I am frankly disappointed in the Attorney-General. Whatever his deficiencies, I had thought better of him, too, than to bring this sort of legislation to the house. In the end I believe the community will rue the day that this piece of legislation is signed by the Governor after the rammed passage through both houses of this Parliament.

Hon. C. D. HIRSH (Silvan) — I am just beginning to come to terms with my new and recent role as an Independent member of Parliament. I am just beginning to understand the responsibilities that I have to undertake in this. I think this bill in particular has pointed out to me that I have some very specific responsibilities towards my electorate and towards the community.

I have spent a great deal of time and effort trying to understand this bill. I have received very good briefings — and I thank those who gave them to me and for their willingness to answer the questions I had. I have also consulted with members in the Silvan electorate about the bill. It is a draconian bill — there is no doubt about it. It is a very serious and very draconian bill to allow coercive powers to be used in the investigation of crime.

Before I speak any more on the bill, though, I want to take strong offence at Mr Baxter's remarks. He mentioned British justice, to which I made a rather sarcastic response. I just want to say to the house that my Irish ancestors knew all about British justice. Some of them starved to death under it, and others were forced into orphanages when their parents could not feed them. Therefore my view of British justice is rather coloured. I also take offence at both Mr Baxter's remarks and Mr Rich-Phillips's remarks about Nazi Germany, particularly on a day such as this. My husband's family fled Nazi Germany in February 1939; they escaped with their lives. It is assumed that both lots of parents died in concentration camps. Records were never found. Comparing this state with that regime is offensive, and I take strong personal offence at the remarks of both those members on those grounds.

On the bill itself, as I said, I felt at the beginning that it was not a bill that as an Independent member I should be able to support, because it is draconian and gives coercive powers to people investigating organised crime and police corruption. However, apparently in organised criminal groups and in corrupt police groups, a code of silence exists. A royal commission would not be able to break that code of silence. When you have to report to a committee prior to questioning, how are you going to be able to get those people there and question them in a coercive way?

The safeguards that have been put in place appear to me to be quite strong. For example, a person issued with a summons under the coercive questioning powers will be obliged to answer questions or produce documents, and they will not have the right to claim silence on the grounds of self-incrimination. But if they, for example, make a confession during this coercive questioning, that cannot be used in a court in the prosecution. That is an important part of the bill. The police officer wanting the coercive powers has to apply to the Supreme Court. I would prefer to apply to the Supreme Court than to a parliamentary committee, and the people in my electorate have suggested that they would prefer to deal with a Supreme Court judge than a parliamentary committee. Of course, approval has to be gained from the chief commissioner or her delegate before this takes place. They are two safeguards in place prior to applying for these coercive powers. The application has to be detailed and written and, if it is successful, its absolute maximum time is only 12 months anyway. That is the maximum time. The order goes after that.

With some of the organised crime and police corruption issues in this state, I think we need to have a certain amount of time, because there is a code of silence. The criminals in this group have ways of escaping, and they

have had ways of escaping justice to date, and something has to happen. Another safeguard is that questioning is undertaken by the chief examiner or another examiner — not by a member of the police force — and these people will, according to my briefings, have extensive legal training and experience. Examinations, which I believe one of the speakers referred to as secret examinations, will not take place at police stations or in police jails; they will be on neutral territory.

Hon. W. R. Baxter interjected.

Hon. C. D. HIRSH — I will respond to Mr Baxter's remark. If you are going to put it in the paper or apply to a parliamentary committee, the criminals are going to be out of the country or interstate prior to the time they are being questioned. It has to be somehow done so that the criminals can be caught. The people in my electorate to whom I have spoken have said, 'Listen, let's just get rid of the criminals in this state and the corrupt police in this state so that we can continue to hold the respect for our police force that we have always held'.

Witnesses aged under 16 cannot be summoned. For those aged 16 to 18, it is necessary to have a parent or another person with them, which is very appropriate, and a person with any form of difficulty or disability has to have an appropriate accompanying adult. I am told there are going to be proper interpreters available, if necessary, and witness examinations are videotaped.

The special investigations monitor's role is to monitor compliance with the act. The chief commissioner has to provide written reports to this person within three days of a summons being issued and within three days of the completion of the examination of the witness. Also I am informed that the witness under examination can complain to the special investigations monitor after the examination has taken place.

Some of the questions I asked have been answered by these points. The last thing I want to say — and I think this absolutely convinced me that despite the draconian nature of the legislation, it needs to be supported — is that the special investigations monitor can report to Parliament at any time on any matter. So Parliament will be able to oversee what is going on.

Between two and three years after the commencement of the act the special investigations monitor has to report to Parliament on the need for the act and whether it is still required, as well as on the performance of the chief examiner and examiners and police officers involved. A report will be made to Parliament. The procedure should be this Parliament overseeing it on a regular operational basis, and not a parliamentary committee, because parliamentary committees should never be involved with operational matters. It is not appropriate.

The opposition's amendment proposes setting up a royal commission costing millions and millions of dollars. The results of these commissions in other states certainly do not show that they have been highly successful in getting rid of organised crime and police corruption in those states, despite costing those millions and millions of dollars.

I have thought a great deal about this bill. I have asked questions, consulted and investigated. It is the first bill where I have actually done this. In future, as an Independent member of Parliament, I believe it will be my role to peruse legislation and make decisions on how I will vote based on the view of my electorate and the people I consult, and on this occasion I intend to support the bill.

House divided on omission (members in favour vote no):

Ayes, 23

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

Noes, 15

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

Pair

Buckingham, Ms	Lovell, Ms

Amendment negatived.

House divided on motion:

Ayes, 23

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Carbines, Ms	Nguyen, Mr

Darveniza, Ms	Pullen, Mr (*Teller*)
Eren, Mr	Romanes, Ms
Hadden, Ms	Scheffer, Mr
Hilton, Mr (*Teller*)	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Noes, 16

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

Pair

Buckingham, Ms	Lovell, Ms

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In so doing I thank all members for their contributions to the debate, which is an important one. I am very pleased to see the bill passing.

The PRESIDENT — Order! I am of the opinion that the third reading of the bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — In order that I may ascertain whether the required majority has been obtained I ask those members who are in favour of the question to stand where they are.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

Sitting suspended 1.10 p.m. until 2.12 p.m.

ABSENCE OF MINISTER

Mr LENDERS (Minister for Finance) — I would like to advise the house that the Minister for Sport and Recreation and Minister for Commonwealth Games, the Honourable Justin Madden, is attending a ministerial council meeting and will not be here at question time today.

QUESTIONS WITHOUT NOTICE

Environment: emission trading

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Minister for Energy Industries, the Honourable Theo Theophanous. I refer to leaked documents on the recent work done for the government's secret carbon tax scenario planning by the National Institute of Economic and Industry Research (NIEIR) which models a:

> mild carbon signal of $10 per tonne of CO_2 emissions by 2008

together with a:

> more stringent carbon signal of $30 per tonne of CO_2 emissions by 2012.

In its conclusion NIEIR states that this scenario will lead to significant increases in the wholesale price of electricity in the order of $20 to $30 per megawatt hours, cease energy intensive industry investment and significantly reduce the asset value of coal. Does the minister accept that NIEIR's work, like Allen's work, shows that his carbon tax proposals will stop the state's economy dead in its tracks?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — In his desperate attempt to get some credibility amongst his fellows, this shadow minister continues to come in here with these scare tactics. Even though I have on a number of occasions and consistently said that this government, from the Premier down, has ruled out a carbon tax, he continues to raise this straw man, put it up and ask me the question. I do not know how many times I have to tell Mr Forwood, but maybe if I keep telling him it will actually sink in.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — Yes, I live in hope. There will be no carbon tax under this government. How many times does Mr Forwood want to hear it? There will be no carbon tax.

Mr Forwood is unable to understand the difference between a carbon tax and an emissions trading scheme. I look forward to the government putting out its policy position, which will be based on expert advice that has been received, including the Allen report.

The Allen report is another one of those that the shadow minister keeps referring to, but he never refers to the fact that I have, again, in this place indicated on a number of occasions that the Allen report's preferred scenario, its base scenario, entails at the most an increase in electricity prices of 0.6 per cent. That is what is involved to get a carbon emissions trading scheme in this country that would actually give certainty for investors for the next 20, 30 or 40 years. That is what we are talking about in relation to this.

What should be happening is that this incompetent opposition should be getting up and supporting what this government is doing to secure the future of the Latrobe Valley as the major source of Victoria's energy requirements. Instead, Bill Forwood and his colleagues go around trying to frighten people down in the Latrobe Valley with all sorts of information, where they keep coming back with issues like carbon tax.

There will be no carbon tax. If the federal government and all the other states agree, we want a national scheme based on a market mechanism without a tax and based on appropriate allocations which protect the Latrobe Valley facilities as well.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — Let me make the point that despite the minister's weasel words, he has just admitted that the government is looking at an emissions trading system based on market forces — which is a carbon tax, and he knows it. The NIEIR report refers to a:

> ... more stringent carbon signal of $30 per tonne of CO_2 emissions by 2012 —

And it goes on to say that this would lead to a significant reduction in:

> ... the asset value of coal-based generators.

Does the minister accept the work produced for him by NIEIR or not?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I have indicated on a number of occasions that the government gets a lot of different reports and information provided to it in relation to these matters. We consider those pieces of information, and we will come out with what is the government's position. I look forward to Mr Forwood supporting that government position.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — I might just make the point, because Mr Forwood keeps coming back to this, that there is a difference between a tax and a market signal. The difference is a very simple one.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — Do you know what it is? It is a very simple one: a tax involves a government receiving revenue; a market signal has nothing to do with that, because the government receives no revenue! So Mr Forwood should get his facts right before he comes in here and starts arguing about things he knows absolutely nothing about.

Wind farms: government policy

Ms CARBINES (Geelong) — My question is to the Minister for Energy Industries. Can the minister inform the house of how the Bracks government's approach to wind farms is providing the correct balance between the need to protect sensitive areas and develop the industry? And is the minister aware of any alternative views?

Hon. B. N. Atkinson — On a point of order, President, I think a question identical to this was asked of the minister in this session — in fact, within the last two weeks. I am not even sure that it was not asked by the same member. As unable as the government is to organise its questions, is the member entitled to ask exactly the same question that has already been asked, particularly where it simply seeks to draw the minister into debate on his perspective of the opposition's position as distinct from actual government policy?

Hon. T. C. Theophanous — On the point of order, President, I do not know which question Mr Atkinson is referring to, but I certainly cannot recall a question that has been asked of me which is in the terms of this question. It is about outlining the government's approach to providing the correct balance between the need to protect sensitive areas and developing the industry.

The PRESIDENT — Order! Rule 1.06 says:

> A question cannot be renewed if —
>
> (a) it has been fully answered; or
>
> (b) an answer has previously been refused.

I do not think the minister has ever refused to answer a question. With regard to the rule about whether a question has been fully answered, I am not sufficiently aware of the question asked by the honourable member to rule on the point of order raised with respect to the information sought about outlining the situation with wind farms. I do not uphold the point of order, but I will check the questions that have been asked of ministers. I will keep a close eye on that and also matters raised on the adjournment debate.

Hon. B. N. Atkinson — As long as he does not debate it.

The PRESIDENT — Order! I advise Mr Atkinson that I will give the rulings in this house, not him.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for her excellent and well-thought-out question. As members of the house know, the Bracks government has put in place Australia's most progressive wind energy policy. The aim has been to ensure that Victoria reaches its target of 1000 megawatts of installed capacity by 2006, while making sure that developments go in the right places.

