PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 6 September 2005

(extract from Book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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The Hon. P. R. HALL

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The Hon. D. K. DRUM

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Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip	Silvan	LP
Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
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Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
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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
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Hall, Hon. Peter Ronald	Gippsland	Nats	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	Ind	Vogels, Hon. John Adrian	Western	LP

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TUESDAY, 6 SEPTEMBER 2005

Tuesday, 6 September 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 24 August to:

Accident Compensation and Transport Accident Acts (Ombudsman) Act
Casino Control (Amendment) Act
Environment and Water Legislation (Miscellaneous Amendments) Act
Owner Drivers and Forestry Contractors Act
Primary Industries Acts (Amendment) Act
Victorian State Emergency Services Act.

QUESTIONS WITHOUT NOTICE

Glen Eira: suspension

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad, whose sacking of the Glen Eira council has opened a Pandora's box of calls to sack councils right across Victoria, which I believe is a great pity. Does the minister agree that the present Local Government Act is very limited in that it requires the sacking of an entire council because there is no scope to suspend an individual councillor?

The PRESIDENT — Order! I am concerned with the wording of the member's question in that it asks the minister for an opinion. I will give the member the opportunity to rephrase it to specifically ask the minister a question on the matter he is raising.

Hon. J. A. VOGELS — As the Local Government Act at present requires that the whole council be suspended rather than an individual councillor, will the minister be prepared to have a look at the act to see if an individual councillor could be suspended rather than suspending a whole council?

Ms BROAD (Minister for Local Government) — In response, I advise the member that earlier in the term of the Bracks government there was a comprehensive review of the Local Government Act. That involved extensive consultation, which was commenced by my predecessor, the Minister for Agriculture in another place, Bob Cameron, when he was Minister for Local Government — —

An honourable member — Another good minister!

Ms BROAD — Indeed, another good minister in the Bracks government. It was continued by me when I took over the portfolio of local government, and this Parliament then dealt with the legislation. It is fair to say that the Local Government Act has in recent times undergone a very thorough review and many people have expressed their views. The government has listened to those views. The legislation has been debated in the Parliament, updated and changed in terms of the policies the Bracks government took to the 1999 and 2002 elections. I think any further consideration of changes to the Local Government Act needs to be made with that background very firmly in mind. Certainly I keep it firmly in mind, given that it was a very extensive review of the Local Government Act.

More recently it has been the case that there are a number of individual councils that are experiencing some difficulties with the behaviour of individual councillors, and I have had representations about these matters from members on both sides of the house. I have agreed to have discussions with the peak bodies about the current actions that are being taken to assist and support councils that are having difficulties in dealing with these issues. My department is certainly willing to act to support and assist councils that request such support and assistance. I will meet my commitments to have those discussions with the peak bodies. I will be very interested to hear what they have to say and indeed to hear what individual councils might have to say about what measures they think should be considered. It is not something I think can or should be rushed in terms of proposing changes to the Local Government Act, but I think it is a serious matter that warrants serious consideration and discussion, and that is what I have agreed to participate in.

Supplementary question

Hon. J. A. VOGELS (Western) — I thank the minister very much for that answer. Where individual councillors have been making life nearly impossible and councils dysfunctional because of their attitudes, would she also be prepared to look at public submissions rather than just those from the Municipal Association of Victoria and the Victorian Local Governance Association?

Ms BROAD (Minister for Local Government) — In answer to the member's supplementary question, I have given an undertaking that in the first instance I will have discussions with the peak bodies. I think that is an appropriate starting point, and I have not made any decisions about where it should go from there. This is an approach which our government undertakes on a

regular basis in terms of how we go about considering these sorts of issues, and I think it is an appropriate way to proceed.

Electricity: Hazelwood power station

Ms CARBINES (Geelong) — My question is directed to do the Minister for Energy Industries. Can the minister advise the house how the Bracks government is making it happen in regional Victoria and give the details of today's historic agreement and the signing of the deed on future greenhouse gas emissions with Hazelwood power station and what this means for the Latrobe Valley?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for her well-considered question. Today the Bracks government announced a landmark decision that effectively means we are able to secure for this state the future of a power station which provides 25 per cent of the state's power; a future for 800 people who work in that power station and a $400 million investment in new infrastructure in that region, which will include the beautification works and the shifting of the river to access the additional coal. In the longer term we will be able to secure continued low electricity prices for households and businesses in this state. We will be doing all of that in the context of a better environmental outcome than could ever have been dreamed of by the people on the opposite side of this house, who sold the power station in the first place.

It is quite clear — as the minister involved I certainly know this — that the previous government had absolutely no intention of requiring the power station to give back any kind of emission reductions as part of giving it access to this additional coal. That was made clear to us by the power station. It was certainly made clear to me over the course of more than two years of negotiation with that power station, when it continued to say to me — —

Hon. Philip Davis — Why did it take you so long?

Hon. T. C. THEOPHANOUS — You might not like this, Mr Davis, but on every occasion it continued to say, 'But the previous government was prepared to give us this extra coal with no requirement to reduce our emissions'.

Today's announcement is a landmark decision for a number of reasons. I will go through a couple of them. For the first time there is an agreement with the power station to cap its overall output of CO_2 emissions. Once the power station reaches that emission level it must shut down. For the first time there is a plan which requires an ageing power station to actually shut down when it reaches a certain amount of emissions. On a no-change scenario it also involves a reduction in greenhouse gas emissions of 34 million tonnes of CO_2. That is 34 million tonnes of CO_2 that will not go into the atmosphere in this state. If you work it out, that is like taking 7.8 million of Australia's 10 million cars off the road for a year.

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

Glen Eira: election

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. The Local Government Act clearly allows individual councils to decide their preferred voting method, being either postal or attendance. Four months ago the democratically elected council of Glen Eira voted to introduce attendance voting, plus postal voting on application and pre-poll voting for those who require it, at the general election to be held in November 2005. A 75 per cent majority of all councillors is required to rescind a council decision. Does the minister therefore support the decision made by the single, newly appointed administrator of Glen Eira to revoke the council's decision in favour of 100 per cent postal voting?

Ms BROAD (Minister for Local Government) — I note that the member in asking his question did not indicate what his view is. I think there are some facts that the Parliament might consider here. There are members on both sides of the house who from time to time have written and requested or urged that I, as Minister for Local Government, intervene in certain council decisions and actions, and the Glen Eira council is certainly no exception.

In relation to the matter which the administrator determined at a council meeting on Monday night, I believe that is a decision which the administrator is properly empowered and appointed to take. My view is that the decisions which the administrator should make are decisions which are in the best interests of the local community and which will ensure a well-run election in November in Glen Eira. I am quite confident that it is an election which will receive a lot more scrutiny than that of any of the other 54 councils going to election at the same time. I certainly want the administrator to make decisions which are going to ensure that it is the best-run election possible, particularly given the circumstances which have led to the suspension. The Parliament will shortly deal with legislation to remove

that council as a result of its failure to take decisions which are in the best interests of the local community in Glen Eira.

That is the position I take. It is not my intention to intervene in the actions of the administrator. I do not believe that is an appropriate course of action to take as a minister. I think the administrator should be able to get on with the job of making decisions that are in the best interests of the local community. I understand that this is a principle which a number of individuals and organisations hold very dear, and I understand that that is why a range of public statements are being made by the Victorian Local Governance Association and others about the decision the administrator has taken, but I reiterate that what I expect the administrator to do is to make decisions which are in the best interests of the local community, taking everything into consideration.

Supplementary question

Hon. J. A. VOGELS (Western) — Legislation to facilitate the sacking of the Glen Eira council has not yet been debated in this or the other chamber, but still we find the administrator delving into and overturning decisions made by a democratically elected council less than five months ago. What action will the minister take, if any, to counter this? Is it not against all proper and understood conventions of administration that someone who is in there in a temporary position should overturn decisions made by democratically elected councils?

Ms BROAD (Minister for Local Government) — In response to the member's supplementary question, I have already clearly answered that matter in my first answer.

Oil and gas: exploration

Hon. H. E. BUCKINGHAM (Koonung) — My question is to the Minister for Resources. Can the minister advise the house of recent developments in the oil and gas industry in the Gippsland Basin and what effect these developments will have on the economy of Victoria?

Hon. T. C. THEOPHANOUS (Minister for Resources) — I thank the member for her excellent question. The good news for Gippsland and for Victoria just keeps on coming with this government, and as I have said before we are seeing boom times in the resources industry in this state. Last week the Deputy Premier and I had the pleasure of welcoming Victoria's third major player, after Esso and BHP, to the Victorian oil industry with the announcement that the Australian company Anzon Australia, in conjunction with Beach Petroleum, will soon start production off the Gippsland coast.

Hon. W. R. Baxter interjected.

Hon. T. C. THEOPHANOUS — How many did you attract during your time? The answer is none — not a single one. I am pleased to report to the house that a $260 million investment will take place and will create another 245 jobs in the industry for the Latrobe Valley. I was very pleased to join the Deputy Premier at the port of Melbourne where we toured the company's floating production vessel which moored there en route to the Gippsland Basin. This vessel is one of a number of firsts for this important investment.

This is the first oilfield development undertaken in Victoria for over seven years and the first by a company other than Esso or BHP. At peak production it will cater for up to 25 per cent of Victoria's oil needs. It is a major development and further proof that Victoria is experiencing a boom in offshore exploration activity, with $200 million invested in 10 new exploration wells in the Gippsland and Otway basins over last year alone.

The project is also a first for Victoria in that it will leave a minimal environmental footprint because of its relatively minor infrastructure requirements, and all equipment used above the seabed will be completely removed at the end of the project. It is a win for the environment, and it is a win for Victoria. The project is another demonstration of Victoria's potential as a resource producer and further boosts the state's economy. I might say that the oil to be produced will feed into the Australian system and will mean that our reliance on imported oil will be reduced further. It will result in full production and, based on current oil prices, reductions of about $400 million annually, which Australians will not have to send overseas to buy oil from external sources. This assists our balance of payments as well as assisting in job creation.

When we came to power Gippsland was utterly depressed as a result of the policies and programs of the previous government, which included The Nationals — it was an utterly depressed area. If you go into the Gippsland area now you find a new optimism, because this government has delivered infrastructure to the Gippsland region. It has delivered jobs and prosperity.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — You might not like it. You hate the fact that we are delivering and that people in rural Victoria are getting a better deal under

this government. But that will not stop us, we will continue to deliver.

Police: WorkCover claims

Hon. W. R. BAXTER (North Eastern) — My question without notice is directed to the Minister for WorkCover and the TAC. Is it a fact that police officers who have been suspended by the chief commissioner are able to access weekly benefits from WorkCover due to that suspension?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Baxter for his question and welcome any opportunity to talk about the WorkCover scheme in this Parliament, because Victorians can take great pride in this scheme, which deals with people who are injured in the workplace and with claims for injuries. When a person is injured in the workplace the form of injury can range from the obvious ones in the community generally — it may be an injury from a machine, a glaring physical injury — to injuries relating to stress. The WorkCover scheme deals with all those. The house needs to remember that each and every application is assessed on its merit and is assessed medically. For as many applications that are successful there are probably — and I should take advice on 'probably' — an equal number that are unsuccessful. We have a no-fault scheme administered by an independent authority to deal with injuries in the workplace.

Mr Baxter asked whether it is the case that some members of the police force who have been suspended by the chief commissioner are eligible to make stress-related claims under the WorkCover scheme. The answer is yes, people would be eligible to access the scheme if their injuries or stress were related to their occupation, their work as a policeman or policewoman. The process would be administered by an independent authority, and ultimately such things can be appealed under the correct processes.

There is a public policy question here in that the community expects there will probably be a different standard for people who hold particular offices of trust in the community. That debate will go on in the community. This Parliament dealt with that debate when it dealt with the superannuation orders legislation — I think it was last year — because occasionally we need to look at these things. First and foremost these schemes are meant to deal with persons who have been injured in a workplace. If these police officers are found to be corrupt they will be subject to severe disciplinary action under the laws of Victoria. There is an onus in these areas on the Victorian WorkCover Authority to look at whether an injury was caused by the nature of the person's work. If that is the case, the authority compensates that person accordingly.

In answer to Mr Baxter's question, yes, I would imagine there are some people who come into that category. I have not asked that question myself, but I would imagine it is correct that there are people in that category. There are a series of checks and balances between the WorkCover system and the criminal law system that deal with people who break our laws.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I appreciate the minister's confirming that people are eligible for WorkCover, because the way my question was couched was that that was due to the suspension. It seems that having wounded pride means that you can now access WorkCover. Does that not mean that the actions of this public instrumentality, the Victorian WorkCover Authority, are undermining the chief commissioner's ability to maintain high ethical standards in the Victoria Police?

Mr LENDERS (Minister for WorkCover and the TAC) — First and foremost I take up Mr Baxter's point about wounded pride. Mr Baxter has been in this place longer than anybody else, and I would expect him to be more circumspect in his comments. The Victorian WorkCover Authority categorically does not grant benefits to everybody who suffers from wounded pride, so first and foremost let us get that issue dealt with.

The Victorian WorkCover Authority does deal with injuries in the workplace and makes an assessment of those injuries. As a community we are, I would hope, sophisticated enough to deal with both the fact that when a person is injured in the workplace they are treated for the injury and when a person breaks a law they are dealt with for breaking the law. The authority deals with injuries in the workplace. The Chief Commissioner of Police has been given by this government probably wider powers than any chief commissioner in the history of this state to deal with rooting out corruption in the police force. I would have thought that we were sophisticated enough as a community to deal with both issues simultaneously.

Local government: women candidates

Ms ROMANES (Melbourne) — My question is directed to the Minister for Local Government, Ms Broad. Can the minister inform the house of action the Bracks government is taking to build on its effort to

increase the number of women candidates standing for council elections and promote more diversity in local government, and especially how the Bracks government is making it happen in regional Victoria?

Ms BROAD (Minister for Local Government) — I thank the member for her question. Victoria is one of the most diverse communities in the world, and the Bracks government believes that increasing diversity in councils will strengthen local democracy. Victoria includes a rich indigenous community, and people whose families have migrated here from some 233 countries over the past 160 years, who speak more than 180 first languages. Our support for increasing diversity in councils builds on our efforts to increase the number of women candidates standing for council elections. Following the council elections in November 2004, 29 percent of councillors are women, and we want to encourage more women to stand for election in November this year.

We on the government side of Parliament are setting an example for others to follow. The proportion of Labor women members of Parliament has increased from 23 per cent before the 1999 election to 38 per cent now, and it is about time the opposition at least reversed the decline in the percentage of women on its side of Parliament. The 2003 councillor census by the Municipal Association of Victoria (MAV) indicates that 22 per cent of councillors are from a migrant background, and we think that diversity is good for local democracy. Age diversity is also essential for councils that need the wisdom and experience of older citizens as well as the energy and fresh perspectives of younger councillors. The knowledge and understanding of people who have a disability is also important. I am pleased that the Bracks government is working with both the MAV and the Victorian Local Governance Association to promote the concept of more women standing as candidates as well as providing more diversity in councils. Many councils, I am pleased to say, are also conducting their own campaigns to encourage and support Victorians who are planning to step up and run for council.

Actions taken to increase diversity through encouraging people from all backgrounds to stand for election to council include advertising, candidate seminars, publications and many more activities, which are not just confined to metropolitan Melbourne; we are also making sure that the activities happen in regional Victoria, which also has the capacity to increase diversity. We believe that the increasingly diverse character of many of our communities in metropolitan Melbourne and regional Victoria represents a real opportunity to harness the talents and skills that a more diverse pool of candidates would bring to councils.

As well as that, the Bracks government believes increasing diversity in councils will not only strengthen local democracy into the future, but it also strongly complements our commitment to governing for all Victorians in Melbourne and in regional Victoria.

Commonwealth Games: flags

Hon. B. N. ATKINSON (Koonung) — I direct a question to the Minister for Commonwealth Games. I note that members of the Legislative Assembly have been provided with Commonwealth Games flags for distribution to state schools within their electorates. In view of the government's and opposition's view that the Commonwealth Games and associated events should be inclusive and involve all Victorians, could the minister advise the house when and why he made the decision not to distribute Commonwealth Games flags to non-government, independent schools?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the question by the member, because it is good to see that the opposition spokesperson for sport is also taking an interest in the Commonwealth Games, given that we have an opposition spokesperson for the Commonwealth Games. It is good to know that a range of members on the opposition benches can ask questions.

It is great that we are giving all members of Parliament the opportunity to present flags to schools right across Victoria, and I know that the flags are being provided as they are being produced. These flags are not all produced at one time — I understand a small manufacturing plant out in the Dandenong corridor is producing them — and as they are produced they are being distributed to members so that they can distribute them to schools. Some members may not get them because no doubt they will share seats with other members, but I understand that predominantly lower house members from all sides of the Parliament will have the opportunity to distribute the flags. It is a great initiative. In the first wave of distribution the flags are going to government schools, but in the second wave of distribution they are going to the rest of the schools in the state.

I am not quite sure what problem the opposition has about including everybody in Victoria. I would have thought it would have welcomed the opportunity to share the benefits of the Commonwealth Games. As I have said on a number of occasions, the games will be

for all Victoria; everybody in Victoria, even members of the opposition, can join in. They are now being given that opportunity, as they have been on a number of occasions.

I was very pleased that in a recent briefing for them a significant number of members of the opposition turned out, although the number was deficient of a few members of this place. Members from the parties on all sides of Parliament who made themselves available for the information session were very impressed with how all the Commonwealth Games targets are being met, whether they be the infrastructure milestone targets or the budget targets. We are pleased with the way the games are going and with the opportunity for all members to be involved. I welcome the member's question in relation to any opportunity for people right across Victoria, including members of the opposition, to be involved.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I notice the minister said that all members would be participating in this program. As I understand it, no member of the opposition in this house has been involved in the program, so I am a little surprised at the minister's statement to the house. I am also interested in the timetable he appears to have set for the distribution of the flags. I tend to think he has been caught out and now has to supply them to independent schools. Could the minister advise the house why an instruction has been issued to members of the lower house that they should distribute the flags only to state schools, and what is his timetable for new flags being provided for distribution to independent schools?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Sometimes opposition members make me think their ears are painted on, because I think I answered that during the answer I just gave to the member's question. I said that as those flags were made available they would be distributed; and, as I said, lower house members will get precedence over upper house members. We would probably all like to be able to distribute more flags but lower house members will be able to distribute more flags as they are made available. Opposition members can be as rude and vocal as always, but I hope they are as vocal about the Commonwealth Games and the opportunities presented for the entire community as they are in this chamber.

Information and communications technology: My Connected Community program

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Information and Communication Technology. Can the minister inform the house of how the Bracks government is using the Internet to create a fairer Victoria, and especially how the government is making it happen in regional areas?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the member for his question. I know he is very committed to ensuring that communities can get access to the Internet to link together and make the most of what this new technology enables people to do.

In April this year I announced a new round of funding — $500 000 — for the My Connected Community program. My Connected Community is probably one of the best programs by which you can offer people with a disability or those who for some reason or other are isolated in their homes the opportunity to feel connected to the outside world. This great program is linking people who otherwise might not be able to connect so that they can share their experiences. In this chamber I have spoken about a connected community that was established for mothers of premature babies. It enabled them to have the opportunity to share their experiences, to learn from one another and, more importantly, to support each other. But the My Connected Community program is also of great importance to those who are disabled. In fact I am pleased to announce that one such group, the Disabled Motorists Association, has just received a grant to establish its connected community online, and I announced that grant at its centre in Coburg.

The beauty of this grant is that it will link people in country Victoria and give disabled motorists and other people who are interested in participating in that connected community an opportunity to do so. The community will be established in Cobram, in Shepparton — as the member will know — in Kyabram, in Echuca, Swan Hill, Mildura, Geelong, Warrnambool, Traralgon, Sale, Bairnsdale, Mornington, Dandenong, Epping, Broadmeadows and Werribee. This will give the association a presence that will take it right across Victoria, and indeed across the world. On the morning I launched the site the association had an inquiry from someone in Frankfurt who was looking for accommodation that was suitable for disabled people. This is a great opportunity. I watched people get online and look for accommodation that would house a person in a wheelchair and people

who want to have their pets with them. People were able to respond about their experiences in that town.

There are now 3000 communities online through the My Connected Community program, with over 42 000 registered members, and that is since 2001. Given the success of this program, I have announced a further funding round of $400 000 for it, because the Bracks government is committed to ensuring that it provides for all Victorians, no matter where they are — in the cities, in the regions and in our country towns.

Superannuation: state schemes

Hon. C. A. STRONG (Higinbotham) — I direct my question to the Minister for Finance, Mr Lenders. Can the minister explain why it is that while he was negotiating with the Police Association with regard to the recently enacted Emergency Services Superannuation (Amendment) Bill he failed to advise that association that one of his ultimate intentions is to merge the emergency services superannuation scheme with the Government Superannuation Office?

Mr LENDERS (Minister for Finance) — I welcome back Mr Strong, and I welcome another question on the finance portfolio — it has been a while since I have had one. I find the premise of Mr Strong's question interesting. Quite recently in this Parliament we passed some very good amendments to the superannuation legislation. I find interesting Mr Strong's presumption in asking me what I may or may not have discussed with people at a meeting at which he was not present.

I will at any time be happy to engage this house with broad public policy issues and bring forward good legislation to take us into the 21st century. I will also be happy to bring forward proposals that help us govern this state well and efficiently and make our superannuation schemes as efficient as possible. But I do not think it is my place to be speculating in this house on what I may have or may not have said to people in meetings at which Mr Strong was not present.

We have robust discussions with the trade union movement periodically — lots of robust discussions — and we will continue to do that as we go through legislation. The product of our discussions will be the legislation we bring into this place, which will be to make our superannuation legislation the best possible, the best for members, the best for the community and state-of-the-art stuff for the state of Victoria.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — The minister's response is very interesting. He clearly did omit to inform the Police Association of the next step in his proposal, which was to merge those two schemes. By his very answer he has owned up to the fact that he was dishonest with members of the association in those negotiations. In light of that, I ask: what commitments is the minister prepared to give the Police Association that in the negotiations to merge the two schemes he will ensure that no current or future member of the association or the other emergency services scheme beneficiaries will be disadvantaged by the proposed merger?