The announcement this week by Stanwell Energy that it would not proceed with its Nirranda wind farm, which is near the Great Ocean Road, is a vindication of the Bracks government's wind energy strategy. This followed Southern Hydro's recent announcement that it was withdrawing its proposed wind farm for Nirranda South. Both these actions are a vindication of the approach we have taken to encourage wind development in appropriate locations away from high-value coastal areas.

Opposition members put up differing and contradictory views. We have one view from Mr Forwood, who supports the mandatory renewable energy target (MRET), and another view from Mr Philip Davis, who does not support MRET. There are differing and contradictory views coming from the opposition. We have acted to protect the Great Ocean Road and to introduce appropriate guidelines and requirements for landscape assessments. The proposed Waubra wind farm in the Shire of Pyrenees is one example of how we have been able to attract proposals away from coastal regions. In fact, many people support the Waubra wind farm.

A letter published in the Ballarat *Courier* of 25 October says:

> ... write regarding the proposed Waubra wind farm and convey my support for the project.
>
> ... believe it will provide an economic boost to the region and be a positive step towards green energy.
>
> I can see very few negative effects and believe the benefits far outweigh them.
>
> I also believe that the majority of residents in close proximity give overwhelming support to the project and very few local people oppose this wind farm.

Further it says:

> I would like to applaud the state government's position on wind farms and hope they continue to support them.

Listen carefully, because I shall put on record the name of the author of the letter: it is Aruin Gallagher, vice-president of the Ballarat branch of the Young Liberals. Here is at least one Young Liberal who cares about global warming, rising sea levels, increasing droughts and our environment.

We know that wind energy is not the only answer, but it offers jobs in regional Victoria and is part of the solution. If the Young Liberals can recognise a good idea, then it is a pity some of the old Liberals cannot.

Environment: emission trading

Hon. BILL FORWOOD (Templestowe) — At the outset let me explain to the minister that a tax is something that is imposed on consumers and people, and they will be paying the tax. My question is to the Minister for Energy Industries. I refer to a letter dated 18 August from the Premier of New South Wales to the Victorian Premier which, referring to the interjurisdictional working group established to develop an agreed model for an emissions trading scheme — your tax system — says:

> The work on emissions trading will require strong focus in the coming months, as the working group has been tasked with the time line of December 2004 to report to the ministers.

Is the work of the interjurisdictional committee on track to report to ministers in December?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Since the member raised it in his question I again will correct him in relation to a tax. Consumers buy bread, petrol and all sorts of things, and the only tax they pay on bread or on petrol is the GST.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — What is the definition when people pay tax on anything? It is not the component of the petrol — that is, the petrol itself — it is the bit that goes to the government that is called a tax. By definition a tax is something which is

paid by consumers or others and which goes to the government. Not everything you buy has a tax. That is the basic difference, which Mr Forwood does not want to understand, between an emissions trading scheme and a carbon tax. A carbon tax would mean that the revenue raised from the tax would go to the government. An emissions trading scheme would simply mean that those people who pollute more would pay money to those people who pollute less. That is what it means — those people who pollute more pay those people who pollute less, but no money goes to the government. I think most people in this house who have half a brain can understand the difference, but apparently Mr Forwood still is incapable of doing so.

I have almost forgotten what the question was. The interjurisdictional group Mr Forwood referred to is an initiative of all the states and territories, an initiative born out of frustration of the states and territories being unable to get the commonwealth to take a lead on this important area. They have been unable to get the commonwealth to live up to its responsibilities with relation to Kyoto or greenhouse gas emissions in this country. Out of that frustration was born the idea of putting together an interjurisdictional group to look at how we are to reduce greenhouse gas emissions in Australia. That group is due to report in December, as Mr Forwood said. I have heard no other news. Nothing else has been put to me about an alternative date, but I am happy to have another look at it for Mr Forwood, and if the date has changed I am happy to let him know what it might be.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I look forward to whatever work the interjurisdictional committee eventually produces. Is the Minister for Energy Industries sure that decisions made on the basis of the interjurisdictional committee will not lead to any increase in the price of electricity paid by Victorian consumers?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I think the Premier has made it clear in the past, and certainly I have, that we are looking for a national scheme. A national scheme means one that includes all states and territories. Victoria is not in a position to alone introduce an emissions trading scheme, and that is not what we are attempting to do. We and the interjurisdictional group are attempting to build a potential model for emissions trading in this country, and we are hopeful that the other states and territories, and ultimately also the national government, will support the model as an appropriate way for this country to live up to its responsibilities on greenhouse gas emissions.

Hon. Bill Forwood — He still did not answer the question. Will the price go up or not?

Housing: affordability

Mr SOMYUREK (Eumemmerring) — My question is addressed to the Minister for Housing. Will the minister inform the house of recent action by the Bracks government to deliver the $40 million for new affordable homes for low-income Victorian families committed to by the Premier last year?

Ms BROAD (Minister for Housing) — I thank the member for his question and the interest in this government's continuing efforts to ensure an adequate supply of safe, secure and affordable housing for low-income Victorians.

At the end of last year the Premier announced a new $40 million funding package for around 270 additional affordable homes for low-income Victorians to be provided through the Office of Housing. This $40 million, I hasten to add, is in addition to all the investment the Bracks government is already making through the Office of Housing's budget, and it represents part of the more than $280 million over and above Victoria's obligations under the commonwealth-state housing agreement which the Bracks government has invested in social housing since coming to office.

Since the Premier's announcement the government has been rolling out these new homes in all parts of the state over the course of this year, and we are now nearing the completion of that roll-out and full delivery of the Premier's commitments. I can advise the house today that I am announcing the allocation of some $9.5 million for 56 new affordable homes across Melbourne as the next phase of implementing that package. That means that new homes for 56 Victorian families on low incomes — homes that are close to employment opportunities, transport, health services and schools — are going to be delivered. These new properties range from one-bedroom units to five-bedroom homes, located in the north-east and south-east corridors of Melbourne and the cities of Monash and Whitehorse.

Another great aspect of this $40 million package and today's allocation is that the housing will be a mixture of Office of Housing spot purchases and housing construction. Investing these funds in new construction not only increases the supply of affordable housing

available to low-income Victorians but also creates jobs in these communities as well. One of the major achievements of the Bracks government's investment in housing construction is that it has been able to move to some 90 per cent of its stock acquisition as new construction with all the accompanying economic benefits for local businesses. That compares with around 30 per cent in 1999–2000 when the government was first elected.

We in the Victorian government would like to do even more than we are delivering through this package. However, we are not able to get the same commitment from the federal government. Right now there are some 5000 Victorians on low incomes who could be in affordable housing if we were to have some commitment from the federal government and if it would stop its reductions to public housing in Victoria, cuts which amount to some $760 million over the last 10 years — a shameful reduction in housing for Victorians who need access to affordable housing. Since this government came to office we have acquired some 6600 new units of public housing stock, and we will continue to invest in doing everything we can to provide safe, secure and affordable housing for low-income Victorians who need it.

Aged care: residential places

Hon. D. K. DRUM (North Western) — My question is to the Minister for Aged Care, Gavin Jennings. Why does the Bracks government centre its accommodation options for our aged around institutional and congregate-style care when it is so vehemently opposed to congregate care for another vulnerable group in our community — that is, those with a severe mental disability?

Mr GAVIN JENNINGS (Minister for Aged Care) — I think it is a valid question in terms of the way residential aged care is provided right throughout the country; it is, in fact, congregate care. In fact the way the aged care legislation and the aged care program is administered by the commonwealth government almost guarantees that to be economically viable these days facilities must have in the order of 90 beds. It is the way in which the public policy is administered by the commonwealth, the way in which the subsidies are rolled out, the economies of scale required and the level of care that is provided in terms of providing for nursing and personal care within the sector. The only way these facilities will be viable is if they have critical mass and a critical number of beds.

This is an interesting question because many facilities provided by the Victorian government, certainly through the public sector, are much smaller than 90 beds. In fact, two-thirds of them are under the size of 60 beds. This comes at a cost to the Victorian budget and is a cost the Bracks government is prepared to pay to bridge the gap between the level of subsidies provided by the commonwealth and the operating costs of those facilities. In fact in recent times in each and every year the Labor budget in Victoria allocates about $96 million to bridge that gap between the level of commonwealth subsidies and the cost of providing residential aged care in smaller facilities. If members look at the profile of the nearly 200 residential aged care facilities in the public sector in Victoria, they will see that the vast majority of them continue to be much smaller facilities and much closer to the centre of gravity within small rural communities. That is one of the commitments we undertake.

In terms of the substantive issue the member is alerting the government and the Victorian community to in terms of the size that is appropriate for residential aged care, perhaps the member and I may join in talking to the commonwealth about providing for the financial viability of smaller facilities in residential aged care throughout Australia, and indeed throughout Victoria.

Supplementary question

Hon. D. K. DRUM (North Western) — I thank the minister for the answer. I also ask the minister about some of the social benefits associated with congregate care that the aged enjoy. Would the economies of scale and the economics that come with congregate care not also provide a better platform for some of the 1000-odd people waiting in that other group to receive some form of shared accommodation? Can the minister see the correlation between the two groups: one group seems to be acceptable and held up as an pinnacle for good governance, yet on the other hand the government is in total and violent opposition to congregate care in that other sector?

Mr GAVIN JENNINGS (Minister for Aged Care) — I think the subsequent question is really a question for the Minister for Community Services in the other place. In relation to the philosophy that underpins the question, it is a question that relates to the provision of disability services or mental health services in terms of the design of programs to meet the needs of people with intellectual disabilities, mental illness and other conditions that require intensive support but may be provided in a more intimate setting.

I have responded to the member's substantive question as it relates to residential aged care. In terms of the debate about whether it applies to other service delivery

models for other people in the community, it is consistent with the questions that are often asked of me by the shadow minister about younger people in nursing homes and the flexible models we are trying to introduce, and I remain committed to finding flexible models of care to best meet the needs of anybody in residential aged care.

Small business commissioner: performance

Mr PULLEN (Higinbotham) — My question is to the Minister for Small Business. I refer to the annual report of the small business commissioner that was tabled in this Parliament last week. Can the minister advise the house whether the appointment of Australia's first small business commissioner has provided benefits to Victorian small businesses?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question and his commitment to small businesses within his electorate. The Bracks government is committed to a fair business environment for small businesses. In fact, the small business commissioner has been roundly applauded and the position has been declared a success by many in the business community and also by the opposition. The annual report covers the activity of the small business commissioner from the period 1 May 2003 to 30 June 2004 and covers the areas of information and education that he has responsibility for in dispute resolution and investigations and also, as I have discussed in this chamber before, the responsibility he will have for monitoring government practices.

The success of the small business commissioner has certainly exceeded our expectations. In the first year we talked about the small business commissioner taking responsibility for the Retail Tenancies Act and ensuring that it was bedded down appropriately and its smooth running and transition, and certainly that has occurred.

On the dispute resolution side the small business commissioner estimates that the value of disputes mediated by his office since its establishment has been around $30 million. So it is clear that he has been of great value to the small business community in dispute resolution. There were 527 disputes referred to the small business commissioner from 1 May 2003 to 30 June 2004. Of those, 340 were referred by tenants in relation to retail leases, 153 were referred by landlords and the remaining 34 were referred by another party. Of the 527, 420 were taken through the office's dispute resolution process prior to 30 June 2003, with 69 per cent of those disputes being resolved by mediation or pre-mediation activities. Given that the target for mediation was 50 per cent, it can be seen that the small business commissioner is really scoring a great win for small business under the mediation provisions.

I am looking forward, as is the government, to the next stages of the small business commissioner. This year he has allocated priority to the development of the small business charters with departments and has started that process. We believe the Office of the Small Business Commissioner, which is a first for Australia, is a great asset to the small business community in Victoria. It will benefit and has benefited already the small business community. We are pleased with the first year's response. I congratulate all those working in the Office of the Small Business Commissioner and the commissioner himself, Mark Brennan. The team has worked very hard to look after small business in this state. I look forward to working with it on that task in the years ahead.

Melbourne: mayoral election

Hon. J. A. VOGELS (Western) — I direct my question to the Minister for Local Government. I refer the minister to the local council elections presently under way, with particular reference to the City of Melbourne lord mayoral contest where of the 21 teams running at least 8 stooges are being run by James Long, an ex-member of the ALP, and at least 3 others by the ALP's Labor Unity faction. This story is being repeated all over Victoria in other local government contests. It is self-evident that the whole local government election process has been grossly manipulated by these multiple stooge teams. Has the minister received any complaints about attempts to influence the results of present local government elections?

Ms BROAD (Minister for Local Government) — I thank the member for his question. He has raised a number of matters, to which I will respond. In relation to the question of candidates, it is the view, at least of this side of the house, that Victorians are entitled to stand for all levels of government — local, state and federal — and that this is a fundamental right enshrined in our constitution. We do not place restrictions beyond the well-understood eligibility criteria for people standing for the Australian government or for the Victorian government, nor should there be any such restrictions on ordinary Victorians standing for local government.

This government has acted to strengthen democracy, including in local government, through its reforms to local government. We do of course recall the days of the previous government and its approach to removing democracy at local government level in this state and

sacking councils right across Victoria. That is not an approach which this government supports in any shape or form. Of course it is understood that there will be a range of views about candidates' capacities, strengths and weaknesses. That is all part and parcel of a very healthy democracy.

In the debate that has gone on around the council elections, including the Melbourne City Council election, I would like to endorse the view that Victorian voters are pretty good at sorting out who they think they want to support, and they do not need members of this house telling them who they should or should not vote for, and who is a real candidate and who is not.

In relation to complaints about the Melbourne City Council election, I understand there are a number of matters which the Victorian Electoral Commissioner (VEC) is assessing, and there is also a matter that is being assessed by the chief executive officer of the Melbourne City Council at the request of the VEC. I expect those matters will be reported to me and my department, following advice to the VEC, and my department will advise me if I need to take any actions. But at this point those complaints are to the VEC, and they are being dealt with by the VEC, which I am sure will deal with them appropriately.

Supplementary question

Hon. J. A. VOGELS (Western) — I note the minister's view that it is everyone's right to stand for election, and no-one would disagree with that. However, it is obvious that many candidates standing for local government elections have no other intentions than to farm preferences. It is clear the Local Government Act is facilitating a blatant distortion of democracy. Will the minister act now to stop this growing prostitution of the electoral process and reform the Local Government Act?

Ms BROAD (Minister for Local Government) — I think an examination of the ballot paper for the Australian Senate by anyone who cared to look at it closely would have revealed a very wide spread of interests, causes and motivations behind the very large number of candidates who stood for the Senate at the last election. I have not heard anyone suggesting in response that people should be prevented from doing that. It is certainly not the intention of this government to prevent anyone from standing for local government who is properly qualified and who wants to have a go.

Consumer affairs: credit debt

Ms HADDEN (Ballarat) — My question is directed to the Minister for Consumer Affairs, Mr John Lenders. With increasing levels of debt experienced by many members of our community, will the minister outline how the Bracks government is informing Victorians of the pros and cons of credit?

Mr LENDERS (Minister for Consumer Affairs) — I thank Ms Hadden for her question and for her ongoing interest in matters of consumer credit. People who read the *Herald Sun* yesterday would have seen Ian Royall's report that there is $710 billion of household debt in Australia. To put it into a more manageable term for us to comprehend, I guess, that comes to $47 000 per adult. So each adult has $47 000 worth of personal debt.

Hon. Bill Forwood interjected.

Mr LENDERS — That is a large amount of money. Some members here may aspire to have that little, but that is a large amount of money for every adult in the country. The issue of the pros and cons of credit is something that clearly we need to address. Further to that, current statistics show we have around $28 billion of credit card indebtedness. We are now finding that the average Australian household is spending $150 for every $100 earned, so it is a growing issue and problem.

It is a real challenge for us in government. While this is difficult for those who are on the margins to manage now, if interest rates were to go up — of course interest rates being the thing the commonwealth government, which has complete responsibility for them, campaigned on, saying it would control and manage them — those on marginal credit would be severely hindered. So Ms Hadden's question is absolutely pertinent as to what we can do as a government to educate our consumers, particularly those right on the margins, on how to manage their credit debt. There are a number of ways we can do that.

I certainly spend a lot of time going to schools and talking to students; and encouraging our Consumer Education in Schools project to educate about how to manage debt. That is certainly one way to do it. We have introduced areas like that into school curriculums. Each Christmas we have a program on debt which we bring out as people go through the Christmas season, when people like to spend a lot of money to make people happy. But we need to do a lot of these things, and more.

Mr Smith interjected.

Mr LENDERS — Those people, even Mr Smith's wife, need to be advised on this. But what we also seek to do is to get that information out. We are also expanding the advice service at Consumer Affairs Victoria, so it is open for longer hours to provide people with information on debt, credit, the pros and cons and how they can manage better.

Hon. M. R. Thomson interjected.

Mr LENDERS — It is timely, as the Minister for Small Business says by interjection, because we need to have not just an information service but also, where there are greater problems, the ability to refer people on. So if people ring CAV for assistance, we will deal with them. If they want further assistance, we can refer them to the Consumer Credit Legal Service, which is a great service.

Fundamentally people need to understand the pros and cons, as Ms Hadden said; they need to make choices. And it is like the choice of whether we go into big debt as a community. Do we go into $2-billion or $3-billion debt through rash promises to pay to remove tolls from the freeway? We can do that. That might be the pro of debt. The con of debt, of course, is that if you do that, either you go into debt and you pay interest; or if you avoid debt, you slash the number of teachers, nurses and police. They are the choices. It is a very basic lesson on managing debt; they are the pros and cons. We all have choices.

So the Leader of the Opposition in the other place, Mr Doyle, and his acolytes from the voodoo school of economics opposite may say the choice is to promise the world, go into debt and not particularly care. We on this side of the house and Victorian consumers understand that we need to be prudent; the two sides have to balance. You cannot make reckless promises because otherwise Mr Doyle and his acolytes from the voodoo school of economics opposite will have the January hangover from Victoria's credit debt.

Hepburn Spa Resort: probity report

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Candy Broad. I refer to the whitewash that is Phillips Fox's report — —

Honourable members interjecting.

The PRESIDENT — Order! There is so much noise on both sides of the house that I cannot hear the honourable member's question. I did not even hear to whom he was addressing his question. I am sure Hansard had some difficulty trying to take it down. So I ask honourable members to desist from interjecting, to enable Mr Vogels to ask his question.

Hon. J. A. VOGELS — I direct my question without notice to Ms Candy Broad, the Minister for Local Government. I refer to the whitewash that is Phillips Fox's report of a probity investigation on the decision made by the Hepburn Shire Council to consent to the assignment of the lease of the Hepburn bathhouse from Romny Grange Pty Ltd to the Hepburn Spa Group. I ask the minister: is it not true that over 150 jobs have been lost at the Hepburn Spa Resort, with financial losses to the council of over $1 million because the council failed to adequately oversight its management responsibilities?

Ms BROAD (Minister for Local Government) — In response, the member referred to one of two reports which were commissioned by my colleague the Minister for Planning in the other house in order to provide advice to her in dealing with matters that are her responsibility in relation to the Hepburn bathhouse. Those are reports which have been received by the planning minister, which she has now made decisions about.

I have received a copy of the probity report to which the member referred. My department has examined that report to see whether there are any matters under the Local Government Act which require my action in any way. I have now received that advice from my department, and that advice is that there are no actions which I am required to take arising from that report, and I have accepted that advice.

Supplementary question

Hon. J. A. VOGELS (Western) — The investigation report into the Hepburn bathhouse points out that no independent audits of the financial operations of the spa were made available. How can the Hepburn community be assured that the minister has properly investigated this matter when the key documents and information are being concealed?

Ms BROAD (Minister for Local Government) — The best thing I can do in response to that question is to clearly indicate to the house that I am not concealing anything. My department has examined the matters referred to it in relation to my responsibilities under the Local Government Act and has advised me that there are no actions that I am required to take under the act.

Aboriginals: cultural heritage

Mr SCHEFFER (Monash) — My question is directed to the Minister for Aboriginal Affairs. Will the minister advise the house of any recent developments following the launch of the discussion paper on cultural heritage *Long Ago, Here Today*?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — To set the context of my answer I would like to refer to the fact that today is Remembrance Day in Victoria. A number of members of Parliament travelled to the shrine to join with thousands of members of the Victorian community in paying their respects to those who have fallen in theatres of war and to indicate our ongoing commitment to peace in the world. In fact it has become one of the traditions of Victoria, and it was the 70th anniversary of the establishment of the Shrine of Remembrance, a wonderful monument in terms of Victorian and Australian history and a permanent reminder of our devotion to peace. Remembrance Day is a day when we come together to share that cultural experience of what being part of the Victorian community is about, and over the political and generational divide we come together as one as a community and we feel stronger and better because we have a shared cultural understanding.

I draw the house's attention to that because I want to talk about the cultural heritage of this state, the cultural heritage that relates to tens of thousands of years of habitation by Aboriginal people and the importance for us as a community broadly to appreciate that shared cultural heritage and to find ways in which Aboriginal people in this state can have greater control over their cultural heritage and over their destiny. I refer specifically to a document that was released recently, the cultural heritage strategy discussion paper entitled *Long Ago, Here Today*. I draw to the attention of at least the Labor members of the chamber a quote from that report attributed to Tim Chatfield which says:

> The art sites of Gariwerd show the journey of my people. They are part of our search to reclaim our heritage and to control our destiny. They are the essence and spirit of our journey.

I know that Tim Chatfield means this in a heartfelt way. I travelled with him and other members of his community to Gariwerd to look at those rock art signs. I am acutely aware of the significance they have in the traditional Aboriginal way of life. Also, all Victorian citizens and all of those who come to Victoria will be better off if they understand the cultural heritage of this land that we now call Victoria. This strategy document is meant to try to share that knowledge and level of understanding amongst all members of our community. Whether they be farmers, whether they be developers or whether they be social planners or planners who work within local government, we want to make sure that all of those who make decisions about land management issues are well apprised of cultural heritage matters.

Yesterday I opened an event that brought together a number of those players from right across the Victorian community, within the public sector, within local government and within the development industry, to talk about establishing better ways of understanding cultural heritage in this state. It was a great event that brought together a great degree of capacity and determination to ensure there is a greater delivery of understanding of cultural heritage.

I want the opposition to record that I am also going to report to the house on the significant undertaking made by the outgoing federal Minister for the Environment and Heritage, the Honourable David Kemp, in his last days as a federal minister. He worked in great collaboration with the Victorian government and made some amendments to the way the commonwealth Cultural Heritage Act applies in Victoria and some benefits have flowed already to planning decisions and planning matters. Today I have written to his successor, the Honourable Ian Campbell, indicating that this government is looking forward to working collaboratively with the federal government to bring the cultural heritage legislation back to Victoria.

MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL

Second reading

Debate resumed from 10 November; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation); and Hon. C. A. STRONG's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the government establishes a royal commission, or other independent body, to review Victoria's capacity to deal with organised crime and police corruption through asset forfeiture proceedings'.