Mr LENDERS (Minister for Finance) — I totally reject the premise of the point Mr Strong was making at the start, and I will not dignify it with any further comment. On the material point, again it is extraordinary that a person who sat on this side of this chamber as a member of the former Kennett government, whose members never spoke to a union — the fact is that members of the government are sitting down and negotiating with trade unions — is crying crocodile tears and preaching to this side of the house about treating the trade union movement with some dignity and negotiating with the trade union movement. It would almost be comical if it was not tragic.

Leaving that aside, as a member of the Labor Party I am delighted that Mr Strong has become a spokesperson for the union movement. I am not sure what members of the union movement would think about that but I am delighted that he is a spokesman for the union movement. I can assure this house that this government, unlike the Kennett government, is not about reducing benefits for members in superannuation funds. We will protect the benefit, we will look after the member and we will negotiate with the bodies.

Occupational health and safety: rural and regional

Hon. J. H. EREN (Geelong) — My question is to the Minister for WorkCover and the TAC. Can the minister advise the house of any new occupational health and safety campaigns that demonstrate that the Bracks government is making it happen in regional Victoria?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Eren for his question. Again, I am delighted to have the opportunity to talk in this house about the great WorkCover scheme and what the Bracks government is doing to make the scheme even greater. Mr Eren asked what the government is doing about campaigns to make it happen in regional Victoria to make it a safer place for workers and what we can actually do in those areas in particular.

I inform Mr Eren and the house of some of the things we are doing that are aimed particularly at the agricultural sector where there have been a lot of injuries among the work force — it is one of the most dangerous areas — and what we are doing in leading the way there. The Victorian WorkCover Authority is actually leading a national campaign for safety in the farming industry. WorkSafe Victoria will be focusing on the safety of second-hand tractors and tractor implements on all-terrain vehicles. They will be the focus of the campaign. WorkSafe will undertake 100 random inspections of that equipment in regional Victoria. Compatriot organisations across the country will undertake another 700 inspections in other states and territories.

The reason we will be doing that is to make farms safer places. We take occupational health and safety very seriously and we know that by being proactive we can bring down the 30 000 injuries in workplaces in Australia.

Ms Hadden interjected.

Mr LENDERS — I take up the member's interjection. Ms Hadden scoffs at some of the WorkCover issues and safety initiatives. The house should reflect back to 1798 when the first safety legislation was debated in the Western world. The chimney sweeps legislation debated in the British Parliament was to stop five-year-old children climbing chimneys and dying. The people who then said, 'You're going overboard; you're going to stifle business with regulation; you've got the balance wrong', were the same as the people who now say, 'Any occupational health and safety work is wrong; it shouldn't be done', and laugh at it. We have come a long way since the chimney sweeps legislation was first debated in 1798 and when laws were put in place to protect five-year-old kids from exploitation in the work force. The principle still remains and we can make it a lot better than it is.

In regional Victoria we have had forums in Ballarat, Horsham, Glenormiston, Shepparton and Epping — on the edge of Melbourne — a range of places to talk through with people on some of these areas. Our message continues to be that safety is not an optional extra. Our farm machinery needs to be safe, and every workplace needs to be safe. It is not just the Bracks Labor government saying that. No-one less than Vin Delahunty, the director of the Tractor and Machinery Association of Australia, has endorsed our claim and highlighted the importance of thinking about safety.

Mr Smith — What is the union saying?

Mr LENDERS — I cannot help but take up Mr Smith's interjection. This morning I had the privilege of speaking to 400 Australian Workers Union occupational health and safety representatives who were talking about safety and about making workplaces safer, and they were taking great pride in the number of injuries in this state going down under the Bracks government. Our data shows that workplace deaths and injuries are down and safety is up in Victoria. That is not coincidence. It is the same principle as when that first legislation was passed in 1798 to stop kids going — —

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden should stop interjecting!

Mr LENDERS — We are making workplaces safer because the law requires it and because we are educating people about safety. We are making it easier to be safe. We have an empowered work force with occupational health and safety representatives. We will make Victoria a safer place and a better place, because the best thing about a safe Victorian workplace is a family member going home safely at night.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1284, 1286, 1333, 1334, 1576, 3739, 3942, 3946, 3948, 4384, 4385, 4387, 4425, 4426, 4428, 4691, 4801, 4842–47, 4860–62, 4864, 4865, 4900, 4901, 4903–10, 5222, 5226, 5233–36, 5238, 5239, 5267, 5268, 5270 and 5273.

MEMBERS STATEMENTS

Minister for the Arts: performance

Hon. ANDREA COOTE (Monash) — I wish to condemn the Minister for the Arts in another place, Mary Delahunty, for the misuse of Victorian taxpayers money. The minister commissioned an artist to paint a series of trees adjacent to the Melbourne Cricket Ground in the colour blue. This frolic of the minister was to have cost Victorian taxpayers $96 000. Minister Delahunty once again showed how out of touch she is with the people of Victoria. There was a public outcry and calls from the public for the minister's resignation. But the story gets worse. The minister did not obtain planning approval from the Melbourne City Council,

and it transpires that the artist has already been paid in the vicinity of $75 000, which the minister cannot redeem.

Victorians are entitled to ask what else the $96 000 could have been used for. It could have been used to reopen the National Gallery of Victoria, which has been forced to close for two days a week because the minister has not funded it properly. In addition, there could have been more funding for the Melbourne International Writers Festival, because Victoria lags behind every other state in such funding. Alternatively, additional funding could have been given to education staff or to the State Library of Victoria or to the museum — or quite simply, the minister could have used the $96 000 to purchase a piece of contemporary sculpture that could have been permanently displayed in one of Melbourne's fine gardens. The people of Victoria are justified in calling for the minister's resignation.

Housing: students' rights

Ms MIKAKOS (Jika Jika) — On Tuesday, 20 August, I had the pleasure of representing the Minister for Education and Training in the other place, the Honourable Lynne Kosky, to launch the 'Keeping the "mates" in housemates' fact sheet. The fact sheet provides tips and advice for students, especially international students, on important issues to consider when entering a shared household. The fact sheet has been translated into traditional Chinese, simplified Chinese and Bahasa Indonesian. Of course it is also available in English. It is vital that all students are aware of their rights, responsibilities and entitlements as tenants, as they can be particularly vulnerable when living away from home for the first time — in many cases in a new country. The Bracks government is committed to strengthening fair and efficient dispute resolution for all Victorians, including international students.

I take this opportunity to congratulate the Tenants Union of Victoria and the St Kilda Legal Service for producing the 'Keeping the "mates" in housemates' fact sheet, and to all those who contributed to its development.

I also wish to thank the RMIT union legal service for its contribution and for hosting the wonderful launch on the day. The fact sheet is available on the Tenants Union of Victoria web site at www.tuv.org.au and at community legal centres and university student housing offices.

Boroondara: councillors

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise today to congratulate the City of Boroondara on its progress forward as one of the largest local councils in Victoria. It has 158 000 residents, 62 000 households and more than 5000 commercial premises. It has community assets of over $1.7 billion and an annual budget of $125 million. This council has been responsible and has been responsive to community needs. The council plan for 2005–09 sets out a range of commitments the council hopes to achieve. New councillors who have come into the fray include Cr Luke Tobin of Bellevue ward, Cr Lachlan Williams of Cotham ward, Cr Phillip Healey of Studley ward and Cr Nicholas Tragas of Maranoa ward. They are leading the way in getting on with the job of not only being responsive to the local community but also of dealing with concerns raised by this government and getting around some of the blockages the government puts in its way. I commend the mayor, Cr Jack Wegman, and two other councillors, Cr Coral Ross and Cr Meredith Butler, for their continued support in providing a quality service to the people of Boroondara.

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

Herald Sun: report

Mr PULLEN (Higinbotham) — The Bombers have missed the finals for the first time since 1998, but we will be back! I wish the only two Victorian sides left in the finals, St Kilda and Geelong, all the best. I particularly wish the Saints well, as their headquarters are in my electorate.

I refer to the issue of Eddie McGuire and Jeff Kennett and the clash between the Hawthorn Football Club and Channel 9's *Footy Show*. This was reported in the *Herald Sun* by John Ferguson and Brendan Roberts on 26 August 2005 under the headline 'Footy's big heads clash'. Throughout the article Jeff Kennett is referred to as 'Mr Kennett' and Eddie McGuire as 'McGuire'. I wondered why, so I rang the reporters that evening and was advised that they had gone home. I said, 'I will leave my phone number so they can get back to me'. However, I heard nothing. The next day, on Saturday, 27 August, the *Herald Sun* ran another article, this time by Sam Edmund, who again referred to Jeff as 'Mr Kennett' and Eddie as 'McGuire'. On the same day there was an article in the *Herald Sun* about a man who had been charged with misleading conduct over a more than $14 million loss in property deals, and he was referred throughout the article as 'Mr'. By contrast, Victoria's top newspaper, the *Age*, reporting on the

Hawthorn presidency on 24 August, referred to Mr Kennett as 'Kennett'. As the *Herald Sun* has not returned my telephone call, I now publicly call on it to tell me why Jeff is referred to as 'Mr Kennett' and Eddie is referred to as 'McGuire'. Is its Liberal Party bias showing again?

Baimbridge College: mentoring program

Hon. DAVID KOCH (Western) — The Standing Tall in-school mentoring program at Baimbridge College, Hamilton, is an excellent example of what can be achieved by dedicated and committed staff in developing a powerful social intervention program. Mentoring programs provide much-needed support for young people and are well received by local communities. I know from my own experience that being able to access the knowledge and skills of others through mentoring is extremely beneficial in developing life and workplace skills. With the excellent feedback from the teachers, parents and students involved, the Standing Tall mentoring program is making a valuable contribution in lowering antisocial behaviour. It is also raising motivation and developing the social skills of many young people. The staff and mentors in the community who are involved in delivering this highly successful program are to be congratulated for their commitment in making a difference to so many young lives.

Of concern, however, is the failure of the Minister for Victorian Communities in the other place, John Thwaites, to deliver on the government's promise to establish a Victorian mentoring strategy, which according to the department, was going to be announced in December 2004. It is now September 2005, and we have still heard nothing. Again this government uses the rhetoric but lacks the ability to deliver. My congratulations to Baimbridge College and, especially, Jeanette Pritchard for setting up this very successful mentoring program.

Antonio Park Primary School: environmental sustainability program

Hon. H. E. BUCKINGHAM (Koonung) — I am pleased to make members aware of an innovative program operating in one of the terrific local primary schools in Koonung Province. Antonio Park Primary School, which is located in Mitcham, has developed a very interesting and innovative learning program for its students, with a strong focus on protecting and enhancing their environment. Over the past four years the school has managed to halve the waste it produces and was recently acknowledged in the sustainability education category of the Australian Museum's Eureka prizes. The school has introduced a vegetable garden, two compost bins and a worm farm to further reduce waste and has installed a water tank to reduce water use. The school is also home to 10 chickens, 2 goats, a sheep and 2 lambs, who are fed with food scraps and provide not only a waste recycling method but also a valuable teaching tool for the school. They offer children an opportunity to learn responsibility about animals and about their environment. I congratulate the principal, Hans Kueffer, his staff and the school community for their innovative approach to teaching sustainability and biodiversity to their students. Their hands-on approach with both the animals and their waste management programs is a model for other schools.

Glen Eira: election

Hon. J. A. VOGELS (Western) — I want to quote significantly from a press release put out this morning by the Victorian Local Governance Association (VLGA). It says:

> The overturning of a significant decision of the Glen Eira council by state government-appointed administrator John Lester ignores democratic principles, snubs its nose at the duly made decisions of the elected council and is counter to all proper and well understood conventions of short-term administration. Said VLGA president, Cr Warren Maloney, 'This decision reeks of party political influence … This action fails any test of good governance'.

The decision reached in May by the council for attendance voting, plus postal voting on application and pre-poll voting for those who require it, was reached democratically and with open, public and transparent deliberations. In stark contrast the decision made by the administrator to overturn the former position has been reached privately in consultation with officers from Local Government Victoria and the ALP member for Bentleigh in the other place, Rob Hudson. It is a disgrace that the member for Bentleigh has unduly interfered in this process by urging this change of decision. This tactic empowers party-specific candidates in the forthcoming elections. The prospect of very large fields in each ward fuelled by Labor government dummy candidates will do nothing to support the community of Glen Eira in electing a new council. The VLGA has hit the nail right on the head with its summation. The Minister for Local Government stands condemned for her hypocrisy on this matter.

Serrated tussock: control

Ms CARBINES (Geelong) — Last week I was delighted to launch at Werribee the new 'Victorian serrated tussock strategy — Intensifying the attack on

serrated tussock 2005-2010'. The new strategy is the work of the Victorian serrated tussock working party and builds on its work over the last decade to minimise the infestation of serrated tussock across our state. Indeed I would like to acknowledge the excellent leadership of Scott Chirnside, chair of the working party, and his team for their commitment over the last 10 years in the fight against this pest plant. Considerable progress has been made towards the eradication of serrated tussock, with the area of infested land being reduced from 130 000 hectares in 1995 to 82 000 hectares today. This 50 000-hectare reduction in infestation compares extremely favourably with New South Wales, where over the last decade the infestation has spread from 800 000 hectares in 1995 to over 1 million hectares today.

The Victorian serrated tussock working party has been well supported by the Department of Sustainability and Environment and the Department of Primary Industries. Its work has become a model for pest plant management across Australia and is a catalyst for landscape change in the land management arena. The new strategy of intensifying the attack on serrated tussock commences with a vision of a Victoria in 2010 where serrated tussock has been contained with isolated infestations under control. Government agencies, environment groups, Landcare groups and all landowners have a role to play in intensifying the attack on serrated tussock and working towards this achievable vision for 2010.

Melbourne Victory: support

Hon. B. N. ATKINSON (Koonung) — I wish to report to the house that I attended the first home game of Melbourne Victory last Sunday, which was attended by a sell-out crowd at Olympic Park stadium. The only disappointment in the result was that Melbourne Victory dominated the game for about 60 to 65 per cent of the time and ought to have won, based on its share of the play. It was a fabulous start to the Hyundai A-League in Victoria and a fabulous start for Melbourne Victory. All of the people behind the new club deserve congratulations, and the sell-out crowd indicates that the Victorians' enthusiasm for this new league is well placed. Geoff Lord, the former Hawthorn Football Club president and one of the founders of Belgravia, has done a great job of developing this club and working to provide a lot of the funding resources to support it going forward.

Given the importance of this team to Victoria and the promotion of soccer in this state, I am a little concerned that the club is struggling for funds. I encourage the Minister for Sport and Recreation to talk to the Transport Accident Commission about a commercial evaluation of a funding sponsorship to assist this club in the future.

Animals: public service exhibition

Ms ROMANES (Melbourne) — Last Friday I was delighted to open a new exhibition called 'Its a dog's life — Animals in public service', at the Victorian Archives Centre in North Melbourne. The exhibition prompts viewers to take a completely fresh view of animals and insects and the active role they have performed, largely unnoticed, as public servants in our communities. Animals have performed on the fields of war, by pulling loads as working animals such as the preserved husky, Shep, that is on display and by working as guard dogs in military establishments or helping to enforce our quarantine laws. Insects have performed by assisting in biological control.

This fantastic exhibition has been put together by National Archives of Australia and is hosted by the Public Records Office of Victoria in a great collaborative effort. The exhibition is designed to attract a whole new audience of children and families to the Public Records Office of Victoria. The very attentive students from Errol Street Primary School in North Melbourne were there not only to see the display but to watch the customs detector dog, Union, put through his paces, demonstrating his contribution to the ongoing detection of illicit substances at Victoria's borders. The students also had the chance to meet Dr Phillip Law, who was a leader of scientific research and exploration in Antarctica from 1949 to 1996. I urge members to make time to visit the exhibition between now and its closure on 21 October.

Drouin Secondary College: project funding

Hon. P. R. HALL (Gippsland) — I wish to thank staff and students at Drouin Secondary College for giving me the opportunity to serve as their principal for a day last Monday week. I was made to feel most welcome at the school and found the experience most insightful. I congratulate the school on the excellent manner in which it is delivering education programs to young people in Drouin and the surrounding district. Staff are extremely sensitive to and caring of student needs, the programs offered by the school are very innovative and the facilities are improving, with a new major building program about to commence.

I particularly wish to commend to the Minister for Education and Training the school's application to the Leading Schools Fund for a project entitled 'Whole-school transformation through assessment for

learning'. During my visit as principal for that day I was briefed on that proposal, and I was most impressed with it. It is a very innovative program that I think will offer much in the way of learning outcomes to students served by the college. I strongly urge the minister to look at this program, and I trust that she too will agree with me that it is worthy of support. I thank all those who made my visit so enjoyable, and particularly the principal, Mr Rod Dunlop, for allowing me to serve in his position for the day.

Israel: Gaza and West Bank settlements

Hon. J. G. HILTON (Western Port) — One of the ongoing stories in recent times has been the Israeli pullout from Gaza and the demolition of the settlements. I applaud the Israeli government for taking this action, but it should be pointed out that the settlements in Gaza and the West Bank should never have been built in the first place. After the Six Day War in 1967 the United Nations Security Council passed resolution 242, which instructed Israel to withdraw to its pre-Six Day War boundaries. Israel has never complied with that resolution. On the ABC news web site today it was reported that Israel has confirmed its plans to build more than 100 new homes in one of the West Bank's largest Jewish settlements. The move comes in spite of a commitment to freeze settlement construction under an international peace plan.

I am of the belief that the Palestinian issue is a cause, although not the only cause, of the rise of Islamic terrorism and that the Middle East and indeed the world will never have peace until the Palestine issue is resolved. The Israeli action in Gaza and the demolition of the settlements should be commended, but it needs to be extended to the West Bank.

Monash: councillors

Hon. ANDREW BRIDESON (Waverley) — Over the past two months issues concerning Monash council have been raised in the local papers in Waverley Province, in the Saturday *Age* and on Channel 9's *A Current Affair*. Regrettably a true and fair picture did not emerge from all these stories. Contrary to some of these reports, Monash is far from a dysfunctional council.

I want to congratulate the majority of councillors on the professional and measured way they have conducted themselves during this time and indeed since their election in 2003. I have had the pleasure of working with Monash council for a number of years, and I can honestly say that this current council is a harmonious and well-governed council, capably and professionally led by a fine young man in the mayor, Cr Stephen Dimopoulos.

Most in the community appear to agree, as the council recently recorded an 86 per cent satisfaction rating, which is well above the average rating for metropolitan councils. The council continues to progress its good work with important projects such as the $18 million Clayton community centre, improvements to home and community care services and responsible upgrades to council assets and infrastructure. Monash remains one of the lowest rating councils in Melbourne, which is testimony to the responsible decision making of councillors. It is important that residents in Monash are not misled by the recent sensationalist articles that have appeared in the media.

Meals on Wheels: Geelong Province

Hon. J. H. EREN (Geelong) — I recently took part in the regular Meals on Wheels deliveries in Corio, which is in the northern part of my electorate. It was Meals on Wheels week a couple of weeks ago, and my involvement was to highlight the important work of this service in the community and particularly how much this service depends on volunteers.

The City of Greater Geelong currently spends about $2 million annually on the Meals on Wheels service. This cost is offset by state and federal grants and the user-pays system, and the service is provided at a minimum cost to the user. People I met were very happy with the service and very complimentary of the volunteers who deliver the food. I cannot speak highly enough of the volunteers, who give up their time to help their fellow citizens in need. They are the real heroes of our community.

Volunteers tell me that they are sometimes among the few people their clients see during the week. Visiting to give them food means the volunteers also have an opportunity to see that their clients are doing okay and to have a bit of a chat. I urge all, if they have the chance to take part in the Meals on Wheels program, to give it a go. It was an eye-opening experience for me and gave me a further opportunity to speak to my constituents about their needs. Again I would like to thank and congratulate all the volunteers who participate in this very worthwhile service.

United States of America: Hurricane Katrina

Hon. C. A. STRONG (Higinbotham) — The issue I would like to raise concerns disaster relief. I think we only have to look at the current situation in New Orleans and the surrounding area and our hearts go out

to the people affected by Hurricane Katrina. If we think of the United States, with the huge resources it has available to it, and see that it was not able to cope with this disaster, we realise there are significant lessons we need to learn here in Victoria.

We all know that we have Displan and various other disaster relief plans in place that involve local councils and other organisations, but I think following the New Orleans Hurricane Katrina experience we need to review those plans to see whether they are adequate. I would certainly be urging the government and other appropriate bodies to learn the lessons, perhaps increase the resources that are available, and to think more broadly. If one of the largest and best-resourced nations in the world is having trouble organising disaster relief for one of its major cities, then we need to take that lesson on board and make sure that we have a very good system in place.

PETITIONS

Police: schools program

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the state government reinstate the police schools involvement program to build a secure environment for the children of Victoria (14 signatures).

Laid on table.

Kew Residential Services: relocation

Hon. B. N. ATKINSON (Koonung) presented petition from certain citizens of Victoria praying that (1) the Minister for Planning abandon plans for the proposed dwelling at 7 Tortice Avenue, Nunawading, purchased by the Department of Human Services for the relocation of Kew Cottages residents, which is inappropriate and out of character with the surrounding area; and (2) the minister investigate other sites for the dwelling (23 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Discrimination in the law

Ms ARGONDIZZO (Templestowe) presented final report, including minority report, appendices and extract from proceedings, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Ms ARGONDIZZO (Templestowe) — I move:

That the Council take note of the report.

I am very pleased to be tabling this final report today titled *Discrimination in the Law*, on an inquiry under section 207 of the Equal Opportunity Act 1995. The inquiry dealt with discrimination against any persons on the ground of the attributes prescribed in section 6 of the Equal Opportunity Act 1995 and it has been in train since December 2003. The committee first released a discussion paper in December 2003.