Ms MIKAKOS (Jika Jika) — I am pleased to rise to speak in support of the Major Crime Legislation (Seizure of Assets) Bill, and I indicate at the outset that the government will oppose the reasoned amendment moved by Mr Strong during his contribution to the debate yesterday.

This bill is the final part of a comprehensive package of measures providing the powers required to effectively tackle organised crime and police corruption in Victoria. These legislative changes were developed in consultation with Victoria Police and the Office of Public Prosecutions. They are part of a very considered response to ensure that Victoria has the toughest laws in Australia to fight organised crime and police corruption. This house debated and passed earlier today the Major Crime (Investigative Powers) Bill, which gave additional power to the director, police integrity, to investigate police corruption and new coercive powers to investigate organised crime. Preceding this we have had the passage of two other bills. The Major Crime Legislation (Office of Police Integrity) Bill transformed the police ombudsman into the director, police integrity, (DPI) and gave the DPI new covert powers to investigate police corruption. We have also seen the passage of the Major Crime (Special Investigations Monitor) Bill, which established a new independent body to oversee the DPI's use of covert powers.

The government offers no excuse for the very tough approach it has taken in response to these issues. The opposition may wish to suggest that these measures are draconian, but I argue that to law-abiding citizens in the state they are not draconian, they are quite welcome. The government offers no excuse for the fact that it is seeking to be as tough as possible within the democratic and legal framework we live in in responding to the issues of organised crime and the small number of corrupt police in our state. These laws are intended to send the strongest possible message to criminals and corrupt police that crime in this state does not pay. Our community expects nothing less.

It is important to give some background to the confiscation regime that exists in this state to see it in that context. I note firstly that the civil forfeiture scheme that was introduced in Victoria in 1997 through the Confiscation Act allowed for the assets of a person to be confiscated if there was proof that the person has committed a civil forfeiture offence. These offences were the most serious of drug-related offences. The current civil forfeiture scheme does not depend on a successful conviction for the confiscation of assets but does have two significant limitations: it focuses on a person actually being charged with an offence and also on whether or not the state can prove that a person committed that offence.

The changes proposed in this bill will address those limitations. There will be a much lower threshold that the state needs to meet in order to confiscate assets under the civil forfeiture scheme. Also it will no longer be necessary to charge a person with an offence or to prove that a person has committed an offence.

The civil forfeiture scheme will apply to a much broader range of serious profit-motivated offences. The list of automatic forfeiture offences includes extortion, theft, robbery, obtaining financial advantage by deception, handling stolen goods, bribery and running a brothel in breach of a licence. However, these offences are subject to monetary thresholds. When only one offence is committed, it must relate to money or property worth $50 000 or more. When there is more than one offence involved, the threshold is $75 000.

The changes will allow police to apply to the Supreme or County courts for an order to restrain particular property if they have a reasonable suspicion that the property is tainted with respect to one of those serious offences. Tainted property is already defined in the legislation. It includes property that was used in or was intended to be used in connection with the commission of an offence. For example, this could include a house where cannabis is grown or drugs are manufactured. If property is restrained, any person who claims an interest in that property can apply to the court for an order to exclude that property. The onus, however, will be on him or her to prove that the property was not derived from an offence — that is, they will have to prove that the property was lawfully acquired and is not tainted property.

The changes will apply retrospectively. The reformed civil forfeiture scheme will apply regardless of when the property was obtained or when an offence is suspected to have been committed. While some commentators have suggested that this is unfair, it is not unfair in that it will demonstrate to criminals not just that serious crimes committed today will not pay but that serious crimes committed at any time will not pay.

I am anticipating that the opposition will be moving a reasoned amendment similar to the one it moved in the other house.

The PRESIDENT — It has been moved.

Ms MIKAKOS — I understand the reasoned amendment has been moved. It is very similar in nature to the half-baked amendment we saw earlier today on the legislation dealing with investigative powers. As I indicated at the outset, the government will be opposing this amendment. The government believes a royal commission into whether or not the assets of criminals obtained through the most serious of criminal offences should be seized is a ridiculous proposition. The opposition is completely out of step with the views of

most Victorians on these issues. As I indicated in my contribution to debate on the previous bill, a royal commission being established will serve only to delay the trials or committal hearings of around 50 alleged criminals, which would threaten the process of justice by many months, if not years. The government believes that would send a message to criminals which law-abiding Victorians would not be supportive of.

I want to remind the house that the Office of Police Integrity and the Chief Commissioner of Police already have the powers of a standing royal commission, and they will be able to use these powers to fight organised crime and corruption. The passage of this bill will allow them to get on with the job of stripping criminals of their assets. I want to remind members opposite of the comments made by the then Ombudsman in the Ceja task force report on drug-related corruption dated June 2004. The Ombudsman says on page 17 of that report:

> The Ombudsman is an independent statutory officer whose independence is guaranteed by the Constitution Act. The Ombudsman is in effect a standing royal commission.

We know the title 'police ombudsman' has been changed to 'director, police integrity' through the passage of subsequent legislation, but that statutory officer, who is protected by our constitution and reports independently and is accountable to this Parliament, also says on page 1 of this report:

> The Victorian Ombudsman has for many years been inextricably involved in the uncovering and investigation of police corruption in Victoria. The current system which harnesses the investigative resources of police via the police ethical standards department and special task forces like Ceja has achieved as much — and probably more — than any royal commission or standing anticorruption commission in Australia.

We are seeing the continuing political exercise of the opposition coming into this house and calling for royal commissions to be established, with the intent of doing nothing more than delaying the conduct of a number of criminal hearings and stymieing this government's attempts to stamp out corruption in our police force and organised crime in this state.

I said in my earlier contribution on the other bill — and I will repeat it — that royal commissions are not a panacea. If you look at what has happened in other states that have had royal commissions, you see it clearly demonstrated that royal commissions of themselves are not able to remove corruption but merely serve to delay hearings. That is backed up by what has occurred in the states that have had them. For example, a New South Wales parliamentary committee report on a review of the Independent Commission Against Corruption (ICAC), which was handed down recently, states that there are problems with the system. The report's criticisms include the ICAC's low conviction rates, the soft standard of the burden of proof and the need for a new focus to recover ill-gotten financial rewards and a retargeting of attention to serious issues of systemic corruption as opposed to matters of a petty nature.

The report went on to note that between 1998 and 2003 there were findings of corruption for 69 people, but only 29, or about 42 per cent, were convicted of an offence. The remainder were not prosecuted or their prosecutions failed. This goes to show that ICAC has been quite ineffective in tackling police corruption in that state. I note that in Western Australia where a royal commission handed down a 1053-page report relatively recently, the *West Australian* newspaper of 3 March of this year reported:

> ... it is unlikely that a significant number of prosecutions or disciplinary proceedings would be launched as a result of its investigations.

The article went on to talk about how the royal commission in Western Australia had delivered a massive blow to police morale and how some $28 million was spent on the royal commission. In addition to this we know that in New South Wales the royal commission there in 1997 cost about $80 million and again resulted in only a handful of convictions.

I am very fond of quoting Lawrence Springborg, the Queensland opposition leader. His views on the Queensland Crime and Misconduct Commission were reported in the *Australian* of 26 May last year when he described that commission as a:

> ... multimillion dollar joke ... that couldn't track an elephant through snow and, even if they could, they wouldn't know what to do with it when they caught it.

This is a body that has an annual budget of $31 million, so that goes to show that the opposition parties are holding up a panacea that, if you look at the track record in other states, is clearly failing to tackle both police corruption and organised crime in those respective states.

I note also that our own chief commissioner, Christine Nixon — a person who is of the utmost integrity and a person in whom I and the government have a great deal of confidence — has also called into question the effectiveness of a royal commission. She was reported in the *Sydney Morning Herald* of 9 April of this year as having said:

> The Wood royal commission on police corruption in New South Wales sat for three years and cost taxpayers about $80 million ... The Kennedy royal commission on police

> corruption in Western Australia sat for 18 months and cost about 28 million. Almost five years work and more than $100 million of public money. The result? Identification of police corruption within those jurisdictions, but very few convictions. The numbers just don't add up.

Quite clearly we need to remind the opposition that the numbers do not add up. If you look at what has happened in New South Wales and Western Australia, you clearly see that the amendment foreshadowed by the opposition is half baked and not intended to tackle these very serious issues.

I say by way of conclusion that innocent Victorians have nothing to fear from this legislation and the scaremongering of the opposition. This is a very important piece of legislation to assist our police force and our courts to tackle both police corruption and organised crime in this state. We need to ensure that criminals who derive proceeds from crime are not able to profit from those crimes. I commend the bill to the house and oppose the amendment.

Hon. B. N. ATKINSON (Koonung) — I wish to support the opposition's position on this legislation and to express the concern I have about how this legislation might work in practice. Some of my colleagues have touched on this in a range of legislation that has come before the house. Many of these initiatives that the government has proposed one might think were appropriate in dealing with organised crime and corruption.

This bill is part of a package of initiatives by the government to address that issue, as some of my colleagues have indicated. It is a package that in many ways has attempted to avoid having to address full on what might have been a substantive inquiry through a corruption commission or a royal commission to examine issues associated with organised crime and perhaps associated police corruption in this state that has been evident, sadly, over the last 12 months or more. In the context of the package of legislation that has come to us, as I said, many of the initiatives the government has proposed one might think were appropriate to deal with intransigent people who go to great lengths to protect their criminal activities and to subvert the course of justice. This legislation certainly attempts to attack those people in the context of providing an opportunity for the state to enforce the seizure of assets that might well have been paid for or acquired as a result of profiting from criminal activity. To that extent it would seem like an appropriate and prudent measure.

I reflect on the previous bill that this house debated earlier today as well as the one on investigative powers, and certainly this one. The concern we have — and certainly that I have — is how these powers will be used and the potential for these powers to be misused in the hands of certain people. There is the potential for the system to run amok and for the powers to be used as a matter of convenience against people who will be in a very difficult and vulnerable position to defend themselves against legislation that without a doubt is very severe. If this legislation is only applied to those people to whom it is intended under the descriptions of the government in second-reading speeches, then perhaps there is some reason for the community to have confidence.

However, I am concerned that this legislation could well take us a lot further and that people who are not expected to be caught up in this legislation could get caught up in it and ought not be. There is a real prospect that some people who are quite innocent will be caught in this process. Perhaps this legislation that is before us now is more significant in that context than the other bills that have come to this house as part of the government's package in tackling organised crime. This legislation is quite specific in saying that assets can be seized from people who are not charged with a crime. They are people who, by reason of the government, might be associated with somebody who is engaged in criminal activity and somebody who may well have diverted funds — the profits of that criminal activity — to acquire assets perhaps in other people's names or for the benefit of other people that they know by some association, probably and most likely with families.

But there is a real issue here as to when police and governments start to become involved in seizing assets or seeking to seize assets of people who have not been charged with a crime directly, and where those people are therefore placed in a position which is almost the exact about-face of most of the presumption of law that we have in our society of being innocent until proven guilty. This legislation turns that presumption right around and says, 'No, you must now prove that this asset is yours by reason of your own investment or your own endeavours, and not an asset that has been acquired from the profits of crime directed from some other individual'.

That becomes a contorted process. It is a difficult legal process for the person who is seeking to defend themselves in those circumstances. As I said, it changes the presumption of innocence that we have relied on as one of the basic tenets of our law. It is a matter of significant concern to me.