From December 2003 to March 2004 the committee advertised for submissions. We received 400 written submissions, which we dealt with. In December 2004 we tabled the progress report, in which the submissions received had been summarised. In June 2005 we tabled an interim report which included interim committee recommendations, pending public hearings. We then proceeded to conduct those public hearings on 11 and 12 July 2005. As a result of that exhaustive process, the final report has been produced and tabled here today. It contains 27 recommendations which the committee felt reflected the issues of concern within the identified acts.

I take this opportunity to thank the witnesses who appeared before the committee during the public hearings for their evidence, and I also thank all those who were involved in the production of the final report — the committee secretariat staff, the chairperson who put in an enormous amount of work into the final report and all other committee members.

Motion agreed to.

Alert Digest No. 10

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 10 of 2005, including appendices.

Laid on table.

Ordered to be printed.

EDUCATION AND TRAINING COMMITTEE

Pre-service teacher training

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

PAPERS

Laid on table by Clerk:

Commissioner for Environmental Sustainability — Framework for State of Environment Reporting, August 2005.

National Parks Act 1975 — Minister's notice of 28 June 2005 of consent for petroleum exploration within the Gippsland Lakes Coastal Park.

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

Bass Coast Planning Scheme — Amendments C36 and C42.

Darebin Planning Scheme — Amendment C59.

East Gippsland Planning Scheme — Amendment C45.

Golden Plains Planning Scheme — Amendment C26.

Greater Dandenong Planning Scheme — Amendment C65.

Greater Shepparton Planning Scheme — Amendments C48, C56 and C59.

Glenelg Planning Scheme — Amendment C18.

Hepburn Planning Scheme — Amendment C25.

Indigo Planning Scheme — Amendment C28.

Knox Planning Scheme — Amendment C44.

Loddon Planning Scheme — Amendment C14.

Manningham Planning Scheme — Amendment C37.

Moonee Valley Planing Scheme — Amendment C71.

Queenscliffe Planning Scheme — Amendment C16.

South Gippsland Planning Scheme — Amendment C33.

Stonnington Planning Scheme — Amendments C11 Part 2B and C41.

Surf Coast Planning Scheme — Amendment C25.

Victoria Planning Provisions — Amendment VC33.

Wellington Planning Scheme — Amendment C25.

Rural Finance Act 1988 — Treasurer's directives of 19 August 2005 and 1 September 2005 to the Rural Finance Corporation (three papers).

Statutory Rules under the following Acts of Parliament:

Children's Services Act 1996 — No. 100.

Corrections Act 1986 — No. 101.

Magistrates' Court Act 1989 — No. 99.

Terrorism (Community Protection) Act 2003 — Report, 2003–04, from the Chief Commissioner of Police, pursuant to section 13(3) of the Act.

VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL

Second reading

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

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Vagrancy Act 1966 is the classic example of a law that needs reform. It is almost 200 years old and is steeped in the language and attitudes of Dickensian England.

It targets street crime and in particular the activities of thieves, cheats and vagrants. By 2000, when the Scrutiny of Acts and Regulations Committee (SARC) commenced its inquiry, the Vagrancy Act consisted of some 20 offences, along with some procedural and evidentiary provisions which also appear in the Summary Offences Act.

The proposals set out in this bill complete the government's work on the Vagrancy Act. The bill proposes legislation to implement commitments that the government has already made in response to SARC's inquiry into the Vagrancy Act and resolves those issues identified for 'further consideration'.

The government has decided to retain the offence of begging and the related offence of encouraging or procuring a child to beg. The government is committed to poverty law reform and, in *A Fairer Victoria*, has undertaken to monitor the impact of the offence of begging on people who suffer genuine hardship. The government, in partnership with police, welfare, local government and advocacy groups, will continue to explore means to support people who resort to begging when faced with extreme poverty.

Following the approach recommended by SARC, this bill repeals redundant provisions and retains offences which still serve a useful function in our society.

Provisions which are clearly redundant include some gaming offences, which duplicate provisions of the Gambling Regulation Act, minor deception offences, which are covered

by consumer protection laws, and trespass, which is already a summary offence.

The bill retains several offences, including escape from lawful custody, wilful and obscene exposure, and the offence of possessing house-breaking implements. In re-enacting these offences, the language has been modernised to bring these provisions into line with contemporary Victorian drafting practice.

Likewise, the offence of loitering with intent still has a place in the maintenance of public order. This offence will be re-enacted in an amended form in accordance with SARC's recommendations.

The re-enacted offence now targets drug dealers, as well as thieves and cheats. However, the perpetrator must do something 'in furtherance of' an indictable offence to be guilty of loitering with intent.

The bill also provides for a new consorting offence to target activities that may be a prelude to organised crime. It will be an offence, without reasonable excuse, to habitually consort with a person convicted or suspected of an organised crime offence. While the original consorting offences targeted thieves, the new offence is directed at people involved in organised crime and is designed to assist police in creating a hostile environment for organised crime.

The repeal of the Vagrancy Act marks our recognition that many of the values it enshrined no longer should apply in contemporary Victoria. Under the Vagrancy Act, it is an offence to profess or pretend to tell fortunes or practise witchcraft. But the times have long since past when witchcraft and fortune-telling represented a danger to law and order, or a focus for criminal activity. This offence is out of place in a culturally diverse and tolerant society.

This bill re-enacts offences that assist police to target crime, while removing obviously outmoded language provisions based on outdated values. It brings into focus the efforts this government is making to keep Victorian streets and communities safe and free from crime.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. STRONG (Higinbotham).

Debate adjourned until next day.

FISHERIES (ABALONE) BILL

Second reading

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

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Australia produces approximately 50 per cent of the global abalone wild catch and is recognised as possessing one of the last sustainable commercial abalone fisheries. The Victorian abalone fishery is the second-largest abalone fishery in Australia, behind Tasmania.

The Bracks government is committed to the sustainable development of Victoria's abalone fishery, as demonstrated by recent legislative reforms targeting the trafficking of illegally sourced abalone.

This bill actively implements reforms that the Bracks government has previously committed to, namely:

(i) The government response to the national competition policy review of the Fisheries Act 1995; and

(ii) The separation of abalone quota from the abalone fishery access licence as recommended in the Victorian abalone fishery management plan.

The management plan is the chief strategic and operational policy document for the fishery and sets out the future management directions and strategies for five years. Declaration of the management plan followed a formal two-year consultation process and was overseen by the Fisheries Co-Management Council.

The government's response to the national competition policy review supported the recommendation of the review to remove maximum and minimum quota holding limits and transfer restrictions on quota. The separation of abalone quota from the abalone fishery access licence will provide for increased competition through greater quota trading and allow quota to be more readily acquired by entities other than licence-holders, consistent with the national competition policy review. Key benefits include improved industry development, improved economic efficiency, market development, quota trading and investment.

In August 2003 the Victorian abalone fishery was issued a five-year export exemption under the commonwealth Environment Protection and Biodiversity Conservation Act 1999. This is the highest level of export accreditation possible and recognises that the fishery is being managed in accordance with ecologically sustainable development principles. Sustainable management of the abalone fishery will be maintained, as there will be no change to the number of commercial access licences, and the amount of abalone taken commercially will continue to be managed by setting a total allowable catch.

I will now turn to the particulars of the bill.

The purpose of the bill is to amend the Fisheries Act 1995 to implement a new system which provides for the separation of individual abalone quota units from the abalone fishery access licence. Currently under fisheries legislation, quota is tied to the abalone fishery access licence.

The bill will separate the quantity of abalone that can be caught (i.e., quota) from the abalone fishery access licence so it can be traded separately, allowing non-abalone fishery access licence-holders to hold quota.

The bill creates new quota-setting, management and administration provisions specifically for the commercial

abalone fishery. Currently the Fisheries Act 1995 has generic quota-setting, management and administration provisions which apply to all quota-managed fisheries.

The bill provides for single abalone quota units to be transferred to any fit and proper entity, including persons who do not hold an abalone fishery access licence, thus providing for a larger number of traders in quota. The bill also specifies the entitlements, transfer and notification requirements of an individual abalone quota unit holder.

Furthermore the bill allows the minister to determine that specific individual abalone quota units may be publicly sold or auctioned. This provision is a result of the national competition policy review and currently applies to all quota management fisheries. The specific amendment for abalone is therefore not a new provision; rather it simply mirrors an existing provision in the Fisheries Act 1995.

The bill also creates specific offences and penalties in relation to abalone quota. In a similar manner to the above, the current offences and penalties apply to all quota-managed fisheries. The same offences and penalties are effectively replicated in the bill, specifically for abalone.

Finally, the bill allows for both blacklip and greenlip abalone to be managed as separate species under a total allowable commercial catch regime. Currently fisheries legislation does not provide for this, and both species are effectively managed under a single total allowable commercial catch. This is a key recommendation of the management plan and will result in specific quotas being set for each species, based firmly on ecologically sustainable development principles.

The proposed amendments to the Fisheries Act 1995 are consistent with the government's objectives outlined in *Growing Victoria Together*, which promotes 'innovative and thriving industries' and the more 'efficient use of natural resources', in this case Victoria's wild abalone resource.

I commend the bill to the house.

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

Debate adjourned until next day.

RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Housing) on motion of Hon. J. M. Madden.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

I am pleased to present the Residential Tenancies (Further Amendment) Bill 2005 today. This bill will provide residency rights to residents of shared rooms in rooming houses and reduce the period of time required for caravan park residents to have access to residential tenancy rights.

I am proud to say that this bill fulfils the Victorian government's commitment to strike a better balance between the rights and responsibilities of tenants and landlords in the Residential Tenancies Act 1997 (RTA), in line with the recommendations of the residential tenancies legislation working group, which undertook a review of the RTA in August 2000.

One of the recommendations made by the working group proposed amendments to the RTA to ensure residency rights for residents in shared rooms in rooming houses. The Victorian government committed to undertake further investigation into the possibility of legislative amendment. I am confident that the amendments to rooming house provisions in this bill address this commitment.

Rooming houses provide an essential interface between homelessness and lower cost, accessible housing, which is not duplicated by any other form of housing. Many of the people who reside in rooming houses are among the most vulnerable and marginal in the community and are often faced with a choice between a shared room or homelessness.

The legal coverage of residents in shared rooms in rooming houses has been in question since the decision in *Kirkland Fisher v. Aboriginal Hostels* [1998] VSCA 130 (Fisher), which determined that the provisions in the Rooming Houses Act 1990 only applied to residents with exclusive occupation of a room. As the provisions referred to in Fisher have been re-enacted without substantive change in the RTA, there has been some doubt as to whether the provisions of the RTA extend to cover residents in shared rooms in rooming houses.

As a consequence, many residents of shared rooms in rooming houses have found themselves without any rights or safeguards under the RTA and without the same statutory rights that are enjoyed by residents of other forms of residential properties.

The new provisions in the Residential Tenancies (Further Amendment) Bill 2005 will provide this vulnerable tenant group with rights that are consistent with other rooming house residents, which will result in greater housing stability and provide recourse to legislative redress should a residency dispute arise. At the same time, these new provisions will benefit rooming house providers by allowing rooming house owners to conduct their businesses in a properly regulated environment that will also contribute to greater housing stability and certainty for all parties.

Currently, a person who does not have prior written consent from the caravan park owner to occupy a site in a caravan park as his or her only or main residence, must have occupied a site for a minimum of 90 consecutive days before he or she is regarded as a resident and eligible for protection under the act. Under the new provisions, this period will be reduced to 60 days. This will afford longer term occupiers of caravan park sites rights and protections under the act sooner than is currently the case, without interfering with the provision of accommodation for tourism.

The provisions in this bill aim to reinforce the government's commitment to improving tenure security for people living in

all forms of long-term accommodation and to protecting the rights of low-income Victorians.

This bill introduces modest but significant change that will significantly improve the rights of the state's most vulnerable residents.

I commend the bill to the house.

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

Debate adjourned until next day.

WORKING WITH CHILDREN BILL

Second reading

Debate resumed from 18 August; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — Before we were interrupted during the debate on this legislation in the last sitting week I was describing how this bill seeks to deal with the sinister and evil issue of child abuse. I told the house that the opposition is 100 percent supportive of what this bill seeks to achieve, but by the same token it does not believe this legislation achieves that — in fact, it misses the mark. I was going through that explanation and describing in a little detail some of the key provisions of the bill.

The key provision of the bill is the issuing by the Department of Justice of a new form of certificate, which is an assessment notice that everybody who works with children must have in line with the conditions set out in the bill. There are basically three categories for this assessment. I had already dealt with the first category which covered serious sex offenders who were on the sex offenders register and were recorded under the Serious Sex Offenders Monitoring Act. They automatically get negative assessment notices and are therefore not able to work with children.

The second category, which I had not dealt with, covers someone who has been convicted or found guilty of a serious sexual offence when they were a child, even though they are now an adult. It also covers anybody who has had a conviction for a serious crime, particularly with violence; and anybody with drug offence convictions against them. There is a presumption that these people will be issued with a negative notice and will not be able to work with children, although that is only a presumption, not a hard and fast rule as it is in the case of serious sex offenders who have had a conviction recorded against them.

The third category steps back again and enables the secretary to go beyond those who have had a conviction recorded against them in the courts and concerns with people who have had some finding made against them by so-called 'relevant professional bodies'. It is worth noting that the bill does not set out what the relevant professional bodies are that will be incorporated in regulations at some time in the future, but we can imagine that they would be such professional bodies as the Victorian Institute of Teaching, the nurses board and similar organisations. This would mean that if somebody, through the nurses board, the pharmacy board or the Victorian Institute of Teaching, had some judgments or disciplinary findings recorded against them for abusing children or if they were suspected of abusing children in some way, such findings could be taken into account. In that instance a person could be presumed to be guilty without actually being found guilty.

In the latter two categories — where there is a presumption of guilt — how is an individual who may be aggrieved by the decision of the Department of Justice to be dealt with? There is a right of appeal through the Victorian Civil and Administrative Tribunal; an individual, or presumably a body that sought to employ that particular individual, can appeal that decision. I imagine it would be a fairly messy appeal as matters dragged out into the open could be quite hurtful and embarrassing to the individuals concerned.

That, in essence, is the structure involved. Let me give the house some of the reasons why we say it misses the mark and is a system that will not work properly. Quite clearly, the bill has a massive crossover with the Child Employment Act, which has not been mentioned at all in any of the debates I have seen or heard to date. It is certainly not mentioned in the bill. The Child Employment Act requires that people who employ a child be approved by the Secretary of the Department of Infrastructure. That same person, if they are working with children, is also required to get a certificate of approval from the Department of Justice, so we have a situation where many people will not know who they are to go to for approval — the Department of Infrastructure or the Department of Justice — or whether they have to go to both.

Both of these bodies, under various acts and provisions, are obliged to have police checks conducted, so police checks can be conducted through the Department of Infrastructure and through the Department of Justice. The bill says nothing about coordination or how that will be managed, so we are looking at more bureaucracy and at different types of checks. Who is to

say that the Secretary of the Department of Infrastructure will have a similar regime of carrying out checks to the Secretary of the Department of Justice? Certainly in this bill some criteria are set out — categories 1, 2 and 3 — but under the Child Employment Act there do not appear to be any criteria. What criteria are going to be used?

We have a situation of significant confusion where both the Secretary of the Department of Infrastructure and the Secretary of the Department of Justice are carrying out these checks. Both are carrying them out, as far as we can fathom, without any coordination because neither piece of legislation requires any coordination. There is no coordination, so there can be significant duplication — a doubling up of effort not only in police checks but also in more bureaucracy. Who is to say on the basis of a certificate issued by the Department of Infrastructure whether somebody is fit to employ children and therefore work with children under the Working with Children Act? And if they get a negative assessment from the Department of Justice which one rules? Have we ever seen a situation set for more chaos and confusion and a situation where potentially many people will slip through the cracks? If somebody has had an assessment from the Department of Infrastructure and goes along with that certificate to the Department of Justice and says, 'I have been checked. Here it is; I am approved', will the Department of Justice say, 'Yes, that is enough', or will it want to run its own checks and duplicate the whole thing again? It is a mess; it is a dog's breakfast.

It is a system exactly like the one involving the Ombudsman and the Office of Police Integrity, where this government has set up a half-baked, confused system riddled with flaws. Although the opposition totally agrees with the principle standing behind this bill, which is to protect children from the predatory behaviour of people who might be working with them — the opposition fully supports that concept — it thinks the mechanism is a dog's breakfast. The system is flawed in exactly the same way as the system for the Ombudsman and the Office of Police Integrity. We have seen in the 12 months it has been operating how fatally flawed it is, how people are being damaged and how it is not working. It is not working as effectively as a royal commission or an organisation properly set up to deal with the matter.

Here the government goes again, creating another dog's breakfast, a system that is going to let down the very people it sets out to protect; a system of false hope; yet again a system of spin rather than substance. It is a system that will be a great crime against the very people it seeks to protect. It is not just me or the opposition saying that. I would like to turn quickly to *Alert Digest* No. 9 of the Scrutiny of Acts and Regulations Committee (SARC), which includes a submission dated 8 August from the Office of the Victorian Privacy Commissioner on the Working with Children Bill. I would like to read into *Hansard* some appropriate elements of the privacy commissioner's summary:

> The privacy commissioner submits that the Working with Children Bill 2005 unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the Information Privacy Act 2005: section 4D(a)(iiia) Parliamentary Committees Act 1968. This conclusion is based on a combination of factors:

A series of dot points follows, some of which I will read:

> The large number of people who will be required, on pain of criminal penalty, to get government approval before working with children,
>
> the wide range of offences and circumstances giving rise to a negative, or interim negative, assessment notice that will mean, and will be taken by the community to mean, that the person the subject of such a notice is considered an unjustifiable risk to the safety of children in relation to sex, violence, drugs or pornography …

It goes on to say:

> by an insufficiently qualified and independent entity,
>
> on the basis of information of uneven quality —

and I have already touched on that, where we have information under the Child Employment Act and under the Working with Children Act where there are different criteria and different people doing the work —

> by methods with inadequate information security,
>
> without enough oversight,
>
> having regard to the significance of other interests to be balanced, in particular individuals' reputation and livelihood, relationships and community cohesion, especially through volunteerism.

The Victorian privacy commissioner is saying that there is not enough oversight. His final paragraph states:

> A more subtle scheme — based on discretion and independently operated, with more detailed oversight — would reduce the adverse effects.

Hear, hear! The privacy commissioner is saying, and I repeat the final paragraph:

> A more subtle scheme — based on discretion and independently operated, with more detailed oversight — would reduce the adverse effects.

The SARC report also includes a letter dated 4 August from Victoria Legal Aid, which states in part:

> Victoria Legal Aid raised a number of concerns about the exposure draft of the bill during consultation by the Department of Justice. Although significant amendments have been made since then, VLA remains concerned that some aspects of the bill may unduly trespass on rights or freedoms.

There is an element of concern out there on how this will work and how effective it will be.

The opposition is on the record — and I put it on the record again — as saying that we want a bill that encompasses the principles that have brought this bill into existence, and we want that legislation to be administered by an independent officer, a child commissioner, with the powers to enforce all those provisions under one global piece of legislation. In other words, very much as the privacy commissioner says, there should be more detailed oversight by somebody independent who can administer these things.

The clear policy of the Liberal Party is to have an independent child commissioner, one who would be able to do the job properly, and to repeal the Working with Children Act and the Child Employment Act. We would repeal those two pieces of legislation and put in place an independent child commissioner with real power to protect children from all sorts of predatory behaviour they may come into contact with if they are working, as is contemplated by the Child Employment Act, or if they are involved in some supervised activity as is conceived by what will be the Working with Children Act.

As a consequence we believe this piece of legislation should not go forward. I would like to move a reasoned amendment to that effect. Therefore I move:

> 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 an independent child commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work and who can oversee the implementation of child-safe policies'.

I think that is an appropriate way to deal with this piece of legislation. We can all agree with the principles and the fundamental beliefs behind it, but not only the opposition but also many other commentators and individuals of significant standing involved in this area say that this system will not work in the way it is set out. Its basic objectives will be undermined by the confusion created by the different criteria under the Child Employment Act and this legislation. The most endangered people in our society, those who need our help most of all, are being let down by the confusion that is inherent in this bill and the other pieces of legislation that seek to protect children from predators who would prey on them sexually.

I commend the amendment to the house and urge members to support it. I put on record that if its amendment is lost the opposition will with some regret support the bill, because although we believe it is a dog's breakfast and will very significantly impede the good management of the protection of children, it is better than nothing. I urge the house to support the amendment.

Hon. W. R. BAXTER (North Eastern) — There is no doubt in anyone's mind that this legislation is brought before the house with the best of intentions. There is no dispute about that. All of us without exception want to do our best to protect children from the depredations of that small group within our community who seem to gain some sort of gratification or pleasure, sadistic or otherwise, from sexually abusing under-age persons.

That being so, it is very easy to take the moral high ground and say, 'Yes, this is what we are doing' and not look too deeply at the practicalities of the legislation to establish whether it is workable or whether other risks are attached to it. That was the great disappointment with the debate in the other place. Some of the speeches from the government backbench were frankly sickening in their sanctimonious hypocrisy and their complete lack of attention to how the bill might work in practice. Most of them ignored or completely overlooked the risks to innocent people that are going to be introduced if this bill becomes the law of the land. I was disappointed indeed with the tenor of debate from the government backbench in the other place, and I hope to hear better from the government backbench in this place today.

I listened with interest to Mr Strong, and I think he made an excellent contribution to the debate. He highlighted many of the deficiencies in the bill and spelt out how difficult this legislation is going to be in operational terms. He also drew attention to the differences between the Child Employment Act and this bill, the contradictions, the conflicts, and the fact that police checks will be required under both pieces of legislation but by two different departments — the Department of Infrastructure and, in this case, the Department of Human Services. This will engender contradictions and confusion. Some people who are both employers of children and volunteers working with children are presumably going to need a police check under both circumstances. Nothing in this bill says that if they have already been checked by police

under the proposed Working with Children Act somehow or other they will be excused from being checked under the provisions of the Child Employment Act. One would hope that in due course regulations will be put in place to provide for that, but there is nothing in the bill that says that is going to happen. That is just one example of the confusion caused by and impracticality of this particular piece of legislation.