I might just make one other comment about the package of bills that has come before us, which is best summed up in the question: where is Liberty Victoria? It leaves me somewhat bemused to think of just how outraged Liberty Victoria would have been at other times in history had this sort of legislation come before the Parliament and been passed by force of government numbers through both houses of Parliament despite serious questions by many other organisations including the Law Institute of Victoria, barristers and people associated with our legal system. Yet Liberty Victoria has made little comment on this legislation; it is more quiet than one would have presumed, given the scope of this legislation and its potential to be abused by individuals and perhaps by a system.

There is real caution to be exercised here. If the government passes this legislation and looks to the other bills dealing with organised crime that have just been passed, there is no doubt that the ministers responsible for the carriage of justice in this state will need to be ever vigilant about the use of the provisions of those laws. They will not be able to take the André Haermeyer escape route of ignorance or his wiping-of-hands approach to issues which are clearly within his jurisdiction and his responsibility to address but which he has been unable to address because of his lack of competence as a minister. These laws are so important, so serious and so fundamental in the way they approach many of the tenets of our legal system and the rights of people as citizens that the ministers responsible for this legislation will need to be far more vigilant. The André Haermeyer defence of stuff-ups will not be acceptable from this government in terms of this legislation.

I certainly hope Liberty Victoria starts to shed some of the Labor cloaks that are being worn among its membership and starts to really genuinely look at the rights and responsibilities of citizens and the potential impact of this sort of legislation on Victorians if it goes unfettered and if it is abused.

Mr SOMYUREK (Eumemmerring) — I rise to make a contribution to the debate in support of the Major Crime Legislation (Seizure of Assets) Bill, the objective of which is to reform the civil forfeiture scheme in the Confiscation Act 1997 to make it easier for the state to confiscate assets that are suspected to be related to serious crime. I would like to say at the outset that it is regrettable that our society has evolved in a direction that means we need such draconian legislation to keep these crime syndicates or gangs and even police corruption under control. Nevertheless I am satisfied that the appropriate safeguards have been put in place for the purpose of checks and balances in the system. The scourge of organised crime is a big threat to our society and could potentially destroy the social fabric of Victoria, and we cannot afford to put in soft policies. We need to be hard on organised crime, and we need to do it straightaway. Victoria, I believe, is at a crossroads at the moment. We need to act and act decisively. If we do not start acting soon, we will find that this corruption and crime gang activity will be entrenched in our system as well as in our culture. Before it is too late we really do need to act as a community, as a society and as a state.

Profits are the raison d'être of organised crime. At the front end the profit motive needs to be taken out of organised crime. As long as there are profits for the organised criminals they will be engaging themselves in inappropriate or illicit activities. What this bill does is to take away the profit motive. The bill is part of a package of measures to implement the government's commitment to provide enhanced powers to tackle organised crime and police corruption in Victoria. This is the fourth piece of legislation in the package, and it is instructive at this stage to briefly discuss the evolution of the forfeiture laws of this state.

Until the late 1990s Victoria's forfeiture laws were conviction-based, meaning that they enabled the courts to order confiscation of a person's assets or to impose a penalty based on criminal profits only if the state could prove on the criminal standard of proof beyond reasonable doubt that a person had committed an offence.

A civil forfeiture scheme, which was introduced with the passing of the Confiscation Act 1997, allows the state to confiscate assets or impose a penalty only after having proved the lower civil standard of proof — that is, that on the balance of probabilities, the person had committed an offence. These offences were, however, limited to the most serious drug-related offences such as trafficking a commercial quantity of heroin. This bill significantly lowers the threshold that the state needs to meet in order to confiscate assets under the civil forfeiture scheme.

I will set out the key features that the bill introduces. Firstly, I just mentioned that the current civil forfeiture scheme is limited to the most serious offences. With the introduction of this bill it will also apply to offences including theft, fraud, extortion and handling of stolen goods. However, it will only apply to such offences if they involve property of at least $50 000 in value.

Secondly, the new scheme focuses on whether particular property is tainted rather than whether the state can prove that a particular person has committed

an actual offence. Consequently this bill will enable the state to restrain property if police suspect that it was used or derived from the commission of a relevant specified offence, so it becomes tainted property. Hence it will no longer be necessary to charge a person with an offence or to prove that a person committed an offence for the state to apply to a court to restrain property. An application to restrain property can be made simply if the police suspect that on reasonable grounds that property is tainted with respect to a relevant offence.

During debate on this bill the member for Gippsland East in the other place, Craig Ingram, gave a very good example of a specific person that this legislation might apply to. Mr Ingram said that in his former life he was in the abalone industry. The person he referred to in the example is also involved in the abalone industry apparently and was involved in some inappropriate methods of gaining his wealth but the police, the authorities or the state could never get access to his wealth because he had transferred all his assets into other people's names, including his family and friends.

Mr Ingram said the man got 'pinged' — I think he meant charged or convicted — about 70 times but he remains a very affluent person because he has no assets under his own name. So this concept or notion of the tainted goods should catch this person out.

What are some of the safeguards? What redress does the person who is about to have goods confiscated have? What are his rights? The person has his day in court and has the right to engage legal representation. So it is not as if the state sends in people to pick up all his assets, to lock up, freeze or put an injunction on his assets just because a junior police officer thinks that someone is suspicious or has acquired his wealth under suspect conditions. There is due process and part of that process is that the person has his day in court with the appropriate level of legal representation if he so chooses.

However, the onus will be on him or her to prove that the property was not used or derived from an offence. So there is a shift here in the onus of proof, as is consistent from a criminal to a civil matter. It is more a case of the person in question having to prove that the goods were purchased legitimately. This does go against our legal tradition somewhat but nevertheless if ever the phrase 'the end justifies the means' were appropriate, it certainly would be in this case. You are facing people who are potentially poisoning the youth of this community and of society, so the end really does justify the means in this case.

When I first looked at this bill I was concerned about the prospect of and potential for innocent third parties to be caught out or be young unintended victims of it. But my concerns were eased after receiving advice that the innocent third parties who have an interest in allegedly tainted property can avoid their interests being forfeited if they can prove they were not aware that the property was intended to be used for the purposes of or was derived from criminal activity.

I refer to the component of this bill dealing with retrospectivity. I normally do not agree with retrospectivity; I do not believe in shifting the goal posts. But as far as this bill is concerned and because I do not have much time for organised criminals or corrupt individuals, and the chances are that these people have acquired their wealth illegally, I do not mind the retrospectivity components of this bill.

In conclusion I reiterate that it is regrettable that our society has evolved into a position where we have to introduce such tough legislation. But this legislation is imperative. We need to make sure that organised criminals and corrupt individuals do not destroy the fabric of and poison the youth of our society. We need to ensure that some of these things do not become endemic in our society, and ultimately, our culture. But we need to act now, and act decisively, to prevent the cancer of organised crime permeating our society. I commend the bill to the house.

Hon. J. G. HILTON (Western Port) — It has been an interesting couple of days in the chamber as we have debated these bills. It has been interesting for a number of reasons. I think we all acknowledge that we need to do something about organised crime and that we need to eradicate it from our society if we can. We also realise that sometimes these tough issues require tough measures. Yet, listening to the contribution of Mr Strong yesterday — —

Hon. D. McL. Davis — A very good contribution, I thought.

Hon. J. G. HILTON — Yes, Mr Davis thinks it is a very good contribution. I would be interested in his criteria for making that judgment, as I actually read his contribution. I think the only conclusion you can make from listening to that contribution is that Mr Strong is soft on crime and also believes that our police force is corrupt. The main reason he gave for not wishing to give the police the additional powers was the fact that they could be abused; that corrupt police could use those powers in a way that was inappropriate.

That is a very serious comment to make, because at the moment our police have powers — they have powers to make arrests and they have powers to enforce search warrants. On Mr Strong's logic, if our police are corrupt or are susceptible to corruption, perhaps we should be taking those powers away from them. Now that is eminently ridiculous. I would suggest that Mr Strong is just playing to the gallery.

An honourable member interjected.

Hon. J. G. HILTON — What gallery there is left! I suppose the absence of opposition members in this chamber indicates their lack of interest in this bill, which is also useful to know.

Mr Strong raised the issue of civil liberties. Hearing the opposition talking about civil liberties I am reminded of Samuel Johnson's famous quotation about women preachers, and I would like to refer to that quotation in relation to the contributions from the opposition about civil liberties. Hearing the opposition talk about civil liberties is like seeing a dog walking on its hind legs; it is not done well, but one is amazed to see it done at all.

On this bill I am pleased to make a contribution to what I believe is an important piece of legislation which will add to the armoury of the police and the judicial processes in the fight against crime. There will always be a balance between the rights of the individual and the objectives of legislation, because most legislation in one way or another restricts the rights of the individual. This particular piece of legislation addresses the issue of how to deprive people of the assets they have gathered because they have been involved in criminal activity.

The legislation is very sensible. It sharpens the teeth of the asset confiscation regime which presently exists, it requires that proof be provided that assets were not obtained illegally and it allows police to seize assets on the suspicion of criminal activity rather than waiting for charges to be laid.

It is my understanding that the Australian Taxation Office frequently indulges in some examinations of people's assets to determine their origin, and I do not see that this legislation is essentially any different from that. The motivation for criminal activity is always, as Mr Somyurek so eloquently said, the profit motive. That is the raison d'être of criminal activity; you would not indulge in that activity unless you were going to make money out of it.

The monetary assets which you can acquire from this activity can also be used to purchase other assets — cars, houses, or jewellery — and it is only appropriate that this legislation targets those assets which are the consequences of criminal activity. I do not think anybody in this house would disagree that people who have engaged in criminal activities should not be allowed to keep those assets, and this is what this legislation is doing. As I said previously, it is an extension of an existing act, the Confiscation Act of 1987. That act enabled assets to be seized if, on the balance of probabilities, it could be proven that an offence had taken place. This bill extends the application of that Confiscation Act by enabling an application for seizure of assets to be made if the police suspect on reasonable grounds that the assets have been obtained through illegal activity.

It has been mentioned in the other place that in some way the police can abuse this power. I think one of the lower house members said that a very junior constable could apply to have a restraining order placed on assets. Fortunately for this bill, but unfortunately for the member in the other place, that is incorrect. An application has to be made to the County or Supreme courts to grant this restraining order. The police themselves do not make the application to the court; in normal circumstances the application is made through the Director of Public Prosecutions (DPP). Therefore, as to the conspiracy theory, for a restraining order to be issued we need corrupt police, we need a corrupt person in the office of the DPP and we need a corrupt judiciary. That is obviously and patently ridiculous.

Mr Pullen interjected.

Hon. J. G. HILTON — I thank Mr Pullen for his interjection, on which I will not comment. The system is — and there are adequate safeguards — that on reasonable grounds police have to convince the Director of Public Prosecutions (DPP) to apply to the court and then the judge has to be convinced on reasonable grounds that these assets have been acquired through illegal activity. If we have faith in our judiciary, and I suspect we all have, then we should be quite comfortable with that level of protection. There is the phrase 'major crime' in the bill. Major crime will include drug trafficking, extortion, handling of stolen goods, robbery and bribery. It is in relation to those serious crimes that this legislation applies. It does not apply to what I may call the day-to-day crime activities of petty criminals; it is major crime. I believe that is important, because this legislation is being introduced to attack major crime.

I can well understand the concerns of some libertarians that innocent people can be caught up in this process, and there is obviously a concern that people would have that they may be caught up through inadvertence or in a

more sinister way by victimisation of a corrupt judicial officer. These concerns have been adequately met by the legislation introducing what are essentially three decision points before a restraining order can be made. The police have to apply on reasonable grounds, those grounds have to be accepted by the DPP and a judge has to be convinced that the grounds are therefore reasonable.