In a sense I appeal to opposition members to rethink their position should their reasoned amendment be defeated. The Nationals will be supporting the reasoned amendment, but if it is not successful I appeal to opposition members to reconsider their commitment to vote for the bill. Mr Strong has graphically illustrated why it will not work, and I am fearful that if the opposition votes for it and it becomes law — which it will in any case, because the government has the numbers — this government is going to use it as some sort of licence to let it stumble along. However, I think having the opposition join The Nationals in voting against this bill would put more pressure on the government and help it get the message that it has not got it right with this bill than would be the case with the opposition taking another position.

The government needs to get that message before too much damage is done and because of that damage it is forced to do something about it. I understand why opposition members have arrived at their position. They do not want to be seen in any sense of the imagination as giving any sort of quarter to paedophiles — and nor should they, I agree with that — but The Nationals have taken the view that they oppose the legislation because it will not work. We do not oppose it because we want to give quarter to paedophiles — of course we do not, we fight them all the way and will continue to do so — but we fear that the mere passage of this legislation will have an unintended effect, which to some degree at least will give succour to paedophiles. I ask opposition members — I implore them! — to reconsider their position and join The Nationals in voting against the second reading of this bill.

Sadly and regrettably we know that most child abuse occurs within the family circle. It is a very sad commentary on our society, but it happens to be a fact of life and this bill does nothing about it. I am not sure that any legislation can do anything about that. I am not criticising the bill in the sense that it does not address abuse within the family circle, because I think that is very difficult indeed. However, I think we need to acknowledge that that is where the overwhelming examples and numbers — the aggregate — of child abuse occurs and that this bill will impact on hundreds of thousands of other people beyond the family circle, among whom the incidence of abuse is fortunately minuscule. Of course we would all acknowledge that abuse has horrendous implications for a person who has been abused. It can have immediate and short-term ramifications and, as I am finding out within my own family at this very time, it can have horrendous implications 70 years later. I have a relative who has Alzheimer's disease. She is in a hostel with her 91-year-old husband. She is attacking her husband physically during the night and accusing him of having affairs with the nurses, but in the morning she cannot remember any of that and believes he has dreamt it. The psychiatrists and psychologists who have spoken with her have determined from what she has said to them that she was abused by a postmaster when she was working on a manual telephone exchange as a teenager more than 70 years ago. It is quite horrendous to think that for 70 years that stress and terror has been suppressed with no-one in the family knowing anything about it, and that we know now only because she has Alzheimer's.

Do not anyone tell me that The Nationals in opposing this legislation are not conscious of the tremendous damage that this sort of abuse and activity can do to people. Nevertheless we cannot support this legislation, because it is flawed and impractical and because it exposes innocent people to extraordinary risk of unwarranted and untrue allegations being made against them or of aspects of their past of which they are not proud and which they very much regret being made public knowledge either through incompetence or malice. These people could be very much damaged by such allegations. We think that the consequences of this legislation could in certain senses be worse than what we are currently dealing with. That does not mean to say that we do not want to do anything about it — of course we do! — but we do not think this is the way to go about it.

One of the consequences of this legislation could be that people will be discouraged from volunteering in our community and working with children in such activities as sport, music, the arts and the scouts. We need to engage people in these activities so that they can act as mentors for the young. Children look up to such people, learn from them and are helped to become good community citizens. This legislation could expose people to risk so that they will be less inclined to volunteer, and I will come to those risks in a moment. That could simply undermine our society. Whilst some might think it is drawing a long bow, perhaps we can have a look at what has happened in New Orleans since the hurricane. You can see what happens to a society that loses its way. I think we have to be very, very careful indeed that we are not putting on the statute

books legislation which causes our community to lose the cohesiveness we can be justly proud of. This cohesiveness has seen this community through many disasters — war, drought, famine, fire and other things — over so many years, and there has never been a hint of the descent into public disorder that we have seen in Louisiana. I think we need to go forward with a great deal more care. We cannot just rush into things and think we are going to fix up a problem by doing something else which in the process is going to undermine the cohesiveness of our community, because I think that cohesiveness is its greatest value. We must be very careful and mindful of that.

What are the consequences if we discourage volunteers? We will have young people not supervised, not challenged, not channelled into worthwhile activities and not mentored and, as I said, we will undermine the social cohesion.

Hon. P. R. Hall — And lose opportunities.

Hon. W. R. BAXTER — Yes, Mr Hall, lose opportunities. Young people will go off on their own ways and get into all sorts of difficulty and trouble.

Why might we scare off volunteers? The bill provides that 500 000 volunteers in Victoria — and I set aside those persons who employ children and put them into a different category at the moment — will be subject to police checks. Surely the check cannot predict what the behaviour will be; it can only look at what is on the record. My understanding is that of the people who would fall into the category of volunteers — that is, people beyond the family circle, where we know there is some instance of abuse — those with some sort of record which may or may not be deemed to render them unsuitable make up about 0.5 per cent. Is it justifiable to expose 500 000 people to this sort of check for so few offenders particularly when, as I said, the check cannot forecast behaviour and cannot be prospective? It certainly will not stop abuse by fresh offenders occurring in the future.

Then there is the huge database that will be assembled. Can it be held secure? One would hope so. But if one looks at the examples we have had over the past few years, particularly over the past few months, of the leaks of confidential information from the police database, whether it has been through incompetence or malice or for some other reason, one cannot have too much confidence. Police surveillance tapes have been found on the floor of a warehouse and thousands of pages of confidential information have been emailed to one or two complainants around the state. We have had the mail boy and everyone else under the sun other than the government blamed for it.

Now Mr Bracks has conjured up — apparently without consulting his own cabinet — $50 million to replace the law enforcement assistance program system. Can we have confidence that that will be secure? On past experience, I cannot have that confidence. The bill constantly, all the way through — as it should and bills and acts do — refers to the checks being undertaken and judgments being made by the secretary of the department. The uninitiated might think that that is a pretty good safeguard, with the top dog, the most senior officer in the department — the secretary — doing it so perhaps it will work all right. Those of us here know, of course, that the secretary cannot possibly do it all. It will have to be a delegated function. In fact, if 500 000 people are to be checked, you have to have an army of people doing it. Thousands of public servants will be doing that. So the scope for escape of information — deliberately or accidentally — is just colossal. I do not think that we should expose volunteers to that sort of risk. If we do, as I said, we will frighten them away — so let us find another way of doing it.

The fact that volunteers will have to undergo a police check will also put an extraordinary responsibility on administrators — the secretaries of the football or netball clubs or whoever. They are already reeling under the weight of all sorts of other regulations. Only the other day I was at a field day on noxious weeds at Milawa where afternoon tea was served in the local hall. The ladies there were complaining to me about all the red tape with the food regulations that they have to go through these days to serve a group of volunteers afternoon tea. We have extraordinary red tape that has to be gone through now with public liability and we have occupational health and safety regulations. Now we are about to heap upon those volunteers who volunteer to administer other volunteers this very serious impediment of ensuring that they have undergone a proper police check. Hundreds of them will not do it. They will just walk away and say, 'It's just all got too difficult; it's all got too hard; there is too much responsibility being imposed upon us; the risks of us making an error, an oversight or a blue and getting into all sorts of strife just don't make it worthwhile'. So again the downward spiral in our community will gather speed. Members should reject the bill on those grounds of practicality.

Members should also reject the bill on the grounds that many people in a position to make a value judgment on it have concluded that it is a dreadful bill. The Nationals have looked at what the members of the Scrutiny of

Acts and Regulations Committee have had to say. I do not envy them because most of the time they have a very boring job to do. Certainly they unanimously, members of all parties, made a fairly scathing report on the bill.

Only several years ago Parliament set up the Office of the Victorian Privacy Commissioner, to protect our community on privacy issues. His report is absolutely scathing. Mr Strong has quoted much of it, so I shall not repeat it. For heaven's sake, if the Parliament sets up a privacy commissioner and gives him the charter that Mr Chadwick was given and then simply ignores his recommendations, what is his role in the future? Basically members of the government are saying that they have no confidence in the privacy commissioner, because they seem to have largely ignored or rejected his concerns. I find it absolutely amazing, that members of the government crow about people's privacy and have set up the privacy commissioner's office and the first time that we hit a bit of a hurdle where he has a difference of opinion with the government he is sidelined.

The Nationals have agonised over this legislation. We have discussed it at our party meetings. Originally we took a view that we did not like it but that in the end we would have no option but to vote for it but as we went through it and thought about it we concluded that we cannot vote for this legislation. This legislation is so flawed that it is dangerous. We cannot be a party to putting it on the statute books of Victoria. We will vote for the opposition's reasoned amendment. In fact I had prepared a reasoned amendment of my own. I shall not get the opportunity to move it because of Mr Strong's amendment. That is the process and I am not complaining about that. Had I had the opportunity of putting it before the house, my reasoned amendment would have been:

> That this house refuses to read this bill a second time until the government has fully investigated the Queensland and New South Wales equivalent legislation and develops a Victorian model reflective of those schemes particularly with regard to the issue of independence of oversight.

We acknowledge that Queensland and New South Wales have legislation in place. We have looked at both systems, particularly the Queensland system of the blue card. Back in July most members of The Nationals were in Queensland for a particular reason. Because we knew that the bill was coming along we took the opportunity to look at the Queensland system. We do not consider it perfect but we consider it miles ahead of what is proposed in this bill. Similarly, the New South Wales proposal has some desirable attributes as well. Our reasoned amendment would have been the equivalent of saying, 'Look, put this on hold until we've had a good look at how they're doing it in the other states, learn from their experience, but above all make sure that we have some sort of independence in the oversighting of how the system will work and how the act will operate'.

That is where this bill is particularly lacking. There is no independence in it at all. It simply becomes another arm of the bureaucracy in the Department of Human Services, and while I have a lot of respect for many of the people who work in DHS, one would have to say that its record as a department over the years has been less than glorious. I do not think that department should be given the very onerous responsibility this bill imposes. The Nationals will be opposing the legislation, but hope that Mr Strong's reasoned amendment is supported.

Hon. J. G. HILTON (Western Port) — In my contribution to debate on the Working with Children Bill I do not propose to go into details because they have been adequately covered by Mr Strong and Mr Baxter.

I will admit to the house that this bill has caused me some problems. When it was first mooted in caucus briefings, a number of issues concerned me, and these have been very well canvassed by the previous speakers. Is the bill workable? Will it achieve what it is intended to achieve, which is obviously the protection of our children? Nobody would disagree that children need to be protected to the maximum possible extent. What would be the effect of the bill on volunteers? That effect will be important, as Mr Baxter has said. Volunteers are the glue which binds our society together. Without volunteers and without the hundreds of unpaid hours they contribute to our society, we would not have the society we have today.

At the initial briefings I was particularly concerned that the cost of the police check, which I think was about $70, was to be paid by the volunteers. I am pleased that has been changed and the government will now pay the $70.

I was concerned about whether the bill would protect our children. I say that because even though the vast majority of offences against children are committed by close family members, that does not rule out the possibility of offences being committed by people who are not close family members but who have close contact with children. I understand that at present people in paid employment who have regular contact with children need to pass a police check; I am thinking particularly of teachers and child-care workers. Nobody

would disagree that that is an appropriate step to be taken, that people who are in charge of our children should be of sound character and beyond reproach.

I believe this bill achieves the extension of a provision that people who have contact with our children in a rather less formal, structured way should similarly be required to satisfy the condition that they are fit and proper persons. All parents are entitled to be confident that the people looking after their children, whether it be at sporting events or in any other capacity, are of sound character.

My other concern about the legislation, which I think Mr Baxter touched on, is the issue of privacy. I like to think of myself as something of a civil libertarian, and I believe that unnecessary intrusion into privacy should be avoided. I believe in a free society, and that that principle still holds. However, I acknowledge that our society is changing. With increasing threats to our society we are accepting more intrusions into our privacy; an instance is the searching of backpacks at sporting venues. There must be a balance between intrusion into privacy and public safety, and there is some merit in the comment that 'it is only people who have something to hide' who need to fear this type of legislation.

This bill will achieve a balance between asking people to undergo a police check to determine whether they have committed an offence which would preclude them from dealing with children and the risk we run by not having such police checks — that we are enabling some people, although admittedly only a small minority, to have that opportunity to deal with our children, which could lead to some offences.

The point was made in the other place, and it has been made in this house, that only a small number of people will be caught by the police checks — I think the figure is 0.5 per cent of 500 000 people. I think the figure quoted in the other place was 3000 people. If the checks catch 3000 people, that is 3000 people who would not have otherwise been caught. The process will have been worthwhile if one of the 3000 people who will be caught by it, and who would not otherwise have been caught, were to be in contact with our children.

A further issue which I had some concerns about was that people who have committed an offence might now find they are not given permission to deal with children. There are some safeguards in the bill. People who are refused a permit can appeal to the secretary of the department and can also go to the Victorian Civil and Administrative Tribunal. People should be given an opportunity to prove they have moved on from their original offence, to show they are now well-regarded members of our society; in fact, they should be able to redeem themselves. However, when we are dealing with this type of offence the rate of recidivism within the cohort of people who have been convicted of serious sexual offences is very high. Erring on the side of caution is the appropriate way to go because the price is too high if we give someone the benefit of the doubt and then another offence is committed.

As I understand, Mr Strong and Mr Baxter have argued that this is complex legislation, that we have not quite got it right and that we should be attacking this problem in a different way. I understand that argument. There are issues of definition, workability and practicality in this legislation. But that does not mean it should not be supported by the house.

My understanding is that the government has made a very firm commitment to review the workings of the legislation within three years, that the legislation will be phased in over time and there will initially be a pilot program to assess its workings. This scenario addresses the opposition's objections. Yes, we are going to review the workings of the legislation, and if it is proved for whatever reason that it needs to be finetuned, we will do that finetuning. It will be phased in over time. We will see how the practicalities of the legislation work. There will be a pilot program to assess how the legislation has been implemented.

I believe the government has been very sensible in recognising that some finetuning may be required and is open to modifying the workings of the bill should that be seen to be necessary over time. But really the essence of this bill — its purpose — is to protect our children. Again, nobody disagrees with that. It is protection for the most vulnerable members of our society. Yes, there are intrusions into privacy; yes, there is the issue of maintaining our volunteer culture, which I believe is one of the great philosophical underpinnings of this Bracks government — the commitment we have made to volunteers — and yes, there is a question of ensuring that we have a piece of legislation that is appropriate to its purpose. However, I believe that on balance on this occasion the government has brought forward a practical, workable, well-considered piece of legislation which takes into account all these considerations. I am very pleased to support it in this house and urge the house to reject the reasoned amendment.

Hon. B. N. ATKINSON (Koonung) — I think this is one of the better debates that I have heard in this place for some time. I acknowledge the contribution just made by Mr Hilton as a reasoned and thoughtful

contribution and, unlike many that come from government members, it was clearly his own contribution. It was not one that simply ran out material that had been prepared by a ministerial adviser. Clearly the views he expressed had been arrived at after due consideration and indeed after some concern about the legislation and the direction of the legislation. I dare say some of the concerns he ran through in that process are ones that I and other members of the opposition would have and certainly were touched on by another thoughtful contribution by the Honourable Bill Baxter, and also in the speech by the Honourable Chris Strong earlier.

In my area I meet with ministers of religion about once a year for what we call the last supper. It is either a morning tea or a lunch, and we talk about a range of social issues in the community. I was surprised at one of those meetings some 18 months ago when a Uniting Church minister said to me and to the other people who were there on that occasion, 'I no longer go inside any house where a woman is by herself'. He said, 'When I visit a parishioner these days, I stand on the front porch or the front step and we talk at the door. I no longer go in for a cup of tea. I no longer go in to talk. I no longer actually put myself in any position where I could be compromised'.

It is a very sad society that we have moved to where people really need to think through those sorts of issues; where people who so often have ministered to people in the community and have provided counselling and a range of social support mechanisms are now too fearful of what might transpire in terms of some concoction of a fertile imagination to put themselves in a position where they could be so criticised.

We come across many other issues in the community, some of which were touched on by the Honourable Bill Baxter in his remarks in regard to sports organisations. I, and I dare say Mr Hilton — although he did not touch on this, and it might be unfair of me to link him with me in these comments — certainly have some real concerns about the way we are approaching legislation today, when increasingly we are assailing people's civil liberties. There are incidents of terrorism and unfortunate episodes that cause damage, death and considerable angst to a community, but hawkish people sometimes seek to use those events to achieve ends which are well beyond what might be an appropriate remedy for some of those incidents.

I recall the debate we had on the Australia card some years ago. It is almost laughable to consider that we rejected the Australia card because of its intrusion on people's privacy, but when we look at — —

Mr Smith — You opposed it.

Hon. B. N. ATKINSON — Exactly. This is clear when we look at the intrusions that are made on people's privacy today, the way people are constantly pushed into regimes of distrust and division, where we try to find the bad rather than the good in people, where we try to frustrate the involvement and encouragement of volunteers in the community by putting too many roadblocks in their way. I agree with other speakers that we ought not to put young people or old people or anyone at risk in the community from someone who is a predator, someone whose behaviour is totally unacceptable, someone whose behaviour has been or may in the future be criminal — behaviour that causes a great amount of damage to people. We heard the Honourable Bill Baxter touch on an instance of how such behaviour can be manifested many years after an assault on a person.

But having said that, I believe it is a matter of considerable concern that we have come up with a regime to try to capture all of these people in a system which is overly complex and does not give sufficient credence to the importance of the privacy of individuals, which goes out of its way to make it onerous for many organisations in the community and will have an impact on volunteers, but which at the end of the day I doubt will achieve the result that is intended and afford the level of protection that we might expect. In fact I would argue quite persuasively that it may well be that the very system that is envisaged in this legislation could work to the detriment of many young people, in as much as I can see that many organisations might say, 'Okay. If we have this system of police checks, that will pick up all of the predators and we can rely on this system to fix the problems'.

I am mindful in my negotiations and discussions on this legislation with the shadow Attorney-General in another place of our discussions with peak body sports organisations here in Victoria. Certainly some of their concerns were belatedly addressed by the government, but they were addressed. One of the things I found was that one of the organisations — the Australian Calisthenics Federation — has an excellent member protection policy. It talks about not just how young people should be protected — and callisthenics is basically a sport for young women— but it also talks about how people who are supporting those kids in callisthenics ought to be protected. It occurs to me that perhaps one of the things we ought to be looking at far

more vigorously is the way we encourage people to establish more vigilance in the operations they have.

We should encourage them to develop practices that are better in terms of managing and involving people and ensuring that there is a level of security within their organisations because, as has been mentioned, the system proposed in this legislation will only pick up somebody who has already offended. It will not pick up anybody who might offend in the future. Indeed there are a number of exclusions, so that people who might well be offenders could get through a gap in this legislation because they are not included. One of the interesting things is that one of the exemptions is for parents who have a child involved in a case of abuse, yet, as has been mentioned, most of the incidents of child molestation, child abuse, involve people who are close family or friends, usually part of the family unit. They will not be picked up in this situation. It is a glaring anomaly.

We need to encourage these organisations to have much better management practices rather than rely on a system of police checks. As has been said by members of this side of the house, in recent weeks police checks, the response of the government and the response of the police commissioner have all been found wanting in regard to the system that already exists for the maintenance of records in other areas.

I am concerned about some aspects of this legislation. The definitions clause talks about direct contact with children. Does that include the lady who runs the canteen? She might well be unsupervised to the extent that she operates alone in the canteen. She is a classic case of someone being involved in a sports organisation. She is directly serving children at a canteen interface. Is she covered? A whole range of people associated with organisations that involve children will fall within somebody's interpretation of who this legislation may cover. That is unsatisfactory, especially as the legislation is so cumbersome.

It is interesting to note the current allegations against two South Australian cricketers regarding a sexual assault that occurred in the Northern Territory. This legislation would not cover these cricketers because they are from interstate. Offenders from interstate simply would not be picked up. I am concerned about under-age people who are promoted to senior teams because they are very good sports performers. The issue of their security is not effectively picked up in this legislation. There are issues regarding people from border towns who are involved in the administration of clubs in Victoria and who are not picked up by this legislation. As I said, visiting sportspeople might well have offended previously but will not be on record here.

There are a range of issues regarding this legislation. It is a dangerous way to go forward, without some greater consideration of what regime will deliver the best protection for young people. As I said, there is a real need, irrespective of whether the government puts this legislation through or not, to establish an opportunity for sports organisations, or any organisations that work with children, to review their management practices and develop ones that will both afford protection to kids and also afford some measure of protection to people working with children, because it is also possible that some people could be subject to allegations which are simply not true but which will blacken their names forever.

Mr Hilton pointed out in his contribution that there are appeal processes for people who feel they have been hard done by regarding a decision made under this legislation or who perhaps, having committed an offence at an earlier time, believe they have moved on. I am a great believer in rehabilitation as one of the hallmarks of our justice system — it is one of the things that distinguishes us as a society — but what is the real opportunity provided in this legislation for that sort of review? This is what concerns me. Recently someone who had been rejected as a member of a Rotary club came to see me. He had been blackballed by someone in the club, as there is an opportunity to do in Rotary. He does not know who blackballed him, but more importantly he does not know why. I know this man personally, and I know him to be a good man. He is an exceptional businessman and an exceptional person in the contribution he has made to the community over probably 20 or 25 years. Mr Eren and Mr McQuilten seem to find this funny. I do not think this is funny at all. Over the 20 or 25 years I have known him, this man has contributed to the community, yet he was blackballed and does not know why.

I can see the same sort of thing happening in the context of this legislation. It is pointed out, 'There are appeal processes', but what idiot would go to the Victorian Civil and Administrative Tribunal and invite public scrutiny, humiliation and shame from a public procedure just to clear their name when they did not even know what the substantive allegation against them might have been?

There are some real concerns about the bill and civil liberties, and about whether it hits the mark in protecting children, because I think there are glaring holes in it. This government has tried to cobble together a piece of legislation designed to deal with the problem

in a public relations way to make everybody think it is dealing with the issue, but it is also trying not to get too many people offside. One of the problems with this legislation is that there was all too little consultation prior to its drafting, and that was one of the reasons for the outcry from sporting organisations about issues which then had to be addressed in the legislation that is now before the house. This is not good legislation. The opposition's reasoned amendment proposes a better way to move forward. I urge the house to accept the reasoned amendment and to reject the substantive legislation at this point.

Ms MIKAKOS (Jika Jika) — I am very pleased to be able to make a contribution in support of the Working with Children Bill. This extremely important piece of legislation seeks to protect our children. It establishes a statewide screening system that will set minimum standards for people who work with children, whether in a paid capacity or as volunteers. I think our community expects nothing less than a system that is put in place to protect children from sexual, physical or emotional harm by those people who are entrusted with their care.

This legislation outlines the Bracks government's important contribution to that role, and it builds upon other initiatives aimed at protecting Victorian children, including the creation of the new position of a child safety commissioner who will promote child safety practices in the Victorian community. It also complements our strengthening of the child protection system that works to deal with complex issues that can arise within the family context.

We have also put in place tough targeted legislation to protect our children, in particular the Sex Offenders Registration Act and the Serious Sex Offenders Monitoring Act. I have no doubt that collectively all of these initiatives will be strongly supported by the Victorian community as it seeks to enhance the protection of Victorian children. We are putting in place a range of initiatives that should be viewed in isolation but which collectively make Victoria a great place to live and raise a family.

The provisions of the bill require that persons in child-related work must obtain a working-with-children check. It also requires employers and voluntary agencies to ensure that all persons in child-related work in their organisation have a working-with-children check undertaken. 'Child-related work' is defined as work that usually involves regular, direct and unsupervised contact with a child in the course of a range of different industries. It encompasses, as I indicated, both paid and voluntary work.

The legislation gives a broad range of examples of the type of work, including work in preschools and kindergartens; work in child-care services, child protection services and educational institutions for children such as schools and some technical and further education programs for children; work in the juvenile justice system, refuges or other residential facilities used by children; work in paediatric wards of public or private hospitals; work in clubs, associations or movements that provide services directed at children or whose membership is mainly comprised of children; work in religious organisations; work such as babysitting or childminding services arranged by a commercial agency; fostering children and a range of other areas which are quite lengthy. I will not go through the full and extensive list.

I want to reiterate that it is only people who have regular, direct and unsupervised contact with children who will be required to undertake these checks. The checks will be conducted by a new unit in the Department of Justice and will involve an assessment of the person's suitability to work with children based on their criminal and professional disciplinary history. In particular the checking unit will consider any convictions, findings of guilt or pending charges for serious sexual offences, serious violence offences, serious drug offences, offences against part 5 of the Sex Offender Registration Act other than section 70, offences against the Serious Sex Offender Monitoring Act other than section 42(3) and other relevant offences under the Working with Children Act itself. In addition the checking unit will consider any formal disciplinary findings from prescribed bodies such as the Victorian Institute of Teaching and other medical-related professional bodies. A person who is on the sex offender register or subject to an extended supervision order under the Serious Sex Offender Monitoring Act will not be permitted to work with children. The effect of failing a check is that a person will not be allowed to work or volunteer in child-related work.

In his contribution the Honourable Bruce Atkinson talked about civil liberties issues and expressed concerns about people going to the Victorian Civil and Administrative Tribunal and so on. I think it is important that we have appropriate checks and balances in the legislation, that we have a system in place that allows the legislation to operate more effectively but also fairly. A person who is denied permission to work with children will be able to appeal their negative notice to VCAT unless they are on the sex offender register or are subject to an extended supervision order under the Serious Sex Offenders Monitoring Act. I note that the Honourable Bruce Atkinson did not nominate an alternative when he expressed his concerns. It is

important that people have an opportunity to go to VCAT. They may be reluctant to do so for whatever reason, but if someone felt hard done by they would be pretty keen to go ahead and get the situation corrected. I would much rather have this system in place, even though it might cause someone some discomfort or embarrassment, rather than have a system in place which did not allow a person to appeal a decision at all.

Individuals will also be able to make a submission to the working-with-children checking unit to support their application for an assessment notice if the Secretary of the Department of Justice has given them an interim negative notice. The Department of Justice will work closely with the privacy commissioner to ensure that proper safeguards are built into the system to protect the privacy of all Victorians. Any person who believes there has been interference with their privacy will be able to bring a complaint to the privacy commissioner. Likewise the Ombudsman may inquire into or investigate any administrative action taken by the working-with-children checking unit on receipt of a complaint or on his own motion. Furthermore the child safety commissioner will monitor the compliance by the Department of Justice with its guidelines and procedures regarding the working-with-children check and suggest improvements to those guidelines and procedures, and the commissioner will conduct an annual independent audit of the checking each year and advise government on where and how the safety of children can be improved. These safeguards will ensure that the working-with-children checking unit operates efficiently and effectively and with appropriate safeguards for privacy considerations.

We are seeking to put in place a system that is fair and transparent and is an appropriate response to the need to protect Victorian children. In terms of its implementation, we recognise that this system involves significant change to the way organisations, in particular voluntary organisations, go about their business, so it will be phased in over a five-year period following a small pilot program that will begin in April 2006. The government will work with organisations to make sure that everyone understands their rights and responsibilities under the new system. There will be a new unit created by the Department of Justice to implement these reforms. In addition, there will be an education campaign put in place to ensure that these organisations are aware of their responsibilities. An advantage of this new system is that there will be a continual updating of information. It is not like a once-off police criminal history check that exists only at the moment. People who have a working-with-children check will be continually screened for new criminal charges. As a result, if a person who has already qualified for an assessment notice is subsequently charged with a relevant offence, their assessment notice will be reconsidered.

I note that in his contribution the Honourable Bruce Atkinson referred to consultation and accused the government of inadequate consultation, particularly with voluntary organisations. That accusation is laughable given the extremely lengthy process of consultation the government embarked upon in respect of this legislation. Members would be aware that in December 2004 the government released a Working with Children Bill discussion paper and exposure draft for public comment. As part of the consultation process the Department of Justice held seminars for key stakeholders and placed advertisements in major metropolitan and regional newspapers. It also wrote to hundreds of organisations seeking their views about the exposure draft. I understand that over 160 submissions were received in response to the discussion paper and exposure draft, and that the stakeholder seminars were very well attended.

The consultation process revealed there was a broad diversity of views about how these issues could be addressed by government. In some cases some groups, such as sporting bodies, thought the bill went too far. In other cases some groups, in particular child welfare bodies, thought the bill did not go far enough. The legislation may not please everyone, but I believe the government has listened to the concerns raised by a range of organisations and has set an appropriate balance. We have made a genuine attempt to set minimum standards for the protection of all Victorian children, and we are also committed to reviewing this piece of legislation after a three-year period, looking at how it is operating in practice and looking at making any necessary amendments or adjustments that might be required at that time.

I note that during the consultation process I and many members were contacted by volunteer organisations expressing concerns about the cost for volunteers. They were concerned that the cost of the checks would put a significant burden on the organisation.

We listened to those concerns and responded. In this year's budget we included an allocation to administer the working-with-children checks to ensure that they will be free for all volunteers. I particularly welcome that announcement in the budget, which is an important step in ensuring that voluntary organisations will not be unnecessarily burdened financially by the introduction of this new system. It also supports the government's clear support for volunteering and the importance of volunteer organisations. We want to ensure that those

organisations are able to continue to grow and thrive in our state.

The opposition's reasoned amendment, which will be opposed by the government, is not justified in the circumstances. It calls for an independent child commissioner to be appointed and to ensure there is proper consultation with key stakeholders. As I said at the outset, the government has conducted a very extensive consultation process. We do not believe any delay in the introduction of this legislation is warranted in the circumstances.

In relation to the concept of an independent child commissioner, we make no apology for the fact that we have already put in place changes in relation to the child safety commissioner. We recently announced the appointment of a child commissioner to ensure that the safety and protection of children is properly addressed, particularly to oversee services in relation to child safety. We believe the Office of the Child Safety Commissioner will play a very important and key role in overseeing the operation of the working-with-children checking system. There is no justification for the reasoned amendment moved by the opposition, and the government will be opposing it on that basis.

In conclusion, the working-with-children legislation is about protecting Victoria's children, and we make no apology for that. We think this legislation will be supported by the broader Victorian community. It has a system that allows for appropriate checks and balances. It allows appeal rights to people aggrieved by particular decisions. It will be overseen by the new child safety commissioner, and it allows for a review of the legislation in three years time. I am confident that the overwhelming majority of Victorians will support the legislation on that basis. I commend the bill to the house.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — This bill is the latest demonstration that Victoria is once again the nanny state as it was under the Kirner administration. The growing arrogance of this government was demonstrated in the contribution of Ms Mikakos — that the government knows what is best for the community and it needs to protect the community from itself.

We see this time and again in the actions of the government. We have seen it in its so-called road safety initiatives where driving speeds on major arterial roads have gone from 60 kilometres an hour to 50 kilometres an hour and now to 40 kilometres an hour.

Hon. B. N. Atkinson — There will be a flagman next!

Hon. G. K. RICH-PHILLIPS — Mr Atkinson says there will be a flagman next. There is no doubt that when the Minister for Transport in the other place comes to the conclusion that it will be safer on the roads if driving speeds are reduced to 30 kilometres an hour, we will see a flagman in front of every vehicle. He may decide it would become safer on the roads if only one vehicle were allowed on a road at any one time, or maybe he will drop the speed limit to 10 kilometres an hour. All those things would make it safer but are they are not practical, just as this legislation is not practical.

In her contribution Ms Mikakos said, 'This legislation is about protecting Victoria's children, for which we do not apologise'. That is fine, but at what cost? Everyone agrees that Victoria's children should be protected from predators, but there is no demonstration that this legislation will do that because it will only identify and weed out those people who already have existing convictions or a history of some type of unacceptable behaviour. It will do nothing about preventing people who are yet to offend but have a propensity to do so from actually offending. There are no absolutes in protecting Victoria's children, but their protection will come at an enormous cost to the Victorian community.

It seems that time and again — Mr Atkinson referred to this as an announcement that was good for a press release — the government has introduced measures like this with little regard to their full consequences for the Victorian community. Mr Atkinson drew to my attention an article in the *Australian* newspaper of 9 August entitled 'States slow on paedophile net laws'. It states:

> Several state governments have left police without laws to snare Internet predators who groom children for abuse, despite vowing last year to introduce tough anti-paedophile legislation following Operation Auxin.
>
> Grooming refers to paedophiles enticing children into abuse using email, chat and instant messaging.

It then goes on to say:

> NSW, Victoria and Western Australia have failed to introduce anti-grooming legislation despite a nationwide crackdown on Internet predators.

This was despite an agreement with the commonwealth to do so. The government has failed to introduce legislation to tackle offenders, yet this token piece of legislation, which is good for a press release, is being imposed on the Victorian community. The hard tasks are being neglected and the simple opportunities, as this

legislation is for a press release, are brought to this house instead.

I would like to talk about the unintended consequences of the legislation on the broader community. I start with an event that will take place commencing on 15 March 2006 — that is, the Commonwealth Games, when 4500 athletes and 1500 visiting international officials are expected to descend on Melbourne to participate in the Commonwealth Games. As members would be aware, a large number of the athletes who will participate in the Commonwealth Games will be aged under 18 years, and therefore this legislation defines them as children. The relationship they have with their coaches is a working-with-children relationship, as defined under this legislation.

When the Attorney-General appeared before the Public Accounts and Estimates Committee hearings in June this year I asked him how the legislation would impact on the Commonwealth Games. I have to say the Attorney-General was like a deer caught in the headlights. It was clearly something that he and the government had not properly considered. He attempted to come up with a number of proposals about the impact, but in the end conceded that he did not know how this legislation would impact on the Commonwealth Games, and said he would have to take advice.

The legislation provides that the bill not be enacted until after the Commonwealth Games have been staged. Presumably the government, by simply not enacting the legislation until after the games have finished, intends to avoid a very messy situation that would occur through having international athletes and coaches in Melbourne. It was a demonstration of how the government had failed to think through the consequences of this legislation. I think Mr Atkinson raised the example of border town sports teams, teams from Albury competing in Wodonga, and the impact that would be felt there as a result of this legislation.

I have received correspondence from and had a discussion with Simon Wilson, who is president of the Portsea Surf Life Saving Club — —

Hon. Philip Davis — A good man.

Hon. G. K. RICH-PHILLIPS — He is a good man, Mr Davis. He has expressed to me his club's concerns about the practical impact of this legislation on its operation. He told me they have around 300 volunteers in the club who under this legislation will require police checks initially and then a further roughly 30 per annum who will also require police checks. He made a number of very good points. Firstly, the people in the lifesaving club who will require police checks when they become adults have generally been members of that club for a long period of time. They have been under observation by other members of the club and their character and their propensity to commit the types of offences that would be weeded out by this legislation is far better known to the people who run that surf lifesaving club than any information that might be gained through a police check required under this legislation. The simple nature of the relationship with the volunteers in that club provides a far better check on people who may have a propensity to commit offences than going through the expensive and complicated process proposed in this bill.

He also made the point that this requirement will only disclose existing offences and anyone new to the club — —

Mr Pullen interjected.

Hon. G. K. RICH-PHILLIPS — That is interesting language, Mr Pullen. It is very parliamentary of you. Anyone who has a propensity to offend but has not offended is not going to be picked up under this requirement. The third point he made was about the difficulty and impracticality of an organisation such as the Portsea Surf Life Saving Club managing the data that will be developed under this legislation. A volunteer organisation managing police check records on 300 individuals will need to put in place some type of mechanism to ensure that those records are not inappropriately disclosed and do not, like the police files, end up being sent out to people who should not receive them and are not, like the police tapes, dumped in a warehouse somewhere. If the Department of Justice and the Victoria Police cannot get it right, it is a big ask to expect small volunteer clubs like the Portsea Surf Life Saving Club to be responsible for managing this private and confidential data in a way that will protect the integrity of the data. Those are very valid points made by just one volunteer organisation.

The impact this legislation will have across the volunteer sector will be enormous. In his contribution Mr Hilton said that we will review this in three years — —

Hon. B. N. Atkinson — It is being staged over five years.

Hon. G. K. RICH-PHILLIPS — That is an interesting point, Mr Atkinson, and Ms Mikakos made the same point. It is being staged over five years, but we are going to review it after three. The point is that a lot

of these volunteer organisations may not exist in three years time. The government needs to realise that these people are there as volunteers. They undertake these roles in the community as volunteers. They do not have to do it. The government seems happy to impose burden upon burden on them. Ms Mikakos lauded the government for putting some funding in the budget to pay for the checks, but that does not address the issue of the administrative burden that will be felt by these organisations. It is highly likely that a lot of these administrators will just walk away. Anyone who is involved in the community sector knows that it is increasingly more and more difficult to get volunteers in communities to participate in groups. They are already burdened with the responsibilities of running incorporated associations with public liability insurance et cetera. This is just another burden on the community sector. While it may be laudable, as Mr Hilton said, that in three years time we will review this legislation, there is every chance that in three years time a lot of these smaller organisations will simply not exist because people will have walked away.

Given that it is doubtful this legislation will provide benefits in weeding out people who are likely to abuse children, consideration should be given to what the downside of the legislation will be. On that basis I urge members not to vote for the bill before the house but to support the reasoned amendment moved by Mr Strong, which calls for this matter to be properly and thoroughly investigated before the government proceeds. It is an issue that is of vital importance to the volunteer sector. The Victorian community cannot afford to have the government get this wrong.

Mr PULLEN (Higinbotham) — We have had some good contributions to this debate so far today, and I single out those of my colleagues Mr Hilton and Ms Mikakos. The contributions by Mr Atkinson and Mr Baxter were also excellent, but the contribution we have just heard from Mr Rich-Phillips was an absolute disgrace and pretty close to being one of the worst speeches I have ever heard in this house. I suggest if Mr Rich-Phillips heads off to community groups, speaks to the parents and delivers exactly the same speech he has delivered in this house this afternoon, they will throw him out. It was an absolute disgrace.

This is a very important piece of legislation. I do not have any children of my own, but I can speak with some authority because I have worked with kids all my life, particularly through sporting connections.

As secretary of the Brighton Union Cricket Club for 34 years I had a lot of work to do with the Victorian Cricket Association; I have also done work with football clubs and the Australian Red Cross. Through particularly the cricket club we worked in the schools. Brighton Union Cricket Club is a powerful club simply because we have gone into the schools and recruited the kids; usually about nine of the kids end up playing in the first XI. We have been a very successful team on the field; we have produced state players and test players, so I think I can speak with some sort of authority.

Mr Atkinson covered the very good point about the Uniting minister. My local parish priest has told me that because of the activities of some people among the religious, even he is now frightened to go into the playground where the kids play. I think that is an absolute tragedy, because he is a wonderful person, as I know are so many other religious people, but they have been let down by a few bad apples along the way.

I must mention that as a young fellow I had an unpleasant experience: while I was out duck shooting I was attacked by a paedophile. Fortunately no damage was done, but it left a scar on me which, most probably, I will have for the rest of my life. Again I can speak from experience on that side of the argument.

I want to touch on a few issues that have been taking place recently, particularly from Mr Andrew Bolt — the man who runs around waving a conservative banner all the time. He said we have had no consultation. A discussion paper was released in December 2004. Mr Bolt's article in the *Herald Sun* of 22 July states:

> Welcome to the world of Bracks Brother — where once again the law-abiding are policed because hounding criminals is too hard.
>
> It was superb timing by the government to this week reveal new laws which Premier Steve Bracks says would save our children from perverts.

As I mentioned, the discussion paper was put out seven months before that took place. The article goes on to state:

> It might even publish their names and addresses on the Internet, or at least warn the neighbours — if it was really, really serious.
>
> But now wanting to seem so … judgmental or so hard, the government instead rushed out this working with children dodge.

That is absolute garbage! He says:

> So the government will now make every single Victorian employee or volunteer who has anything to do with children first submit to a police check, to see if they have a record of fiddling with children or drugs. And it will charge $70 a head for this imposition.

Mr Bolt is wrong; volunteers will not be charged. He goes on to say:

> First, as a 2003 Griffith University study of paedophiles confirms, perhaps half of them prey on their own children.

That information was put very clearly by Mr Baxter. We are well aware that this situation can happen, but there are ways that we can overcome these things by being ever vigilant, particularly within families. The article also states:

> Almost every one of the Victorians now obliged to have police checks are people we should honour, not harass, and reward, not charge. They help children.
>
> But some of them, particularly volunteers, will now undoubtedly stay home.

The argument put forward by Mr Rich-Phillips is a load of garbage. I want him, in three years time, to show us the number of organisations that have closed down simply because of this particular legislation. I believe there will be a boon. The article continues:

> It's not just the bother of undergoing the check or the cost that will do the damage. Some will be scared of having some trivial or irrelevant indiscretion exposed — a bit of juvenile shoplifting, perhaps, or a much-regretted idiocy when drunk way back when. They will leave. Children will lose.
>
> Nor does this mammoth $35 million effort to screen 670 000 people — or three times the population of Geelong — seem a clever use of our scarce police.
>
> How much good we could have done with that cash, spent wisely? How many crimes could police have solved with that time? How many paedophiles arrested?
>
> But don't you dare resist these silly laws. Refuse to get checked out and you face up to two years jail and —

listen to this! —

> a $250 000 fine.

Mr Bolt is wrong; the fine is $24 000. If he is going to start writing rubbish like that, it is about time he started getting his facts straight.

Mr Bolt also referred to Brian Keith Jones, or Mr Baldy as he is known. Jones is a maggot, let us not beat about the bush, and I have no time for him, but the *Herald Sun*'s campaign against him was an absolute disgrace. I want to put on the record that Jones will wear a tamper-proof bracelet that transmits a signal to a monitoring system. Should he stray from home during curfew, an alert will be sent to the monitoring centre and authorities immediately informed. Jones will wear the bracelet for the period of his parole. As part of an extended supervision order he will be required to wear an electronic ankle bracelet for up to 15 years, at the end of which he can again be made to wear the bracelet for 15 years.

The Adult Parole Board of Victoria has put in place the toughest parole conditions ever imposed in this state. Those conditions include: Jones having to apply to leave his accommodation; tight restrictions on the times he can leave his house; prohibition from having any contact — supervised or unsupervised — with children; no contact with other convicted sex offenders; and participation in ongoing treatment. He is also subject to normal parole conditions such as notifying authorities of any change of address; he cannot leave the state without written permission; and he is to carry out the lawful instructions of the community corrections officer.

In addition to these conditions we can monitor Jones 24 hours a day; he will be supervised by one of the most experienced community corrections officers in the state. When he is allowed to leave his accommodation, he will be accompanied by people approved by the corrections commissioner.

I also want to refer to an article of 16 July in the *Age* about the Honourable Richard Dalla-Riva. He was cheering on the *Herald Sun*. The *Age* says:

> It is disingenuous of the opposition corrections spokesman Richard Dalla-Riva to say that releasing an up-to-date photograph would not encourage vigilantes, particularly when he falsely asserts: 'Today we have Mr Baldy wandering the streets of Victoria'.
>
> …
>
> Jones is effectively under house arrest and the Department of Justice has applied for an extended supervision order. That may mean he will be monitored for decades after his parole expires next month, which would not have been possible had he served his full sentence. To this extent, the government's actions have been commendable, ensuring that the law was modified to satisfy community concerns about the safety of children who may unwittingly encounter a convicted, but anonymous, paedophile. Jones has been released from prison as required — that some people regard his sentence as having been too lenient is a separate issue — but he will live under close surveillance.

Hon. Philip Davis — Noel, who wrote the article?

The ACTING PRESIDENT (Mr Smith) — Order! The member will address comments through the Chair.

Mr PULLEN — It is an *Age* editorial of 16 July. I want to mention that Mr Bolt referred to those children who are attacked by their families, as Mr Baxter raised earlier. This is true and it was well covered by Mr Baxter, but that is why we have a child protection

system. Minister Garbutt is constantly looking at ways to improve that protection.