A restraining order lasts, I believe, for 30 days and then there is a court process of forfeiture. At that stage a person whose goods are being restrained has every opportunity to argue their case with legal representation that the restraining order should not be applied, and if they are successful in front of a judge, which is how our normal judicial system works, the restraining order will not be enforced.

The Labor Party has a proud record of protecting the rights of the individual. There are safeguards in the bill. I do not want opposition members to believe this bill was not considered very seriously by all members of the Labor Party caucus. We had opportunities to have briefings directly with senior bureaucrats, and indeed the minister, and a number of us availed ourselves of those opportunities. We were on balance convinced that, given the issues that we are trying to address in this bill, this bill is an appropriate piece of legislation.

It is in response to a set of circumstances where organised crime is becoming more and more sophisticated, and we need more and more sophisticated tools to address organised crime. As previous members have mentioned, this is one of a suite of four pieces of legislation which have been developed as the government's response to organised crime, and we discussed the code of silence earlier today.

This is tough legislation, and I can understand the concerns people have. In an ideal world we would not be debating this legislation, but unfortunately we do not live in an ideal world. We have to address the issues as we see them, and my colleagues and I have been convinced that the government needs this piece of legislation to add to its armoury in combating organised crime.

The opposition amendments are of course to give everything to a royal commission. I do not want to go over the ground which has been so adequately covered by my colleague Ms Mikakos, but in my experience I do not know that any royal commission can indicate success in combating organised crime. I believe organised crime still exists in the states which have royal commissions, and the elephant quotation is an excellent one, plus the other quotations which Ms Mikakos raised about the time and the amount of money spent on royal commissions. A royal commission, ipso facto, is not a panacea for combating organised crime. The general result is needless delays and expense with no guarantee of success. The Bracks government has gone down a different path, and these measures should be seen as they are in totality as a coordinated response to the issues of organised crime.

We will see in the future whether they will work, but I believe they will work — they are well drafted and well targeted at an issue which needs to be addressed. My concern about the position of the opposition is that the knee-jerk response to these issues is, 'Let us have a royal commission'. To me that shows a barrenness of political thinking. The opposition has not thought how we will achieve a solution to the problem of organised crime; its solution is to set up another bureaucracy. It is not good enough for an opposition, because it merely indicates that it has no policies. It is a policy-free zone, and it has no contribution to make to this debate.

The government has thought carefully about the balance of these measures, and it has come up with a set of legislation which is well balanced, well targeted and well accepted by the vast majority of the Victorian population. I commend the bill to the house.

Mr VINEY (Chelsea) — I am pleased to join in this debate and indicate my support for the legislation. In doing so I want to comment on the excellent contribution by Mr Hilton, who gave a careful and reasoned outline of why the government and government members have cautiously and carefully considered the legislation. After that careful consideration and cautious thinking about changes to legislation that affect people's civil rights we have agreed to support the legislation and are pleased to do so in this chamber today.

The reason I say that is that this is a government that has been big on democracy, big on justice, big on fairness for our community but tough on crime. It is a government that has introduced significant increases in police resources, a government that has faced bravely the issues confronting the community associated with organised crime and a government that has consulted with the community and put forward strong legislation and policies that deal with problems that we face, unfortunately, in this community in relation to organised crime and in particular the profiteering from that crime.

This stands in stark contrast to the position of the opposition that has had no policy other than having a royal commission. We all know that when you do not

have a policy, you do not know what to say and you have nothing constructive to put forward, you put up the idea of an inquiry or a royal commission. It is extraordinary hypocrisy for opposition members to have been arguing earlier today, in the most offensive way in terms of making comparisons with Nazi Germany and Stalinist Russia, against carefully considered legislation in relation to requiring people to answer questions. On the one hand they are saying that this is improper, and then they are proposing that we have a royal commission that would have none of the safeguards of the previous legislation. Royal commissions do not have the sorts of safeguards that were in the legislation we debated and passed before lunch, and they do not have the sorts of safeguards which are in this legislation.

We have here today legislation that is putting forward the basic proposition that if someone profits from serious and significant criminal activity, then it ought to be incumbent upon the state to have those assets confiscated. We cannot have a situation in our community where people who are engaged in serious crime are able to profit from it. It is completely unacceptable and we need to put in place legislation as tough as we can, recognising the need to have proper safeguards. We need to put in place legislation that is tough on those activities. I cannot see how it can possibly be argued that it is consistent to have a system that we currently have in the state where it says it is okay to confiscate the assets of people who profit from the sale of illicit drugs but that it is not okay to have a system that confiscates assets from people who are engaged in other serious crime.

This legislation extends that confiscation capacity of the state from simply the area of drug offences and now applies it to other areas of serious crime including theft, fraud, extortion and handling of stolen goods. One of the safeguard provisions on this, as outlined by Mr Hilton, is that it needs to be of sufficient magnitude to be of a serious nature and the property needs to be of at least $50 000 in value. It is not designed for other police to start confiscating the assets of people who have been engaged in minor criminal activity and/or petty crime. It is clearly designed to deal with those people who are involved in very serious crime indeed.

There are provisions and safeguards in the legislation. There are provisions and safeguards that require these matters to be dealt with, that the applications have been made by the Director of Public Prosecutions (DPP) or another prescribed person, and it is limited to senior officers in the asset confiscations unit within the Department of Justice. As Mr Hilton outlined, the member for Doncaster in the other place was not correct in proposing that the application and suspicion held by police officers alone is sufficient for the seizure and forfeiture of assets. Clearly the legislation requires it to be done through the office of the Director of Public Prosecutions or the asset confiscations unit within the Department of Justice.

What is more, the applications must be made to either the Supreme Court or a County Court. The judge must be satisfied that the suspicion is based on reasonable grounds. I do not think any member of Parliament would argue that a judge of the Supreme Court or the County Court would take that consideration lightly. The legislation requires that the suspicion must be based on reasonable grounds, and I am sure that the judges of both the Supreme Court and the County Court would take that consideration very seriously.

The legislation will mean that it will no longer be necessary to charge a person with an offence or to prove that the person committed an offence. Rather, the onus is on the person to establish that they have obtained their assets through legitimate means. There is the possibility that an innocent person could be captured through this process, and it is good to see that under the legislation that has also been considered. It would be possible for a legitimate person to have joint ownership of an asset with someone who had obtained their part of it through illegitimate means. But if the person who obtained the asset can establish that they purchased that asset through legitimate means and they had no involvement or participation in, nor knowledge of, the criminal activity of the partner, their portion of the assets would be protected.

This legislation is putting in place some tough provisions but is doing so with some degree of balance. It is important from that point of view that we can be confident that this will be well managed through the office of the DPP and through the asset confiscation unit of the Department of Justice, and it will be managed of course through the judiciary of both the Supreme Court and County Court.

It is disappointing that the opposition is continuing to try to make political capital out of the issue of organised crime in this state. Their attempt to do this through their continual calls for a royal commission is misguided and misjudged. I do not believe the community has any sympathy at all for organised crime or for people who obtain assets like expensive apartments in Docklands and other significant assets through improper means. The community has no tolerance for that. Members of the opposition are misguided in attempting to play politics with this issue. The community is also recognising that it is the Bracks

government that has been tackling head-on the issues of organised crime that have arisen in this state over recent years. It is this government that has been doing so through tough but balanced legislation.

I have seen the approach of the members of the Labor caucus in considering both this bill and the one we debated and passed before lunch today. The cautious and considered approach of all members of caucus, the questions asked and the discussions I have heard and participated in at committees and at caucus meetings and in briefings, establish that this Labor caucus has great integrity.

I am proud to be a part of this Labor caucus, because it is a group that is prepared to have those discussions. Unlike the other side when in government which said, 'Yes, Sir, no, Sir' to Mr Kennett, and just agreed with him; when Mr Kennett said, 'Jump', they asked, 'How high?'; unlike the opposition when it was in government we have in this Parliament a Labor government and Labor caucus that will have those vigorous discussions, considered meetings, detailed briefings and considered questions, and then will come to a conclusion and will argue as one for the government's policy. We know this government is determined to knock on the head organised crime in this state and to be tough on crime.

We also know this is a government that has been absolutely committed to democracy and to promoting democracy in this state. No other example might be needed than the reform of this very chamber, or the enshrining of the Auditor-General and the Ombudsman in the constitution, or protecting the role of the Director of Public Prosecutions, unlike those on the other side who nobbled the DPP and the Auditor-General. This is a government that is strong on democracy and tough on crime. I commend this bill to the house.

Hon. S. M. NGUYEN (Melbourne West) — I am pleased to make a contribution to the debate on the Major Crime (Seizure of Assets) Bill which is part of a package of legislation, one piece of which we passed earlier today. The bill is important for Victoria. The Bracks government stands strong against crime, the big bosses of crime organisations and those involved in crime. In the past we know that drugs-related issues have played an important part in our society. They have destroyed many lives and families. There are two kinds of people we want to discuss. One group is the victims of drugs, the people who are addicted, and we try to help them overcome their drugs problem. On the other hand we want to get tough on those who are crime organisers.

It is not only an issue in Victoria but in Australia as a whole. People have imported drugs from overseas by ship or over land and into many ports. It has become a big issue, and we are working with the police to try to stop it and take over their property. We will do anything we can to not allow them to take advantage of our society. It costs a lot of money to fix the social damage. Many families have been destroyed and many young people have no future. The problems still go on. We have to reduce the effects on our life.

This bill is very clear in dealing with crime. Many people are involved in crime, and the reason they are involved is because there is big money involved. Many have large assets, nice cars, a lot of properties and they have a good life, because they think they can get away with it. We should monitor them and try to get their assets and their properties. Many of them spend a lot of money on gambling, enjoy themselves and have big bets at the casino. They have money, and they try to prove they have won the money from the casino. The bill provides for a monitoring of their background and at how they get the money to buy properties and how they get involved. Today people do it in many different ways.

As outlined in the second-reading speech, the current civil forfeiture scheme relates only to people who are trafficking in a commercial quantity, or large commercial quantity, of illicit drugs; or to people cultivating a narcotic plant in a commercial quantity or large commercial quantity; or related offences, such as conspiracy to commit such offences or aiding and abetting the commission of such an offence. When we are talking about commercial quantities of drugs, it is 250 grams of pure heroin, 500 grams of impure heroin and 100 cannabis plants.

I understand some people are growing cannabis in their homes. Many people are caught where they are renting a property, using someone else's property. They rip up the timber floor to grow cannabis — and sometimes the lessors do not know until the police inform them. They grow a number of cannabis plants, because there is a big market. We want to stop people growing that in Victoria.

Over the last few weeks and months I have read in the paper about quite a few people carrying heroin through airports. Some are caught. It is a very high risk, but people still try. I am very surprised. Some people are desperate to get money, because they borrow money to gamble. They have not got the money to pay them back, so they are desperate to make some money to pay their debts and will do anything they can to get that money — so some take risks. It might cost them their

lives, but they still try. This bill is a different matter, because its provisions will stop people from making money the evil way. We have to be strong and tough and not tolerate it and walk away.

The automatic forfeiture offences include a range of offences — for example, the quantity for impure heroin is 30 grams. The list of automatic forfeiture offences also includes other profit-motivated offences such as extortion, theft, robbery, obtaining financial advantage by deception, handling stolen goods, bribery, and running a brothel in breach of a licence. So we are not talking about only drugs but also related things.

Today a lot of illegal things are going on in Victoria, so the government wants to make sure all the excesses will be under the watch of the police. All these offences must relate to money or property worth $50 000 or more; and if more than one offence is involved, the threshold is $75 000.

The bill is very strong and very clear. I am surprised the opposition does not support the bill, because it will do anything it can to oppose the government. We should talk together and work together on the issue to show the public and those in the underworld that organised crime will not be tolerated by the government, which will do anything it can to control criminal issues.

The bill is very clear about tainted property, which is defined in the legislation as follows:

> "tainted property", in relation to an offence, means property that —
>
> (a) was used, or was intended by the defendant to be used in, or in connection with, the commission of the offence; or
>
> (b) was derived or realised, or substantially derived or realised, directly or indirectly, from property referred to ...

In conclusion, this bill is part of the government's commitment to make sure the public feels safe and secure. It is trying to fix the problems and catch the crooks. I commend the bill to the house.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to speak in support of the bill. It is part of a suite of legislation that the Bracks government has put in place to help fight organised crime. This bill is just another step to show the government is very serious about tackling organised crime. Organised criminals have a code of silence and the proceeds of crime are targeted by the bill before the house today.

The bill will tighten the state's asset confiscation regime. It will force criminals to prove that their assets have not been illegally obtained, and it will allow the police to apply to seize them on suspicion that they have been gained through criminal activity.

The code of silence among underworld figures has made it extremely difficult to progress some of the investigations that are under way into the activities of organised criminals. This bill will strike at the main driver behind organised crime — that is, their ill-gotten gains. The police will be able to seize suspect criminals' cars, houses and other assets, and the onus will then be on those criminals to demonstrate that those assets have not been gained unlawfully. If they are unable to demonstrate that those assets have not been derived through illegal activity, they will lose them.

This is very strong legislation. The Bracks Labor government has been very forthright in pursuing a strong legislative program and has put before Parliament a number of bills including the Major Crime Legislation (Office of Police Integrity) Bill and the Major Crime (Special Investigations Monitor) Bill to tackle these issues. The bill now before the house adds to that legislation. That demonstrates just how tough on crime the government is determined to be. Really, it is picking up very much on the expectations of the community.

The community does not want to see the sort of criminal activity that is undertaken by the underworld; it wants to see our police and courts being able to crack down on this kind of criminal activity. The community wants the police to be able to carry out their investigations and pursue these criminals through the courts and also see the criminals being forced to forfeit any assets they may have gained through that criminal activity.

One of the key changes this bill makes is to apply the civil forfeiture scheme to a much larger range of serious profit-motivated offences. These will not only include the drug offences that the scheme currently applies to but will also cover offences such as extortion, theft, robbery, obtaining financial advantage by deception, handling stolen goods, bribery, and running a brothel in breach of a licence.

These are the changes the government is proposing in the bill to ensure that our legislation covers this kind of activity and enables our police force and the courts to deal with it. The public really demands that the government take this tough action and stand, because none of us in the community wants to see those sorts of offences and activities occurring — extortion, theft, robbery, obtaining financial advantage through

deception, handling of stolen goods, or running brothels — and the money staying in the hands of criminals instead of being forfeited.

Except for the drug offences, which depend on the quantity of the drugs involved, the other new offences will be subject to certain mandatory thresholds. Where only one offence has been committed it has to relate to money or property worth $50 000 or more; and where more than one offence is involved, the threshold is $75 000.

The bill will enable the authorities to apply to the courts for an order to restrain particular property if they reasonably suspect the property is tainted or has been gained through this sort of criminal activity.

Tainted property is already defined in the act and includes property that was used in or was intended to be used in or in connection with the committing of an offence. This could include, for example, a house in which police suspect amphetamines were manufactured.

The bill is tough legislation, but the government will continue to be tough on those who flout the law and flaunt their unexplained wealth and assets. This bill will enable authorities to confiscate the property that has been used in or in connection with crime or derived from crime. The bill has adequate safeguards within it. They have been outlined in some detail by Ms Mikakos and Mr Viney. I commend the bill to the house.

House divided on omission (members in favour vote no):

Ayes, 22

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

Noes, 18

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

Pair

Buckingham, Ms	Lovell, Ms

Amendment negatived.

Business interrupted pursuant to sessional orders.

Sitting continued on motion of Mr LENDERS (Minister for Finance).

House divided on motion:

Ayes, 26

Argondizzo, Ms	Lenders, Mr
Baxter, Mr	McQuilten, Mr
Bishop, Mr	Mikakos, Ms (*Teller*)
Broad, Ms	Mitchell, Mr (*Teller*)
Carbines, Ms	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Drum, Mr	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hadden, Ms	Smith, Mr
Hall, Mr	Somyurek, Mr
Hilton, Mr	Theophanous, Mr
Hirsh, Ms	Thomson, Ms
Jennings, Mr	Viney, Mr

Noes, 14

Atkinson, Mr	Forwood, Mr
Bowden, Mr	Koch, Mr
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr (*Teller*)
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr (*Teller*)
Davis, Mr P. R.	Vogels, Mr

Pair

Buckingham, Ms	Lovell, Ms

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. C. A. STRONG (Higinbotham) — As has been said, there is nobody in this place who does not believe it is appropriate for assets gained by ill-gotten means to be seized. Nobody disagrees with that principle. However, I think it is important that some assurances are given to the committee that the procedures are in fact working correctly.

The committee may recall that the government introduced a bill in September 2003, the Confiscation (Amendment) Bill, which enhanced the powers existing prior to that. Members may also recall that the

Auditor-General's report of May 2003, *Public Sector Agencies — Results of Special Reviews*, in particular the section in part 2 dealing with the asset confiscation scheme, makes some comments about the efficacy of the scheme that was in place and highlights the fact that at that stage there were some 13 000 forfeiture orders dating back to 1999 and that nobody seemed able to find them. That is clearly a concern. The report also indicates that the government was dealing with all those issues and was going to ensure that the scheme ran much more effectively in the future.

The Auditor-General's report also highlights the fact that the scale of asset confiscations was relatively minor. It quotes a figure in the order of $3.2 million per annum, which I think all members would realise is fairly small when compared with the multibillion dollar per annum figure for reported criminal activities involving drugs et cetera. I ask the Minister for Finance, who is at the table, whether he is able to update us on the confiscation figure so as to assure the committee that the confiscation regime is working appropriately.

Mr LENDERS (Minister for Finance) — I draw three lots of figures to the attention of Mr Strong and the committee. Mr Strong referred to the report of May 2003 on special reviews of public sector agencies. That is one source of information, and Mr Strong has already drawn the committee's attention to it.

The second report I draw to the attention of the committee is the annual report of the Department of Justice, which I believe was tabled last week. On page 48 of that report the clause dealing with the seizure of the proceeds of crime refers to a figure in the order of that referred to by Mr Strong — $3.392 million. That is the most current figure in that area.

The third one I draw to the attention of the committee — and I thank Mr Strong for his prior warning on this — is the annual report of the Director of Public Prosecutions. On page 10 of that report, in the section dealing with the Confiscation Act proceedings for 2003–04, it states that in that financial year there was a 47 per cent increase in the number of restraining orders made under that act — so the number went up from 128 in the previous year to 188 this year.

Mr Strong certainly referred to the quantum. In these reports, which are the most current figures we have, there has been an increase in the number of orders. I certainly undertake, Chair, to keep Mr Strong informed. If we have any figures more current than these, we will certainly keep him posted as they become available.

Hon. C. A. STRONG (Higinbotham) — Just to confirm, if there are any further updates of numbers, the minister will keep us informed, and the latest figures would indicate an annual seizure rate in the order of $3.9 million?

Mr LENDERS (Minister for Finance) — That is correct.

Hon. C. A. STRONG (Higinbotham) — In conclusion, I simply draw the committee's attention to the fact that in the scale of organised crime, that seems a fairly small figure.

Clause agreed to; clauses 2 to 25 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a third time.

In doing so I would like to thank all speakers for their contributions to this debate.

Remaining stages

Passed remaining stages.

ELECTORAL LEGISLATION (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 Mr Lenders.

LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Consumer Affairs).

ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Gippsland: sewerage

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Water in the other place concerning small town sewerage schemes. In particular I note the announcement by the minister on 6 August concerning $42 million for the country towns and water sewerage program. In that announcement the minister indicated there was $30 million to improve sewerage and water supply systems in small country towns and $12 million to sewer towns in the Gippsland Lakes catchment where inadequate services are damaging the lakes environment. While we would heartily applaud any investment in improving environmental discharge as a result of sewerage in urban environments, it seems to me that this program is singularly inadequate.

Before I hear the refrain from the government side, 'Well, this is the biggest initiative we have seen in years', may I say that it is dwarfed entirely by the commitment by the Kennett government of $1.2 billion in country water and sewerage upgrades during its time in office. Having said that, I make the point that there are many country communities that are sorely in need of sewerage. To name but a few in the Shire of South Gippsland, there are 23 towns which require sewerage, including Meeniyan, Dumbalk, Fish Creek, Koonwarra, Nyora, Venus Bay, Tarwin Lower, Waratah Bay, Prom View Estate, Sandy Point, Poowong, Loch, Port Franklin, Walkerville North, Walkerville South and Kongwak.

In the Wellington shire a proposal has been put forward to Gippsland Water proposing to nominate Loch Sport, Coongulla, Golden Beach, Paradise Beach and Briagolong as towns which ought to be considered in the innovation projects under the country towns and water sewerage program.

I urge that the minister find the resources to support this initiative, particularly by the Wellington shire, because it is sorely needed in terms of improving the Gippsland Lakes catchment. I make the point by instancing this extraordinary array of country towns that are not sewered and need support. The minister's program is inadequate. Will he advise what support he will give to the proposal by the Wellington shire for the four towns I have named?

Holden: Asian exports

Hon. S. M. NGUYEN (Melbourne West) — I would like to raise a matter for the Minister for Manufacturing and Export in the other place. In a media release of 10 November there was an announcement of the 50-year anniversary of the Holden car company. It has sold 613 000 vehicles since 1954 and nearly 4 million engines to the United States of America, the United Kingdom, South Africa, Brazil, the Middle East and the Asia Pacific. In the last five years it has sent 148 753 vehicles abroad, contributing almost $5.8 billion to Australia's balance of trade. Sales of Australian car engines have also gone very well overseas.

However, I have travelled to some of the countries around the world, especially in Asia, and I have not seen any Australian cars exported to those countries. I have seen German cars, Japanese cars and a few American cars, but I have not seen any Australian cars in some of these newly developing countries in Asia. It is a great opportunity for Australia to export, and I ask the Minister for Manufacturing and Export in the other place to investigate the opportunities available in these countries to buy Australian Holden cars. Apart from the possibility of the car market, there could be many Victorian products which could be exported to any of the newly developing countries.

National Basketball League: franchise

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Minister for Sport and Recreation. I hope the minister at the table, the Minister for Finance, even knows I am speaking. I wish to raise with him the National Basketball League (NBL) licence negotiations that involve the Giants basketball team. I seek the minister's intervention in the process to the extent that I would like to see him set up a working party to discuss a second licence for Victoria in the National Basketball League. At the moment the Giants' licence has been suspended for this year because the club has had some difficulty with finances, and we have only the Tigers as the one representative club for Victoria.

There are some venue issues associated with the operation of a second club and also with the operation of the Tigers in Victoria that I think the government is a party to. Whilst I recognise that the NBL certainly operates as a commercial organisation, there are also some broader issues at play for the sport of basketball and for state and local competitions as well as junior development. It is a matter of concern to me that in Victoria the Tigers has been the only franchise this year, and we have seen in basketball in Victoria a diminishing pool of sponsorship funds and declining crowds attending games over some years.