The government considered more than 160 submissions. I have a copy of a memorandum dated 2 March from the Cricket Victoria development committee which was sent to me. Mr Atkinson is not in the chamber at the moment. In relation to the Working with Children Bill the committee had a meeting. The memo says:

> At this meeting it was decided that Cricket Victoria respond as a group to the exposure draft bill and discussion paper by the due date of 25 February. A response was drafted and the copies forwarded to —

the Department of Justice; the Honourable Justin Madden; Mr Bruce Atkinson, MLC, opposition spokesperson for sport and recreation; and also to VicSport. The memo says, in part:

> Cricket Victoria's response was very supportive of the proposed bill in relation to child protection and the police check component but we were very concerned that volunteers would have to pay a fee for this process.

As I say, the government has looked at that, and there is no fee. It goes on:

> This point, along with our concerns re the protection of each individual's privacy, were the two major components of our reply.

As has been pointed out before, sporting clubs do not have to comply until the year 2009–10. Any problems that come up in the meantime will be ironed out by then. As has also been reported — and I think sniggered at by the opposition — the legislation will be reviewed completely in three years. I cannot see anything wrong with that. Even if it is before, we have sports clubs covered by this.

I will touch on one other little thing before my time runs out: that is, the bill can also help in reverse. Many years ago when I was on a cricket association board a member accused another member of our association of being a paedophile. I said, 'Put up the proof and go to the police'. He said he did not think he could go to the police, but he continued to make the accusation against a very good member of the cricket association. I said, 'If you are not prepared to put it up I am prepared to kick you out of the association'. It was as simple as that. That way we can be in a position where people will not able to make these sorts of accusations, and hopefully people will get the clearance from these police checks. The working-with-children check is no substitute for careful recruitment and procedures at organisations. But if it saves just one child from abuse — and I believe it will save very many — it is certainly worth it. I commend the bill to the house.

Hon. P. R. HALL (Gippsland) — I, too, have listened with great interest to the contributions made during the course of the debate this afternoon. There have been many fine ones, as people have said. I think everyone has felt passionately about the issue this afternoon. I, too, feel passionate about the issue, and I want to make some comments that build on the remarks of my colleagues, in particular Mr Baxter.

I will start by talking about the purpose of this bill, which in part talks about assisting in protecting children from sexual or physical harm. That is a laudable intention, and there is absolutely no dispute from anybody in this debate that we should do all we can to protect children from not only sexual and physical harm but also from mental or emotional harm, which can be equally damaging to the child. From The Nationals' point of view the intention is excellent, but we have some concerns about how this bill seeks to implement those intentions. Indeed, some contributions from both sides of the house have spoken about some of the problems that exist with implementation.

Principally we have come to a decision — it has not been an easy decision to take — to oppose this piece of legislation. We are doing it essentially on these grounds. First of all we do not think that the structure to administer this scheme is appropriate. We believe there are better structures that could be employed. Secondly, we do not think that the proposed scheme is efficient or consistent with similar schemes already applying here in Victoria. Thirdly, we do not think that the scheme achieves a fair balance between protecting children and intruding unnecessarily on the privacy of volunteers.

We see merit in the reasoned amendment moved by the opposition, which asks basically to go back and look at a simpler and fairer scheme. We support the principle of that reasoned amendment and will be doing so in Parliament this afternoon. But if the amendment fails we will have no choice but to oppose the bill. I have already stated those three reasons, but I will now further elaborate.

The first point I want to talk about is the structure proposed to run this scheme. In terms of what I think is a well-qualified view on this particular subject one need go no further than look at this Parliament's Scrutiny of Acts and Regulations Committee's report into this bill. This report is contained in *Alert Digest* No. 9 of 2005. In particular appendix 4 of that report contains two submissions received by the committee in respect of this legislation. One is from Mr Paul Chadwick, the

privacy commissioner, and the other is from Victoria Legal Aid. Both of those submissions, and particularly that of the privacy commissioner, tend to suggest that this is an inappropriate piece of legislation. I would have thought the government would have a high regard for the views of the privacy commissioner given it was the government which created the Office of the Victorian Privacy Commissioner in the first place.

Let me quote a comment from the privacy commissioner's submission on the aspect of the appropriate structure to run this scheme. On page 47 of the report the submission states:

> An independent statutory office, responsible through a Minister to Parliament or direct to Parliament, suitably equipped for the task, should administer the WWCC scheme with maximum possible transparency. The current structure under the bill is a factor contributing to the conclusion that its adverse effects are undue.

Of course Mr Chadwick was referring to the proposal to establish the new unit within the Department of Justice that will make the assessments of the estimated 500 or so applications from volunteers to obtain a working-with-children certificate. The submission also says:

> … the bill does not set out any of the requisite qualifications that a person ought to possess to make the very delicate judgments that the WWCC will entail.

Later the submission says:

> Departments can be expected to err on the side of caution (meaning exclusion), a characteristic which in the context of the day-to-day operations of —

the scheme —

> …is likely to lead to injustices. The kinds of judgments about people that the WWCC scheme envisages require an arms-length relationship between the decision-maker and the government of the day.

The Nationals totally agree with the views expressed by Mr Chadwick. There does need to be an independent statutory body to handle the sensitive information. Others in the course of this debate have given examples of how dangerous it is for people who are not well equipped to handle these schemes because of the leaking of information. We have seen some of that in recent times, particularly with the law enforcement assistance program (LEAP) scheme. I thought it was rather interesting that the Premier now proposes that a LEAP-type scheme be run by an independent organisation, yet in this case the government is proposing that similar sorts of sensitive information on individuals be held by a new and inexperienced unit to be established within the Department of Justice. In New South Wales and Queensland independent statutory authorities run such schemes, and The Nationals think this is a more appropriate structure.

Our second reason for opposition arises from what we believe will be the inefficiency of this proposed scheme. I find it interesting that in Victoria we have different schemes applying to people who work with children in an employed capacity and those who work with children in a volunteer capacity. Essentially those working with children in employed positions — and I refer particularly to teachers, child-care workers and the sorts of jobs that involve the direct supervision of children — are now required to have a police check. For example, all teachers and child-care workers must have a police check before they can be employed to work in their respective positions.

Under this bill people who wish to volunteer will also be required to get a working-with-children clearance, or a check or whatever terminology we may wish to give to it. However, the two checks do not necessarily correspond. For example, if a person has a police check in their capacity of being employed as a teacher, it is my understanding that they will not be required to have a check for working in the capacity of a volunteer, but not vice versa. If you have had a check to work as a volunteer that will not be sufficient for you to be employed to work with children in an employed capacity. That does not seem to make sense to The Nationals, and nor does it make for an efficient system. As I said before, in New South Wales and Queensland they have one statutory authority which oversees both of those functions.

We also have concerns with the application of this scheme. It has already been pointed out by others that a clearance to work with children does not apply to family members, yet the majority of offences against children are committed by family members or people who are well known to families and are trusted by them. We do not offer a solution to that vexed problem, but we make the point that this is still going to be an issue.

Another point I want to make is that in a practical sense we are unsure how this scheme may work in certain circumstances. I give the following example. The local junior football team has a coach who is required to have a working-with-children check undertaken, but we are told that the assistant coach does not. What if the coach rings up during the course of the day and says, 'I am going to be late from work, and I want the assistant coach to take training for the night'? Will the assistant coach be able to do so if that person has not had a police check? If it happens more than once — two,

three, four or five times in a season — at what point will the assistant coach be required to undertake a police check? Or it may be that the coach of the football team will have a son in the team he coaches and will not have to have a working-with-children check because he is coaching one of his sons. However, if the coach of the under-14s team rings up and says, 'I cannot make it to training tonight. Could you take my team instead?', then again there may be some practical problems about adherence to the law in this regard.

I agree with the comments made by the Honourable Gordon Rich-Phillips and others that there is going to be a terrible administrative burden on administrators in volunteer organisations, whether they be sporting, music or educational organisations, in keeping a thorough check or record of those within the organisations who are allowed to do certain jobs and those who are not. We believe that practically there are going to be some real and significant problems.

I also want to talk about the balance between protection and privacy. Again the privacy commissioner made some excellent points in this regard in his submission at page 48 of the report. It states:

> The information may be used to deny a person government authorisation to work with children, a result from which many people will infer the worst about the unsuccessful applicant. Namely, that he or she is a potential child abuser and possibly a convicted one. To avoid this damaging inference, some applicants may be forced to disclose to family, employer or club the actual details of their past convictions or findings of guilt involving matters which, although not child abuse, may be harmful in two senses.

The submission goes on to outline that. And yes, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) if your application to work with children has been unsuccessful, but as the Honourable Bruce Atkinson said, who would? Who would drag their name through a public process of scrutiny when they are purely trying to volunteer to help children? The potential outcome of that is simply not worth the effort.

I want to make one other point in respect of this matter. I refer to the example of Andrew Phillips, a teacher from Orbost Secondary College, who, because of a police check and something in his distant past, is now ineligible to teach children. I notice in this bill that some significant discretionary powers are given to the secretary of the department and even to VCAT. Significantly page 12 of the second-reading speech talks about the discretionary powers of the secretary. It says:

> The discretion is given to the Secretary of the Department of Justice. The secretary may only grant an assessment notice if she is satisfied that the person does not pose an unjustifiable risk to the safety of children, having regard to a number of factors. These factors include the age of the offence, the seriousness of the offence, the ages of the applicant and the victim at the time of the offence, and the applicant's behaviour since the offence was committed.

Discretionary powers should be available, but that same courtesy was not afforded Andrew Phillips. Knowing the circumstances of his case, I suggest that under the discretionary powers he would be given permission to work with children in a volunteer capacity. Yet he is unable to work with children in a paid capacity. Therein lies an inconsistency between the systems applying in Victoria. When such inconsistencies exist they do not make for good legislation.

If I have time, I want to talk about a couple of other things. Here we are passing legislation when the members of a committee of our Parliament, the Scrutiny of Acts and Regulations Committee, reported on 9 August that they still had four significant concerns about which they proposed to write to the Attorney-General. Those concerns are clearly set out in the report. I note that today a Scrutiny of Acts and Regulations Committee report was tabled in Parliament. There is still no response from the Attorney-General to those four significant points. Why would anybody go against what the members of one of our own Parliamentary committees are saying — that is, 'We need some clarification on significant points of this legislation before it is debated and passed in this Parliament'? There has been no reply from the Attorney-General to those issues. Therefore that gives members of The Nationals further reason to express genuine concerns about the legislation and not be a party to its passage through Parliament tonight.

Finally, I refer to the cost factor. Some government members have suggested that there will be no cost to volunteers. With 500 000 volunteers at $70, or thereabouts, a pop, I ask: what will happen when the money runs out, when the budgetary appropriations for paying for the cost of the checks run out?

Hon. J. H. Eren interjected.

Hon. P. R. HALL — It did with the Our Forests Our Future program, Mr Eren, when the government promised compensation to people done out of a job in the timber industry. At the end of the day, people who qualified for that compensation did not get any because the government said, 'We've run out of money', under that particular program. What will happen under this program? Will volunteers therefore be disqualified or unable to volunteer any more because the government will not pay for the checks? No — people will end up

paying for them out of their own pockets. That is what will happen.

The Nationals do not sure consider this good legislation. There are more appropriate bodies to conduct this work and oversee such a scheme. There are inconsistencies between the schemes applying in Victoria. The bill provides for undue intrusion into people's privacy which will have adverse effects. That is why The Nationals will oppose the bill.

Hon. PHILIP DAVIS (Gippsland) — I rise to speak on the Working with Children Bill. I indicate firmly that I support the reasoned amendment moved by the Honourable Chris Strong and in my very brief contribution I will set out why I do so.

Firstly, we all in this place come to this debate with a genuine sense of frustration that as parliamentarians we should be revisiting on such a regular basis the issue of protecting the young and innocent. I speak on this issue with some feeling as a parent of daughters who at the moment are both out of my care, being overseas on exchange programs. The decision making for all parents in allowing their children to grow and develop and become immersed in their own activities and independent from their family environment is a real challenge. I recall my own childhood when my family moved from the family farm out of town into Sale. Even now I can recall the ludicrous image of myself on a tricycle, beetling around the township of Sale — going off exploring our new environment for days on end. From early in the morning until late in the afternoon I would be out pedalling away, meeting new people and having interesting experiences. In terms of the care and responsibility for children that concept is so foreign to us today that it is unrealistic to think it could possibly happen.

The reality is that we have the physical dangers of traffic and other hazards for children about which we are more conscious, but more importantly, I suspect, we are concerned about predators, those in our communities who have a view that a child is there for exploitation. As I have watched my own children grow and get to a point where they wanted to be independent and have new opportunities, it has been a real struggle for me to be confident in and trusting of those into whose care they have been placed. So in a personal sense I come to this debate with real empathy for the intent of the government in introducing this legislation.

I was interested to note the contributions of all preceding speakers. I particularly note the effective contribution of the Honourable Bruce Atkinson in highlighting the difficulties faced by people in responsible positions in society today. He used the example of a local minister of religion who had the challenge of deciding how to deal with his own parishioners. I would like to think that the legislators of our society are not so overwhelmed with the threat to our children that we forget that it is important for us to realise that we are changing the whole basis on which our society operates. We are progressively reacting to the minority threats in our community in such a way that we are changing forever the lifestyle opportunities of our young people and our whole society.

Of concern to me particularly are not the provisions of the bill that deal with employment or people who are remunerated in any way for their involvement with children. There is clearly a justifiable requirement in our society for people in the business of dealing with children in the sense of managing them in their workplace to meet clear performance standards in terms of being approved and compliant with proper oversight.

The basis of the communities in which I am involved and represent and the community in which I live is fundamentally structured around a volunteer ethic. Unfortunately, in the highly populated, large cities of our community there is not the recognition of volunteer participation that there is in country communities. For example, I am advised that there are 12 000 volunteers organising pony clubbing alone. I do not take issue with the government suggesting that sufficient funds will be available to pay for all the police checks for those volunteers, although I am sceptical that that will be sustainable in the long term.

The truth is that nobody has set out in the debate this far who will provide the administrative support to deal with just the logistics of ensuring that pony clubbers are compliant. Considering the participation of my own daughters in their local netball club, where they play, coach and umpire, it is quite clear that my elder daughter, who is now 18, must be involved in the police check process. I am not so concerned about that, but I am concerned about the good women — if you like, the blessed people — who run the Sale Netball Association. They put in thousands of hours over the course of a year to create an activity for young women; more than 1200 young women and girls, members of that association — as well as the many different school groups — play netball at the courts. All of that activity, including the supervision of countless hundreds of volunteers involved in just that one local netball club, will require a regime of administrative bureaucracy.

To be frank, many of those women are well-known to me because I work closely with them. My wife is a member of the netball club committee. The majority of

them are not computer literate. It is completely and utterly impractical to ask those women to manage a database of the police check requirements to ensure that all the volunteers on the courts on any one day, whether as coaches or umpires, have undergone police checks. Who on earth is going to administer the management of that on behalf of the Sale Netball Association?

All across country Victoria and through the suburbs of Melbourne sporting organisations will be profoundly affected by these new regulatory arrangements. The fact that Victoria is getting bound in red tape has been consistently articulated by the opposition. The free access and egress of our citizens to voluntarily participate in activities of their choice is being restricted. The opposition expressed similar concerns about the child employment laws, and it has committed to repealing certain provisions of the Child Employment Act. More recently, we announced that we would establish an office of the child commissioner.

This bill will not be implemented immediately; it is to be phased in over five years. That means that if the opposition assumes government at the next general election in Victoria, it can repeal the provisions of this bill as they affect volunteers particularly and ensure that a children's commissioner can undertake the proper process of regulating this area.

Examples of the anticipated difficulties with this legislation are now being raised. In the week of 18 May I was in Mansfield with my colleague the Honourable Graeme Stoney, when we visited the *High Country Times* and its proprietor, Michael Ray. He employs young children who, with their parents, are happy to be involved in the distribution of newspapers. I saw kids come straight from primary school — and secondary school — and volunteer to be engaged in a productive activity which would earn them a little pocket money and for which they were highly rewarded by the gratitude of the proprietor and the recognition that was given to that activity. It would be easy enough for Michael Ray to employ an adult to do the work, but it was a good community service to provide an opportunity for kids to learn about work. I spoke to a number of the parents, who were more than pleased that their children would have an opportunity to learn about being involved in employment.

It is the same issue in volunteer sporting and other activities. Why should the dead hand of the state fall upon the individual choices that families make about volunteering? It is quite clear that any parent would be absolutely appalled if their child was put into the care of somebody who was out to take advantage of them. But we have gone one step too far with this legislation, and for that reason the opposition fully supports the notion of taking a deep breath, reviewing the government's proposed legislation and recognising that there is no alternative legislation in place.

If the reasoned amendment fails, the opposition will support the bill on the basis that members of The Nationals have indicated they will call for a division on the vote, but only on the basis that after the 2006 election we will seek to repeal aspects of this bill, in particular those which circumvent the opportunity for volunteer organisations to operate effectively. We are very concerned about the nature of the restrictions to be imposed.

It is not just the opposition that has expressed these concerns. I refer to a media statement by the then state opposition dated Sunday, 2 November 1997. The then shadow minister for family services in the other place, the member for Pascoe Vale, Christine Campbell, thought it outrageous that parents could face police checks before they could do kinder duty. This is a recurrent theme. We cannot afford to reconstruct the social contract we have with our families for the sake of having prescribed solutions that simply do not work in any event. Any rock spider who wants to get around these rules will do so. I do not believe that it is appropriate for us to be in a position where we effectively sabotage voluntary community groups right across Victoria for the sake of the government's ticking off on this legislation.

Hon. H. E. BUCKINGHAM (Koonung) — Like a lot of parents, I spent what seemed to be most of my children's childhood acting as a taxidriver — possibly because I worked full time — to compensate for the guilt I felt at not being around to be what my children used to call 'a real mother who did canteen and reading duty'. I overcompensated with their extracurricular activities. My son and daughter participated in swimming lessons, gym, ballet, cricket, rowing — and I let my husband do that because training was at 5 o'clock in the morning — piano, cello and baseball.

Like most parents I made a giant leap of faith when I handed responsibility for my children over to other adults, either paid workers or volunteers, and I did that from the time my children were toddlers until they were in their late teens. In my case the leap of faith was well founded, with the exception of one incident that occurred in an educational setting, and that is not covered under this legislation but adequately covered under other legislation. Maybe I was lucky. But who wants to chance the safety of their children, or indeed anyone else's children?

This bill is a way of minimising exposure to undesirables. The purpose of the Working with Children Bill is to protect children from adults whose past behaviour indicates they may be a risk to children. It puts in place a new system of checking those who work or volunteer with children. The bill establishes minimum standards to take into account criminal records and charges as well as professional disciplinary records to assess if a person is eligible to work with or volunteer to be with children — and what parent would not want that! This checking system will be phased in from April 2006, so some of the concerns that have been raised in the chamber today can be attended to in the phasing-in period. An education campaign will help employers, individuals and organisations to understand their rights and responsibilities under the new laws. Those who volunteer will not pay for the checking system. For those who are employed working with children the cost will be $70. After passing the check people will be issued with a card that will be valid for five years.

The scheme is designed to be practical and to protect the rights of people who apply for the check. The scheme is flexible enough to take account of the circumstances of individuals and organisations — circumstances such as those that were raised earlier by the Honourable Peter Hall about volunteering and sporting clubs. The complexities of the scheme — for example, the different ways the Secretary of the Department of Justice must treat different criminal matters — will enable it to operate across a wide variety of circumstances. The working-with-children scheme will operate under the general oversight of schemes that applies across governments, such as under the Information Privacy Act and the Ombudsman Act. It will allow individuals to make submissions to the checking body. Appeal rights will be available to most people aggrieved by a decision made by the checking body. It is 'most people', because the rights are not available to those on the sex offenders register or subject to extended supervision orders.

The Child Safety Commissioner Bernie Geary will play an important role in overseeing the administration of the working-with-children checks. This bill is not only about protecting children and minimising the risks that they are exposed to; it also ensures that when a parent or guardian entrusts their child to a person or organisation outside the family, they will know that the person who will be responsible for that child for that time has been checked at least to a standard required by this bill, and it will give those parents peace of mind. The government will review the operation of the Working with Children Bill three years after the checking of Victorian workers and volunteers begins. This is an important piece of legislation. It is an honest endeavour to address a very complex issue. It will be monitored, as I have already stated. The bill balances the need to protect children while supporting volunteering and protecting the rights of individuals. I congratulate the minister and his department on the consultation that was undertaken with the release of the exposure draft of the bill last December. This is good legislation. It provides a safer community for children. I commend the bill to the house.

Ms HADDEN (Ballarat) — It gives me great pleasure to participate in this debate today on the Working with Children Bill. I have been preparing and revisiting my research on this bill in my room while I have been listening to the debate through the loudspeaker and I have written on the front of the bill — the circulation print — 'Unworkable Working with Children Bill', because that is how I view the bill. It is cumbersome. Not even the lawyers can decipher most of the phrases in it — and I mean eminent lawyers in this state. Enough warning has been given to the government — to our Attorney-General, who is also the Minister for Industrial Relations and who is also the Minister for Planning. As I have said before in this place, he is a part-time Attorney-General because he should be allocating his entire energies to and concentrating on his role as Attorney-General in this state. Perhaps then we would not have the unworkable Working with Children Bill before the house.

I have listened to the Honourable Chris Strong's contribution and his reasoned amendment, and I support that. When I was a member of the government prior to 7 April this year I supported — and I made this known to the government — the view that this state needs an independent commissioner for children and young people based upon the Tasmanian model. My views have gone unheeded. I must say it will be to the government's loss and the community's loss because this state does not need an in-house bureaucrat; it needs a fully independent, in the full sense of that word, commissioner for children and young people. They have that in other states. Tasmania is the model that I have recommended, and I am fully cognisant of that model. It is a very powerful model, and the commissioner down there does a great job.

The Queensland model with the blue card and an independent statutory commissioner could also be looked at for this state. There is a commission for children and young people and there is a child guardian. All voluntary work with children requires a blue card, whether you are paid or unpaid, a volunteer or an employee. That card is only valid for a period of two years, not five, as is proposed by this government. Five

years is a very long time. It is a bit too long when we are trying to protect children across the categories of their activities.

The New South Wales model could and should be looked at seriously. It is a very interesting model. In the 2003–04 financial year the independent commissioner for children and young people referred 81 people for investigation by the New South Wales police regarding breaches of the legislation in that state, which prohibits people who have convictions for serious offences against children or serious sex offences from working with children in either a paid or unpaid capacity. The commissioner in New South Wales also identified a further 106 people who were rejected as totally unsuitable for working with children in child-related employment.

As we know, and as the commissioner in New South Wales pointed out, paedophiles move around. They move from state to state. Look at Victoria. We have a reciprocal arrangement concerning convicted child-sex offenders in other states. For example, Mr Smith from Western Australia — Mr Charles Smith, I think he calls himself; I do not know what his aliases are, they are probably pages long — is in this state under parole conditions set in Western Australia with little control by this state over his conditions. They cannot be changed here.

Mr Smith, who is some 72 years of age, was resident in Sunbury until people whom the government calls vigilantes but whom I call community people became aware that this monster had been exported from Western Australia and were concerned about their safety and their children's safety. They did not want him there. Victoria's Minister for Corrections in the other place, Tim Holding, had welcomed him with open arms, laid out the red carpet at the airport and plonked him in Sunbury right in the middle of families with young children. It makes an absolute mockery of the bill before the house when this government has a reciprocal arrangement to welcome with open arms into this state convicted child-sex offenders to serve out the parole period of their sentences.

Mr Beattie, the Labor Premier of Queensland, has said, 'Not on. We are not going to do this any more. You keep your scum in your state'. New South Wales has now thought, 'Premier Beattie has risen to the occasion. We are going to follow suit'. And they are about to follow suit. But not silly Victoria. No, we welcome them with open arms, and as I said, Mr Holding will be there at the airport with balloons, a band and the red carpet. So this make a nonsense of the government's platitudes in this place of presenting an unworkable Working with Children Bill.

The Scrutiny of Acts and Regulations Committee, established under our Parliamentary Committees Act, raised enough alarms in its report, *Alert Digest* No. 9 of 2005, that should have had the ears of the part-time Attorney-General of this state ringing, but it has not. It fell on deaf ears. It has not fallen on deaf ears in my case and it certainly has not fallen on deaf ears in the case of the Law Institute of Victoria or of the privacy commissioner, because he has his hands full. He has now been given the job of investigating all the other commissioners, including the Office of Police Integrity. I hear the Premier refer to Mr Brouwer as director of the Office of Public Integrity, so he confuses me. I am not sure whether he is director of the Office of Public Integrity or of the Office of Police Integrity.
Mr Brouwer is being investigated by the privacy commissioner.

Then law enforcement assistance program (LEAP), records were released, and some other surveillance tapes which a person had found them at a tip somewhere were found in his machine. Now the Attorney-General is going to create a new commissioner — I think this one will be no. 5 — to look after LEAP records. Goodness me, this is costing a lot of money, but there will be no results because they will be jobs for the boys and girls, who of course will be mates of the Labor Party. As it stands, this bill will not work, it will only impose a logistical nightmare and enormous costs on community groups.

People in my electorate have complained about the proposed legislation. I heard Mr Pullen make some criticism of Mr Andrew Bolt, the journalist with the *Herald Sun*. I recall reading that article, headed 'Big Brother Bracks', and that was one thing on which I agreed with Mr Bolt. This is Big Brother stuff, and it will not work because of the very exemptions in the bill to exclude the people you would not want coming within cooee of your children — yet this government and this part-time Attorney-General intends to allow convicted child sex offenders to work with children so long as their own child or children ordinarily participate in that same activity. What hypocrisy!

When I was a member of this government I expressed horror at that exemption, yet it is still in the bill. It makes a mockery of working with children and of a bill the aim and purpose of which are to protect children. In the bill 'parent' is very broadly defined. It includes a step-parent and foster parents, but they will not need to be assessed. They will not have to put up their hands and say, 'Please assess me, whoever in the department

is going to assess me'. Mind you, those records would probably be distributed to someone down in Gippsland or they might even be distributed to my electorate — I think 20 000 pages were distributed to someone in Ararat. We have a really bright lot running this state!

The bill includes an exemption from a police check for the very people who may work with and volunteer to be with children but who, according to the legislation, are meant to be prevented from working with children. It is an absolute nonsense.

Victoria Legal Aid made a learned submission to the Scrutiny of Acts and Regulations Committee dated 4 August. It raised many concerns and suggested significant amendments to the bill, but its submission has fallen on deaf ears. It raised, as did the privacy commissioner, the issue of exemptions from assessment of families along with many other concerns. The commissioner raised many concerns from the point of view of a learned person. H had thought through his concerns, but still those concerns fell on the deaf ears of this government.

This bill will kill volunteerism, especially in country Victoria. I have thought of many examples where an assessment will be required before people can work at or even participate in an activity with children. There are pony clubs, scout jamborees, the local scout group and the cub group — they used to call them the gumnuts but I am not sure if they still do; they do in some country towns. There are the Christian horse camps locally, Sunday schools and after-school care. There are the volunteer committees of management of local community museums and art galleries — they often have school groups coming through.

Will they all be required to put their hands up and wait to be assessed before they can show those school groups through the local museum? What about the small town associations that entertain children and young people — are they also going to have to put their hands up for an assessment? Do all or any one of those examples fall under the definitions of 'direct' or 'indirect contact', or do they fall within the activity provision, which meaning is very unclear? There are small town fiestas where volunteers look after children while their parents are doing athletic runs like the Bracken Ridge classic or are involved with stalls. These are all people who are going to be impacted upon.

The government is putting up only about $20 million towards the cost of police checks when in fact the police checks for the estimated 500 volunteers will require something like $40 million. Why does the government not do what Mr Beattie, the Queensland Premier does, where the government pays for it and does not quibble. If the government wants to bring in such an archaic, unworkable bill then it should pay for it. That is what this state should do, and that is what the bill should do.

The bill is unworkable. It is cumbersome and ambiguous. Learned reasons as to why it will not work have been put up by the Law Institute of Victoria and Victoria Legal Aid, among others. Tony Parsons, the managing director of Victoria Legal Aid, cites many examples of lawyers working with children in the Children's Court. A Victoria Legal Aid office has just opened in Ballarat, but this bill has really put a damper on the opening of that office because of the concerns raised by Tony Parsons in his latest submission. There has been a submission by the privacy commissioner which should have set alarms bells ringing with this government, but again the Bracks Labor government consults with ear muffs and bulldozers. In this case it is consulting with its ear muffs on. I am not happy about it, and I know a number of other people in this chamber are not happy about it.

It would be a good thing if the government withdrew the bill, went back to the drawing board, consulted with the experts who have given it very learned reasons why this bill will not work — the privacy commissioner, the law institute, Victoria Legal Aid, the bar council — and then came back and presented a bill which would work, which would protect children in this state and which would not allow an exemption for a paedophile, a convicted child sex offender, working with children, when his own children were involved in that activity.

Whilst I will be supporting the bill I hope this government is voted out at the next election or that at least it does not have a majority in both houses of Parliament so that some true democracy can operate, so that we can see some commonsense across both chambers in this Parliament and so that children can be truly safeguarded and protected in our community and not be subjected to such an ambiguous and unworkable bill as the one before this house.

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

Ayes, 21

Argondizzo, Ms	Mitchell, Mr (*Teller*)
Broad, Ms	Nguyen, Mr (*Teller*)
Buckingham, Mrs	Pullen, Mr
Carbines, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hirsh, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms

Madden, Mr
Mikakos, Ms
Viney, Mr

Noes, 19

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

Amendment negatived.

House divided on motion:

Ayes, 36

Argondizzo, Ms
Atkinson, Mr
Bowden, Mr
Brideson, Mr
Broad, Ms
Buckingham, Mrs
Carbines, Ms
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D. McL.
Davis, Mr P. R.
Eren, Mr
Hadden, Ms
Hirsh, Ms
Jennings, Mr
Koch, Mr
Lenders, Mr
Lovell, Ms
McQuilten, Mr
Madden, Mr
Mikakos, Ms
Mitchell, Mr
Nguyen, Mr
Olexander, Mr
Pullen, Mr (*Teller*)
Rich-Phillips, Mr
Romanes, Ms
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Stoney, Mr
Strong, Mr (*Teller*)
Theophanous, Mr
Thomson, Ms
Viney, Mr
Vogels, Mr

Noes, 4

Baxter, Mr (*Teller*)
Bishop, Mr
Drum, Mr (*Teller*)
Hall, Mr

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

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

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

RACING AND GAMING ACTS (POLICE POWERS) BILL

Second reading

Debate resumed from 18 August; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. DAVID KOCH (Western) — I look forward to making my contribution to the Racing and Gaming Acts (Police Powers) Bill. Importantly I thank the minister's advisers and those from the Office of Racing for their briefing on this bill, which clearly attempts to make some inroads into tidying up the loose ends relating to money laundering and misconduct that have become evident in recent times within the management of both our gaming and racing industries in the state. This bill has certainly taken a long time to surface. We were fortunate enough to have the briefing back in May this year, and it would have been appreciated had some of the things included in the bill been signed off and put in the marketplace at an earlier stage than this evening. Although we do not oppose the bill, I will certainly be foreshadowing some amendments that would benefit the casino and the racing industry, and would firm up some of the situations to be faced under this legislation.

The purposes of the bill are to amend the Racing Act 1958 to enable the Chief Commissioner of Police to issue exclusion orders with respect to racecourses, and to amend of the Casino Control Act 1991 to expand the scope of exclusion orders issued by the Chief Commissioner of Police so that they may apply to the casino complex. Principally, the bill gives legislative powers to the police commissioner to exclude undesirable people — and I particularly refer to those who may wish to use this opportunity to legitimise ill-gotten gains from both specified racecourses in Victoria and the Melbourne casino complex, including the hotels, all restaurants, entertainment and car parking facilities — and eliminate money laundering and the congregation of criminals at all those venues.

This bill defines the two separate activities — that of racing as opposed to the casino — as stand-alone entities in their own right and consequently misses out on picking up on the very needs of these venues jointly, albeit possibly at different times. It is not difficult to imagine that the same people may be involved in transferring their activities from one venue to another

when exclusion orders have been issued against them. This situation is not recognised, acknowledged or picked up in the bill as it has been presented. Our consultation with both industries certainly confirms a position that is not encompassing and therefore exclusion orders imposed at a gaming venue would not be binding on our racecourses.

Clause 3 of the bill defines what are recognised as the chief steward's responsibilities versus those of a steward in the other respective codes; who the controlling bodies are, and most importantly stipulates that only members of the police force can serve exclusion orders. This clause also defines what is meant by the words 'exclusion order' and where specified racecourses are to be found.

The other important thing to note is the period during which a race meeting can take place. Unless the Minister for Racing otherwise directs, a race meeting must start and finish on the same day; it is deemed to have commenced 1 hour before the advertised starting time of the first race and will finish 1 hour after the actual starting time of the last race at that particular meeting.

Under clause 4 the chief commissioner has the power to exclude a person or persons from entering a specified racecourse if that exclusion is seen to be in the public's interest. All exclusion orders must be given in person and in writing and shall remain in place until revoked. The period these exclusion orders remain in place is completely at the discretion of the chief commissioner.

Proposed section 35(3), which is inserted by clause 4 under new division 5 of part 1, ensures that the chief commissioner provides all chief stewards of the controlling bodies with a list of those banned as soon as practicable. Where possible, the stewards will also be furnished with photos of those banned by the exclusion orders.

Clause 5, which inserts new schedule 2 into the Racing Act, indicates that some racecourses are now deemed to be specified racecourses. Not only have some racetracks become specified courses but excluded persons may attend these racecourses at any time outside the prescribed period of a race meeting, as well as at times of social entertainment, such as for family functions, weddings and the like that are hosted at these same venues.

We are opposed to this position, and we strongly believe that people who have been served with exclusion orders should not be allowed on racecourses when racing activities of any description are taking place. This would rightfully include training, track work and any trialling activities that might allow excluded persons an opportunity for involvement or encourage them to congregate in order that corrupt or unethical practices may take place.

We are further concerned about the term 'specified racecourses'. This bill lists only 14 of the 86 registered racecourses in Victoria as specified racecourses from 1 July, all of those named falling within an 80 kilometre radius of the Melbourne GPO. At the briefing it was indicated that the list of specified racecourses will increase in number over time and will be brought into place by regulation. There are clear shortcomings in this process that will again see persons with exclusion orders being able to relocate their activities to non-specified racing venues.

This bill has either been prepared on the run or the government seeks to recognise and protect only certain racetracks, particularly in the metropolitan area where the majority of money laundering activities take place.

As our briefing took place back in May and no new listings of specified tracks have appeared to date, one has to query how serious the minister is about securing similar protection for country tracks. Some have already suggested that this legislation has been quickly put in place to support Spring Racing Carnival events at the expense of other tracks throughout the state that may be exposed to that sort of behaviour that has not flourished in the past.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Hon. DAVID KOCH — Before the dinner break I was dealing with what are said to be prescribed racetracks across the state, and I was going to bring to the house's attention the 14 prescribed racetracks. Importantly, all of the prescribed racetracks listed in the bill fall within an 80-kilometre radius of the Melbourne GPO and range across the three racing codes. Beckley Park, as many members would appreciate, is a harness and greyhound racing venue on the north side of Geelong at Corio. Caulfield racecourse is a thoroughbred venue. Cranbourne racecourse is a tri-code venue, with harness racing and thoroughbreds. Flemington racecourse is a thoroughbred venue. Geelong racecourse, as opposed to Beckley Park, is a thoroughbred centre. The Kilmore racing complex doubles as a thoroughbred and harness racing centre. Moonee Valley racecourse, like Kilmore, caters for both thoroughbred and harness racing activities. Mornington racecourse is a thoroughbred venue. Pakenham racecourse is also for thoroughbreds. Sandown Park is one of the premium greyhound racing

tracks in the metropolitan area. Sandown racecourse is the sister club to the Melbourne Racing Club at Caulfield. The Meadows racecourse, like Sandown Park, is the other premium greyhound racing centre in the metropolitan area. Werribee racecourse is for thoroughbreds. The Yarra Valley racecourse at Yarra Glen doubles as an exciting harness racing and thoroughbred centre.

We have to recognise early in the piece that we see this as a pretty limited number of clubs across Victoria. As I mentioned earlier, there are 86 in total and the only 14 that have been recognised are principally metropolitan tracks or tracks that are close to the metropolitan area. One has to ask: where are the larger regional thoroughbred racing tracks and centres such as Ballarat, Bendigo, Warrnambool, Seymour or Moe, to name but a few? Harness racing venues like Bray raceway in Ballarat, which we know and recognise as the second-biggest harness racing centre in Victoria; Lords raceway in Bendigo, where we see both greyhound and harness activities; or even Terang, the very exciting track down in south-western Victoria, do not get a mention. Greyhound racing also does not get a mention beyond the metropolitan tracks, Cranbourne and Geelong. Why are some of the others not mentioned, such as Warrnambool, Ballarat, a very exciting track, Bendigo, Shepparton, Wangaratta, Sale and Mildura?

Our amendments, which I alluded to earlier, are designed to pick up these oversights. I hope they will be supported here tonight so that all money laundering or attempted money laundering activities on any Victorian racecourse will be curtailed.

Opposition amendments circulated by Hon. DAVID Mr KOCH (Western) pursuant to sessional orders.

Hon. DAVID KOCH — The industry is disappointed that the bill does not go far enough in this area, especially with bans only being in place on prescribed race days at specified racetracks. My understanding is that the racing industry would far prefer that this legislation became serious and went beyond what even we propose. I believe the industry's preference would be to incorporate the term 'warned off' using the Australian rules of racing and Tabcorp's betting rules to clearly define the limitations imposed on these social menaces. For the house's information as to what this would mean I refer to racing rules nos 183, 182 and 182A along with Tabcorp's betting rule 3.2.2 in relation to wagering.

In the Australian rules of racing, rule 183 defines being warned off. It states:

> AR.183. A person warned off by a principal racing authority shall be subject to the same disabilities as a person disqualified.

Rule 182 says, in part:

> … a person disqualified by the stewards or a principal racing authority shall not during the period of that disqualification:
>
> (a) Enter upon any racecourse or training track owned, operated or controlled by a club or any land used in connection therewith;
>
> (b) Enter upon any training complex or training establishment of any club or licensed person;
>
> (c) Be employed or engaged in any capacity in any racing stable;
>
> (d) Ride any racehorse in any race, trial or test;
>
> (e) Enter or nominate any racehorse for any race or official barrier trial whether acting as agent or principal;
>
> (f) Subscribe to any sweepstakes;
>
> (g) Race or have trained any horse whether as owner, lessee or otherwise;
>
> (h) Share in the winnings of any horse;
>
> (i) Participate in any way in the preparation for racing or training of any racehorse.

Rule 182A says:

> A bookmaker shall not bet by telephone or otherwise with a disqualified person.

Tabcorp's betting rule No. 3.2.2 says:

> No person who is prohibited under or by virtue of the rules of racing from entering upon the premises of any racecourse shall enter upon the premises of a totalisator office or invest, or through an agent invest, at or through a totalisator office.

This would clearly describe what we would see as someone being warned off the track altogether. The racing industry sees this as the opportunity to control the activities of people who continue to flout the best opportunities afforded to them, especially in the racing environment. On reflection, if these rules were incorporated it would be clearer and far more effective in controlling the activities of these people within racing.

Clause 6, which deals with the amendment of the Casino Control Act, picks up on the establishment of a system for the licensing, supervision and control of casinos that will ensure management of casinos remains free from criminal influence or exploitation.

Clause 7 inserts a new definition for the casino that will extend to the casino complex. It will now apply to those

who are served with an exclusion order. The explanatory memorandum to the bill indicates that:

> "casino complex" is defined to mean the land shown —

again it is in a map that I will indicate —

> in the colour grey on the plan lodged in the central plan office of the Department of Sustainability and Environment …

That also is open to the public. The explanatory note for clause 7 further states:

> Sub-clause (b) amends the definition of 'exclusion order' to include an order made prohibiting a person from entering or remaining in the casino complex.

The map as provided at the briefing clearly indicates that from the Yarra River back all the Crown land property, where principally the hotel and casino are located, is certainly excluded, along with all the restaurants and entertainment areas, the shopping precinct and particularly the car park area. There are also some freehold areas south of the casino, below Whiteman Street. There are many freehold properties there that are also excluded to people who may be holding exclusion orders from the casino. There are some exceptions, principally Kings Way, Whiteman Street under the walkways, and Haig and Clark streets under the multideck car park. As I mentioned earlier, these maps describing those areas of the casino are available from the office of the Department of Sustainability and Environment, which is open publicly. The plan clearly demonstrates that people who are the subject of exclusion orders and who are found within the perimeter of the plan may be arrested or penalised.

Unlike what happens in the racing industry, this part of the bill also excludes people from interstate who may be under similar suspension in their respective states. I think it is terribly important to note that this legislation operates across state borders. We also recognise that, similarly to what happens with exclusion orders in the racing industry, exclusion orders at the casino can only be served by police officers. If managers or their staff become aware that such excluded people are on any part of the casino complex, then the police should be notified. As I mentioned earlier, the police are the only people with the capacity to serve exclusion orders. Privately employed security people certainly do not have that capacity.

Importantly this bill should not be seen as bad legislation, as I believe very strongly that its intent is in the right spirit. It is a genuine attempt to address issues that would add to the integrity of both the casino and our racing industry, and in general it has strong support from the casino. However, from our consultations on many matters we felt the legislation should have been broader and more encompassing in the area of racecourse exclusions. It should have run in parallel with the casino exclusion orders, which exclude all activities across total racecourse precincts and suspend people who are known crooks within the industry. Racing and gambling at the casino are recognised as very large industries in which large amounts of money change hands on a regular basis. We acknowledge that best industry practice along with confidence and integrity are paramount in maintaining the high standards already recognised internationally in these two well-attended and well-administered industries. The opposition fully supports any measure that will continue to grow and maintain the confidence the public expects and demands from managers and administrators of both racing and gaming venues across the state of Victoria.

What we do not want to see is the migration of money laundering from the metropolitan racetracks to regional centres. We all recognise that Victorian racing is a very big industry, and I think many would suggest rightfully that it is probably the second-biggest industry in the state. Currently racing has a turnover in excess of $3.3 billion, and in anyone's language that is a huge amount. Racing has the marvellous capacity of employing somewhere in the order of 64 000 or 65 000 people, including many on a permanent part-time basis. However, if we were to look at effective full-time positions we would be looking at in excess of 25 000 jobs. Seventy per cent of all starters in Victoria are raised and trained in regional Victoria. We also know that because of these jobs and with 65 per cent of the action taking place in regional Victoria, it is extremely important for regional Victoria that our racing industry not only continue but continue to grow.

In recent times we had unrest in the harness racing industry across regional Victoria, and it became very obvious how big an impact harness racing was making on local communities. This is also the case with our regional racing centres, of which we have in excess of 50. It is very important from the point of view of rural economies that we not only grow the industry but make sure that no undue influences are brought to bear on those clubs by people who wish expand their activities from the metropolitan area into regional Victoria. There is little doubt that my colleagues in another house a fortnight ago were very colourful in demonstrating their concerns about the possible ease that criminals would have in relocating their activities to regional Victoria. We appreciate very much that with all the specified tracks lying within an 80-kilometre radius of the Melbourne GPO these crooks can travel up the

highway or catch a bus from Spencer Street station and within an hour move in on racing centres in regional Victoria that over many years have been recognised as not only conservative in some ways but certainly very well controlled and without these activities.

There is little doubt that most of this legislation has come to pass due to the activities of one Tony Mokbel during last year's Spring Racing Carnival, but Mokbel was not a lone rider in the money laundering activities that were taking place during the spring carnival. We have also seen this happening on the odd occasion in regional Victoria. There were some money laundering activities about which nothing could be done and which certainly could not be policed at the recent Warrnambool May Racing Carnival.