Some of that has to do with the fact that there has been a dearth of exciting new players on NBL rosters; the clubs to a large extent have continue to rely on imports and some veteran players, and there has been limited court time for youngsters. The problem with this is that many of the juniors who are coming through the ranks and have been part of Australian representative teams overseas are unable to get on the rosters of elite competition in Australia and are being lost to overseas competitions. The reducing sponsorship base and the low crowds that we are also seeing have also been detrimental to the league. It is in Victoria's interest and the interest of the sport in particular that there be at least a second franchise in Victoria, and whilst I do not seek the government support for that franchise — although I might add that in the past the government has certainly been involved in sponsorship of basketball in Victoria — I ask that it become involved in the discussions to ensure that a second franchise is achieved in Victoria.

Barwon Health: annual report

Hon. D. McL. DAVIS (East Yarra) — My matter in the adjournment debate is for the attention for the Minister for Health in the other place. It concerns the Barwon Health annual report for 2003–04, which was tabled in this place this week. I turn specifically to the performance charts on pages 20 and 21 of the report and indicate not just my displeasure but my concern at a number of factors there. I notice a number of significant points concerning the emergency department. For category 1 patients under the heading 'Emergency department performance' — those needing emergency treatment immediately — a figure of 100 per cent is listed for both years. For category 2 patients — those requiring attention within 10 minutes according to the triage scales — it shows that in 2002–03, 68 per cent of patients were treated within that period. In 2003–04, 98 per cent of patients were treated within that period. That sounds marvellous, and we are all in favour of improved treatment rates within the required time. However, I note an addendum in the report, which states:

> Please note figures for 2003–04 relate to time taken for a nurse to see the patient. In prior years the measure was time taken for a doctor to see patient.

Whilst we welcome an increase in the responsibility of triage nurses, and certainly the opposition believes there is a strong role for them, I express my concern about the change in this measure and the absence of parallel reporting of the previous measure. I remember that the Independents charter says that when it changes output measures the Bracks government will report in an ongoing way on the previous measures so that proper comparisons can be made.

I note also for category 3 — patients required to be treated within 30 minutes — in 2002–03, 56 per cent were treated within the required time compared with the 96 per cent treated in 2003–04. The point I make is that this is an issue of what is being measured. Are the measures comparable? It appears that they are not, and the parallel measures should have been reported. Equally there were 385 acute beds available in 2002–03 and listed as 'acute only', but in this year's report, which was tabled this week, 921 beds were available. They include acute, aged, residential, mental health and subacute beds. I am concerned about the closures of beds that have occurred at Barwon Health, and this is the average available number of beds. There were 385 acute beds in 2002–03 and 921 in 2003–04. I ask the minister to report on the figures that are not in the report.

Heatherton Road, Dandenong: flooding

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Transport in another place concerning the flooding of Heatherton Road, which crosses Stud Road and the Monash Freeway. This seems to happen on a regular basis. I have received a lot of complaints from my constituents in relation to this road. Every time there is a lot of rain this road seems to be closed. It is raining tonight, and I would not be surprised if the road is again flooded.

I am sure the Minister for Finance, who is at the table, understands what is happening. Heatherton Road is one of the few regional east-west connections from the Monash Freeway and the residential areas of Casey and Greater Dandenong. I have mentioned previously in this house that the city of Casey is one of the fastest growing — in fact the third-fastest growing municipality — in the whole of Australia and the fastest growing municipality in Victoria. Therefore a large volume of traffic uses this road; and it is critical that the

roads and this regional infrastructure function well. This area of the Dandenong Creek is very prone to floods. Heavy rain causes flooding at the point where the creek runs under Heatherton Road. At the point of flooding Heatherton Road is a dual carriageway. The southern side is considerably lower than the northern side and therefore it is the first part of the road to flood after a period of sustained rainfall.

Heatherton Road was once again flooded last week, and this caused absolute chaos in the area with both north and south sides closed due to the amount of water that was over the road. Westbound traffic was diverted onto the Monash Freeway, causing heavy congestion. Eastbound traffic was forced either to take the Monash Freeway or drive back through Dandenong and use Kidds Road as an alternative. I request that the minister investigate all possible options to rectify this situation.

Gaming: Monash

Hon. ANDREW BRIDESON (Waverley) — I wish to raise an issue tonight for the Minister for Gaming in the other place, John Pandazopoulos. It concerns gaming in the City of Monash. The fact is that Monash has topped the list of gambling losses, with $116 million lost in the last year. It is known as the gaming capital of Victoria. Monash also has the second-highest number of poker machines in the state. Gamblers have lost more than $9.6 million a month at pokies in Monash this year. In July 2004 punters had put over $10.5 million into the Monash pokies. This figure equates to an average of $71 a month or $852 a year for every Monash resident aged over 18. This was published in the *Oakleigh Leader* of 4 July this year. Each of the area's 1185 gaming machines at 16 venues has reaped more than $6750.

Gambling support workers have stated that the government is not doing enough to reduce problem gambling. Mr Durkin of Gamblers Help Eastern said capping gaming machine numbers, placing clocks on pokies and improving lighting had been pretty ineffective at stemming the tide. The only thing that has made a real difference has been smoking bans. Monash's mayor, Joy Banerji, has called on the minister to bring forward planned regional limitations to ease the dire situation of gaming losses in the city. She also requested that the government reduce the number of poker machines in the most disadvantaged areas of Monash, including Clayton, Oakleigh, Chadstone and Mulgrave.

The response of the minister was breathtaking in its foolishness. He said that the city continued to top the state for the highest pokies losses because the residents were bored. He also said councils now have a say over the number and location of poker machines, but Monash council has not made any submissions to the Victorian Commission for Gambling Regulation. If the minister was being honest and not trying to pass the buck on to the council, he would recognise the fact that Monash has not received an application for additional gaming machine permits for the last five years, so it has not been given any power at all.

Furthermore the majority of poker machines and the biggest losses recorded are in the areas of least social economic advantage in the city, so not only is the minister offending council by saying that it is not working hard enough, but he is happy to prey on the most vulnerable citizens in Monash. I ask the minister what specific measures he intends to put in place to reduce the social problems generated by poker machines in the city of Monash and in what time frame. Will the minister reduce the number of gaming machines as requested by the mayor?

Won Wron prison: sale

Hon. P. R. HALL (Gippsland) — I am pleased that the Minister for Finance is in the chamber tonight because my issue is directed to him, so hopefully I will get a response tonight. It concerns the Won Wron prison in South Gippsland. From the outset I want to say that The Nationals remain stridently opposed to the closure of Won Wron prison. We believe it is absolute lunacy on the part of this government to think about closing a prison when there are still prison bed shortages throughout the state. Moreover, we have a local community around Yarram that wants that prison to stay. I still hope the government might rethink this issue and stop this stupid proposal.

However, information has been conveyed to me that the prison will be decommissioned in January and the site offered for sale. I understand the sale process will be controlled by the Victorian Government Property Group, which has a responsibility to the Minister for Finance — hence my request to him. If the prison is to close, the local community would wish to see the sale opportunities maximised. I am sure the government would share that view. The sale would be more attractive to potential purchasers if items of essential infrastructure remained in place. I am not talking about beds and blankets; I am talking about water storage facilities, firefighting equipment, kitchen facilities and the like. Also the property would need to be secured properly for any interim period between decommissioning and sale. I am sure the minister would not want to see a repeat of what happened at Morwell River prison, where the property was

vandalised and looted. It is disgraceful that that was allowed to occur. I ask the Minister for Finance tonight to ensure that the essential infrastructure is not removed from the prison so the sale prospects on that property are maximised.

Rail: Calder corridor

Hon. D. K. DRUM (North Western) — My adjournment question is to the Minister for Transport in the other house, Peter Batchelor. Late last month the Minister for Transport, along with the Department of Infrastructure, put on display a demonstration for the mayors along the Calder corridor, effectively showing them how the regional fast rail project is likely to operate once the second line is ripped up between Kyneton and Bendigo. The three mayors and chief executive officers went along to the demonstration, which took about 30 minutes, and to the best of their knowledge the mayors were satisfied that the infrastructure will be able to cope with not only today's usage but also increased usage in the future.

However, the mayors raised some concerns that they did not have the technical data. When you consider that these trains will supposedly be travelling at 160 kilometres per hour, the time that is allocated for these trains to actually pass each other whilst in the passing loops must be quite precise. You can imagine that it does not take trains going in opposite directions at 160 kilometres an hour long to get in and out of a 6-kilometre passing loop. While one of the other passing loops is significantly longer — in the vicinity of 16 kilometres — it will still have to be extremely well timed for these trains to skip in and skip back out of the passing loop in order to avoid the train coming the other way.

I would like the minister to acknowledge that there is concern over the current poor punctuality records of VicRail. It has a very poor record of punctuality with its trains at the moment. There is public concern that one late train will make subsequent trains late because they will always be waiting for the initial train to get through the passing loop before the other trains can then continue on their way.

I am asking if the minister would be able to give a detailed presentation to the many interested stakeholders in that area, such as the Better Rail Action Group, which has a group of rail experts; industry leaders who are very interested to see if the new timetabling will work; the chamber of commerce; a whole range of state sporting organisations in the Bendigo region who will be relying on supporters to visit and attend their training and games; as well as a whole lot of service groups, universities and TAFE colleges. I ask the minister to make that presentation available for the community leaders.

Responses

Mr LENDERS (Minister for Finance) — The Minister for Water has a request from Mr Philip Davis regarding rural water and sewerage issues. I will certainly present that to the minister.

The Minister for Manufacturing and Export has a request from Mr Nguyen regarding Victorian cars and their export to newly developing manufacturing markets. I will certainly raise that with the minister.

The Minister for Sport and Recreation has a request from Mr Atkinson regarding basketball. I will certainly pass that on to the minister.

The Minister for Health has an issue raised by Mr David Davis regarding reporting by Barwon Health. I will certainly report that to the minister.

The Minister for Transport has a request from Mr Somyurek regarding the flooding of Heatherton Road. That is an issue that Mr Somyurek has raised and Mr Rich-Phillips has raised also. I can certainly empathise with them, in that that flooding has stopped me going to the swimming pool from my home on some mornings. I will certainly raise that with the minister.

Hon. P. R. Hall — You could swim across it.

Mr LENDERS — Mr Hall suggested I swim across it, but I suggest to Mr Hall that it is a fairly murky-looking bit of water through some fairly dangerous-looking wetlands there. But I certainly take his suggestion in good spirit.

Hon. Andrew Brideson — You could walk across it.

Mr Somyurek — No, that's the Premier's job.

Mr LENDERS — I take up Mr Somyurek's suggestion — that is the Premier's job, not mine.

Mr Drum also had an issue for the Minister for Transport regarding some presentations for users regarding the Calder corridor rail line. I will certainly pass that on to the minister.

Mr Brideson made a request of the Minister for Gaming in the other place regarding gaming revenue and issues in the City of Monash, and I will pass that request on to the minister.

The following matter I will deal with is the request from Mr Hall to me regarding the outcome of any proposed sale of the Won Wron Prison. I certainly am not particularly on top of the details of that, but in any sale of assets there are a number of acts we are required to take into account and surplus government property is offered to other departments in the first instance. If the departments or local government do not take up those offers, it is passed on then to other buyers. I take on board Mr Hall's suggestions that the value of that site would be significantly enhanced if it is maintained and secured and those essential assets kept in place to add to its sale value. I will consider his suggestions and speak to our property group about those issues.

Motion agreed to.

House adjourned 5.16 p.m.