The protection of regional racing is paramount and further consideration should be given to it. As I mentioned earlier, although it was stressed during our briefing back in May that further racecourses would be recognised and brought into place as specified tracks by regulation, in the last four months nothing has surfaced. That causes some concern to country racing. Importantly the racing industry, especially in country Victoria, has worked extremely hard in recent years to market its product. There have been successful campaigns, so we should reflect on what has taken place. For Country Racing Victoria (CRV) to have grown attendance at race meetings in regional centres by 10 per cent year on year and to have grown on and off-course turnover by similar percentage amounts certainly demonstrates the success of the marketing campaign undertaken by that organisation. But that has not come without cost. It is a credit to CRV that it has had that success, and it certainly would be disappointing if people's access to these events was diminished through the activities of people who have been banned from the casino or from metropolitan or near-metropolitan racetracks moving up the road and extending their activities into regional Victoria.

Fourteen racetracks are specified in schedule 2 of the bill for the purpose of exclusion orders made under new section 33 of the Racing Act. These exclusion orders will ensure that undesirables — crooks who we certainly do not need — have limited or no access to the majority of volunteer-driven country racing events. The shortfall in the numbers of clubs being put in that net will add further cost burdens. Those burdens on the smaller clubs, especially in security controls and possibly community protection, regrettably will have to be underwritten by only local-course revenue streams. A lot of our country clubs do a marvellous job, and I can assure members that is due to the voluntary component, because the funds that come through from the joint venture are expended 100 per cent on stakes. It is pathetic for the minister's office to use the lame-duck excuse for there not being a greater number of specified racecourses that they could not be registered, especially when the grounds for making that claim are that community sporting activities would be banned at those centres. It has to be recognised that that is absolute nonsense.

I wonder about the advisers, especially Melissa Arch, who is quoted in Monday's Moe *Express* as commenting that joint tenants and joint users of the venues would be banned from activities. I have here the quote from the *Express*, which in its own way is quite disturbing. The report on the comments in relation to specified tracks states in part:

> … Melissa Arch said parliamentary legal counsel advised it could only ban criminals from the 14 tracks because it was difficult to legally define smaller country courses.
>
> 'By banning people from some of the smaller tracks, it would also be banning them from nearby playgrounds, Crown land and sporting facilities.
>
> 'We've had legal advice to say we can't do that but the minister's now got powers to regulate in order to extend the ban to other courses later.'

Ms Arch went on to say that those bans would come into place only 'as instructed by police'. That is a very loose way of giving some security to those country tracks. That sort of statement does surprise me a bit. I am sure if Ms Arch and her colleagues were to travel beyond 80 kilometres from Melbourne and, as the Leader of the Government said — —

Hon. D. McL. Davis — Past the tram tracks.

Hon. DAVID KOCH — Past the tram tracks, and if the government was generous enough to put some fuel into a car so that she could go out to Ballarat and have a look, she would note that bounded by Sutton, Bell, Rubicon and Pleasant streets in Ballarat they have a highly fenced, single occupancy greyhound track and harness racing venue, being Bray Raceway. For her to indicate that the specified tracks could not be extended to any great degree because that might threaten or ban other sporting opportunities is just a madness. There are plenty of opportunities. The government has probably been somewhat lazy in not extending the opportunity to tracks beyond the metropolitan area. I suggest that it has not seen fit to do anything away from the metropolitan area and that, of course, is a penalty for regional Victoria.

The other track in Ballarat that bears recognition is Dowling Forest Racecourse, the thoroughbred centre. Again, it is recognised that Ballarat is 100 kilometres

from Melbourne, not the mandatory 80 kilometres within which all the other specified tracks fall. Dowling Forest is a well-attended provincial race centre, which has activities similar to those that take place at both Ballarat greyhounds and Bray Raceway. It is clearly demonstrated that other centres will be introduced only on the recommendation of the police, not those racing bodies that administer and control those country centres.

The legislation is supposed to have been well researched and well drafted and to be giving protection to racing participants and patrons. I can demonstrate that that gives some concern to members on this side of the house. Importantly, it has been put to me that it is laughable and that it is hard to mount a reasonable argument as to why support for those other regional clubs should not be given every consideration and included. As I said, we had a briefing earlier in the year. Now we are in spring, running up against the carnival, and no addition has been made to those 14 specified tracks.

Many in the racing industry have indicated to me that the legislation will not have much impact as it only transfers the money laundering services.

Mr Pullen — Name them.

Hon. DAVID KOCH — Through the Chair, Mr Pullen has a concern about who is bringing this to my attention. I can assure Mr Pullen, who I know is a regular attendee but, I must say, mostly at metropolitan racing centres, that if he were to step further than 80 kilometres from Melbourne — —

The PRESIDENT — Order! Mr Pullen is not in his place. Interjections are unruly. Mr Koch should ignore interjections and continue.

Hon. DAVID KOCH — I was just making the point that if Mr Pullen in his capacity as a participant in the racing industry extended himself, filled up his motor car up and got a little bit more than 100 kilometres from town, he would run into many community leaders, as I do right across regional Victoria, who have demonstrated to me their concerns that their tracks should be given some protection, as are the metropolitan tracks, from people who on some occasions are not operating within the rules of racing. They certainly do not understand why the smaller clubs should be underwriting — from meagre gate takings and other activities — the activities of those people to maintain a safe atmosphere for those patrons and participants who need protection in the regional centres. We do not need to be rubbing shoulders with illegitimate racing participants and, in some contexts, crooks. I know that Mr Pullen would certainly not be rubbing shoulders with people of that background and he would be very supportive that we should not have to suffer them, either.

The Liberals do not oppose the bill. We will move the amendments because we believe that it could be stronger and might protect the interests of the public, the casino, racing managers and the operators of the venues where, as I mentioned earlier, large amounts of money change hands. The Liberals seek the support of the house for the amendments. The legislation would then pick up on the recognised shortfalls, especially in the area where lack of continuity of exclusion orders in both gambling disciplines is very evident. In its current format the legislation is seen as somewhat contradictory, non-consistent and possibly a waste of effort as it could be demonstrated that it essentially bans unscrupulous persons from only one registered gambling venue at any one time, be it the casino or a racecourse. At the same time the legislation condones the very same people travelling only a couple of kilometres up the road to an unaligned venue where the same exclusion order has no merit or validity and similar practices would be both acceptable and available. As I said earlier, the Liberals do not oppose the bill. The support by the house for the amendments would both give credibility to the legislation and provide the means of stalling criminal activity, especially in the area of money laundering.

The ongoing success of these dynamic industries relies heavily on confidence in the integrity of management at both the casino and our racetracks through legislation that offers world best practice in the policing of the venues. It is important that we afford that support in guaranteeing a secure environment for law-abiding patrons to enjoy these entertainment industries to the full.

Hon. D. K. DRUM (North Western) — The Nationals will be supporting this legislation. In the committee stage we will move an amendment which I will talk about now and more fully then.

The Racing and Gaming Acts (Police Powers) Bill amends both the Racing Act 1958 and the Casino Control Act 1991. The purpose of the bill is, quite clearly, to give the Chief Commissioner of Police, Christine Nixon, the power to prohibit and exclude undesirables — people who are considered to be a risk to the public interest — from entering the casino.

Currently that power resides with the minister although it is limited to about a dozen people in Victoria. These

powers are also limited to the precise gaming area of Crown Casino. This bill will broaden the scope of people who will be caught, and it is envisaged that about 80 people will go straight onto the exclusion list. Not only will the bill increase the number of people unable to frequent Crown Casino, it will also increase the size of the area where those people cannot enter.

In effect, suspected criminals and people who have a history of money laundering and crime will be banned from the entire Crown Casino complex. It is hoped that that provision will stifle criminal activity. Mr Simon Overland, the assistant commissioner for crime, Victoria Police, has said to us, and has also said on ABC Radio, that it is a significant issue. The criminal element in Victorian society congregates at Crown Casino to conjure up ways to continue their criminal activities. Mr Overland has quite clearly stated that they engage in a level of money laundering as well, and that the facilities at the casino are conducive to that type of activity.

Victoria Police will be glad to see this legislation go through. They realise that criminals go to the casino because they consider it to be a safe place to meet and plan how they will continue their activities. If we can make that a bit harder, then the bill is a good thing.

It is also important to ban undesirables from the Crown Casino complex because at the moment it is a great opportunity for them to flaunt their lifestyle and their wealth in the face of the authorities. They go there and put themselves up as role models to young, impressionable people who may be thinking about heading down the path of petty crime or serious crime and who see a congregation of people with known criminal backgrounds consorting with each other to continue those activities. This bill gives our police force an opportunity to make that sort of activity much harder. We are talking about 80 of Victoria's more renowned criminals and people with a history of money laundering activities who have been using the casino and racecourses to continue their activities.

This bill expands the area from which undesirables can be banned. It makes provisions for the racing industry as well. The bill names 14 racecourses and racetracks around Victoria. That leaves 72 courses unnamed, and we will be supporting the opposition's moves to cover all tracks in Victoria that hold TAB meetings. We do not want to see people who are banned from the metropolitan racecourses and the two courses in country Victoria driving up the road to carry out their activities in some of the regional and larger provincial meetings. There is little doubt that the very reason why this aspect of the bill is to be enacted is proof that these people will gravitate to other tracks.

We have identified that major criminals will behave in this manner at the major tracks. It is only commonsense that if you take away their ability to go to the major tracks, then they will find the next biggest provincial centres to go to. Certainly places like Bendigo and Ballarat, which hold huge race meetings, will find themselves home to those undesirable types.

We understand it is not only money laundering that takes place, although it is a big part of it, but we are trying to stop a whole range of criminal activities and to stop those people from getting together and scheming. We have to give our crime fighters every available weapon to make their job a little easier, and hopefully this bill will do that.

Des Gleeson from the Victoria Racing Club welcomes this legislation. He understands that the undesirable element is of concern to the racing industry. At the moment there is no embargo on these people attending the various racetracks around Victoria. He understands that while they are banned from the casino, we have to look at ways of banning them from all racetracks. It was pointed out earlier in the debate that it is just as easy for those people to launder money at smaller race meetings as it is at some of the larger meetings. The minister in the other house said he hoped this problem would be fixed by regulation and that the other 72 tracks will not be left unaffected. They will be brought into the mix of the banned tracks at a later stage. We look forward to seeing how that will happen.

One of the concerns that The Nationals have with the legislation relates to clause 4 and public interest. The Casino Control Act 1991 states that the Chief Commissioner of Police is able to ban people from entering Crown Casino if she considers that they present a public risk. The section contains a clear definition of 'public interest'. It states that 'public interest':

> … means … having regard to the creation and maintenance of public confidence and trust in the credibility, integrity and stability of …

That definition is clearly set out in the act. However, clause 4 which inserts proposed section 33 states that:

> (1) The Chief Commissioner of Police may, if he or she considers it necessary in the public interest, by written order given to a person, prohibit the person from entering, or remaining at —

a racecourse, or two or more racecourses.

But it does not define 'public interest'. With that in mind, we will be moving an amendment to more clearly define within the Racing Act what is meant by and is clearly defined as 'public interest', and I hope the government supports it. It is very commonsense and straightforward, and it is going to make this particular aspect of the bill much clearer. We hope that in the event people down the track were being charged and pursued through the courts under this section, there would be no ambiguity as to whether or not they were a risk to the public interest.

It is also worth noting that these exclusion orders are open-ended; they are ongoing throughout. There is no sunset timing as to when these exclusion orders expire, and they can only be reneged at the call of the Chief Commissioner of Police. It will also be up to the Chief Commissioner of Police to provide photographs and names and maintain those lists of photographs and names at the respective tracks around Victoria and at the casino, to let the staff there work through the screening process. We think a lot of work will need to be undertaken, but it is possibly the only way to make this aspect work. The penalty for breaking these orders will be 20 penalty units or $2000. Whilst that is not a lot of money for some of our criminal elements who are hanging around trying to launder criminal money through the casinos and racetracks, maybe we could see that level increased in the future to make it more commensurate with the types of finance that these individuals throw around.

As I said, I will talk more about the amendment that we wish to move in the committee stage. We will be supporting the bill. Hopefully the government will support the amendment to clarify the definition of 'public interest' to make the bill a fraction more clear in its presentation.

Ms MIKAKOS (Jika Jika) — It is with pleasure that I make a contribution to debate on the Racing and Gaming Acts (Police Powers) Bill, which seeks to amend the Racing Act 1958 to enable the Chief Commissioner of Police to issue exclusion orders for racecourses and to amend the Casino Control Act 1991 to extend the scope of exclusion orders issued by the Chief Commissioner of Police under that act.

Existing legislation currently enables the Chief Commissioner of Police to issue exclusion orders preventing a person from entering or remaining in the gaming area of a casino, but this cannot exclude a person from any other areas within the casino complex or from racecourses. It is really in the area of problem gamblers that the exclusion orders in relation to gaming areas have been used up until now.

This bill seeks to address the limitations in the two acts I just mentioned, to enhance the ability of Victoria Police to eradicate organised crime from our racetracks and from the casino. It will seek to maintain the already enormous steps the government has taken to maintain probity and protect the integrity of the Victorian racing industry.

I take this opportunity to quickly reflect upon the enormous contribution of racing to this state. Aside from the tremendous economic benefits of some $2 billion, the industry employs over 64 000 people, many of whom are in regional areas. Racing is also a major contributor to allied industries such as tourism, hospitality and agriculture, and enormous community benefits flow from both the autumn and spring racing carnivals and also other regular greyhound and harness racing meetings.

I understand that a recent survey shows more than 7 per cent of the population is regularly involved in racing, that approximately 27 per cent are actively interested in racing, and that attendances at race meetings now top 2 million a year.

I take this opportunity to recognise the foresight that has gone into ensuring Parliament will not be sitting during Melbourne Cup week this year. This is a tremendous opportunity for Victorian members of Parliament to show their support by being able to attend important events such as the Oaks Day race meeting and support some of our most popular race meetings. I am looking forward to taking up the opportunity to attend some events during that week.

Gaming in Victoria is a popular form of entertainment. The focus of the Bracks government has been on ensuring that we have a fair and a crime-free industry in our state, and also ensuring that we minimise harm to the small proportion of problem gamblers who exist in our community.

The intent of the bill is simple. It is about excluding criminals from our major racetracks and from the casino complex. It is quite disappointing that during the course of the debate the opposition and The Nationals have foreshadowed moving what I believe would be a number of completely unnecessary amendments. I will try to address some of those issues during the time I have available to me. The government feels those amendments are unnecessary and that the provisions of the bill adequately address the concerns that have been raised. I will come to those quite shortly.

In relation to the amendments in the bill to the Racing Act 1958, the bill gives the Chief Commissioner of

Police the power to issue exclusion orders from specified racecourses. The enforcement of the exclusion orders will be the responsibility of Victoria Police. An exclusion order can only be issued if the chief commissioner thinks it is considered necessary in the public interest. I note the bill defines what is commonly understood to be 'the public interest', as the Honourable Mr Drum has noted in his contribution, but that term is very frequently used in legislation. I note that the same term — 'the public interest' — is also referred to in other pieces of gaming legislation, particularly the Casino Control Act and the Gambling Regulation Act.

Hon. D. K. Drum interjected.

Ms MIKAKOS — It is not a defined term, Mr Drum. It is a term that is frequently used in legislation without the need to define it because it is defined under common law.

Hon. D. K. Drum interjected.

The PRESIDENT — Order! Mr Drum has had his opportunity, and Ms Mikakos will address the Chair.

Ms MIKAKOS — If there is a need for further elaboration, I am sure the courts will do that in the future, but it is a commonly understood common-law term, which is why these types of terms are not enshrined in legislation. So whilst The Nationals have not as yet moved their amendment, Mr Drum has indicated the nature of it, and I indicate that the government takes the view that the amendment is unnecessary because it is a commonly understood term. If we go down that path, we would need to make similar amendments to other types of gaming legislation, and there is no need to do that given that it is a well-understood term.

In relation to the provisions that amend the Racing Act, these provisions will ensure that excluded persons are not in a position to undermine the integrity of the racing industry by attending race meetings when wagering is occurring — that is, when money is changing hands. As I said at the outset, this bill is about cracking down on organised crime figures going to racetracks and the casino complex. We are tackling the issue of when people are wagering. I note that the opposition seeks to amend clause 3 so that an exclusion period could cover periods of training, trials or track work carried out at the racecourse for the purposes of a race meeting. It is unnecessary to exclude individuals from attending training schedules when it is money laundering that we are seeking to tackle with this legislation. Why go so broad as to exclude people from training sessions and other such non-wagering periods, when we are concerned with tackling money laundering? As I said at the outset, these types of amendments are completely unnecessary and have not been well thought out.

Fourteen racecourses have been specified in schedule 2 of the bill, and they are located in or close to major metropolitan areas. This is a major issue of contention for the opposition, and I want to spend some time on it. The racecourses that have been set out in the bill are Flemington, Caulfield, Moonee Valley, Sandown, Sandown Park, The Meadows, Cranbourne, Pakenham, Mornington, Beckley Park, Geelong, Werribee, Yarra Valley and Kilmore. The important thing to note is that additional racecourses can be included by regulation if they are considered to be necessary, subject to the exclusion order provisions. There are several reasons why only these 14 racecourses have been specified. Many racecourses, particularly in regional areas, are located on large recreational reserves that include areas that are used for non-racing purposes. It would be a significant task to adequately identify the portions of those reserves that relate solely to racecourses, and without separating these areas the exclusion provisions would have far too wide an application.

The exclusion orders we are talking about have criminal consequences; fines and so on apply in relation to non-compliance with these provisions. It is very important that there is certainty within the law, particularly when we are talking about provisions that have criminal consequences. If we were to put in place provisions such as that proposed by the Honourable David Koch in his amendments, which would amend clause 3 so that any other racecourse would be included in these provisions, we would be introducing a great deal of legal uncertainty.

Hon. David Koch — What rot!

Ms MIKAKOS — I encourage Mr Koch to look at schedule 2 and the way in which each of the 14 racecourses has been identified. If he reads it, he will see detailed descriptions of the land, particulars relating to title, and so on, to very carefully contain the geographic area we are talking about. It may be possible for us to do similar things in regard to regional racecourses, but it is important that we are able to put in place legislation that identifies those 14 metropolitan and provisional racecourses specified in the bill at this point in time so that we are ready for the Spring Racing Carnival. We encourage the opposition to rethink the logic behind these ill-thought-out amendments. We want to give legal certainty to the industry, and have done this by tackling the issue in the way we have.

Down the track, when the need arises, it will be possible by regulation to add additional racecourses. I think it is scaremongering by the opposition to suggest that organised criminals are going to flock to regional racecourses in the meantime. We think it is important if it is going to put up these types of amendments that the opposition actually gives some careful thought as to how these provisions can be legally enforced. I do not believe it has done that.

The bill does not apply the exclusion order provisions under the Racing Act to persons who hold a bookmaking licence or an occupational racing licence because those people are already subject to licensing requirements including disciplinary procedures under that act and the relevant rules of racing. Should a person be found on a racecourse in contravention of an exclusion order, a steward must notify the police as soon as practicable and the notification requirements then have particular consequences in terms of non-compliance.

Very briefly, in relation to the Casino Control Act the amendments contained in the bill give the Chief Commissioner of Police the power to issue an exclusion order for the whole of the casino complex. This will include bars, restaurants, shops, cinemas, hotels and car parks. It is an area that will be very carefully set out in a map that has been prepared by the surveyor-general but it does not apply to footpaths outside the complex, including the public walkways along the Yarra River. If there is a contravention, a person in charge of the casino or an agent or the casino operator must notify the police if an excluded person is in the casino complex.

In conclusion, it is an important piece of legislation. It gives the Chief Commissioner of Police powers to fight organised crime, it maintains the integrity of our racing industry, and it will ensure that organised criminals have no place in our casino complex. I urge all members to support the bill. In future the opposition needs to give far more thought to the amendments it brings to this place; it needs to think through their legal consequences, and I urge the opposition not to proceed with the amendments.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! The member's time has expired.

Hon. B. N. ATKINSON (Koonung) — I welcome the house to a debate on legislation in reaction to newspaper headlines. I welcome members to a world where the Bracks government feels it simply has to wallpaper over cracks and respond to newspaper headlines that it finds to be uncomfortable. It introduces legislation that achieves very little, that is really not worth the paper it is written on; it is legislation that really challenges credibility when it comes before this house.

It is incumbent upon the government to explain to the house why this legislation is before it at all, why it has bought this legislation to this house because it is all very well to talk about things like money laundering and so forth but where are the examples? What are the issues that have given rise to this particular legislation? Who is involved in this legislation? What is the extent of money laundering on the tracks? How come current legislation cannot address the problems, because it is my understanding that the rules of racing, the laws that are already available to the government, allow it to intervene in practices that would undermine the integrity of the racing system and would involve people in criminal activities on the track, so why do we need this legislation?

This legislation appeared in this house, and has come from the other house, in response as I understand it to newspaper headlines about a person who has some notorious reputation in the community, called Tony Mokbel. The government was embarrassed to find newspaper headlines about Mr Mokbel appearing in some of the areas where there was gaming activity going on. The newspapers made all sorts of inferences about whether or not this was a fit and proper person to be in those places. The government has responded with this legislation.

This legislation also seeks, as I understand it, to try to round up people like Carl Williams, Mick Gatto, Mario Condello and other people who have established a significant reputation at least in the eyes of the media in this town. Yet the government's response is, 'We will wheel in a little piece of legislation that gets us off the hook'. But what does this legislation do? What is this legislation all about? Is it really about money laundering? Because if it is, it is a nonsense and it does not go anywhere. The reality is that if I was any one of those gentlemen who the government seems to be worried about, or indeed any other person who was involved in money laundering, I would not be at the track myself, I would not be at the casino myself. I could be warned off, but I have got mates and my mates will do the money laundering for me. I could use the phone. In fact in this situation obviously I could go to umpteen country racetracks absolutely without any scrutiny by the government and any sort of control by this legislation.

The fact is this legislation is absolute rubbish and it should not have come to the house in this form. This legislation simply tries to address a newspaper

headline — and that is the very worst form of government. That is the very worst form of response by a government to any circumstances in the community. It is a public relations response, a bandaid response to an issue, when the government really ought to have got serious if it believed there was a problem.

It ought to have been able to come into this house and to substantiate exactly what the problem is. It ought to have been able to tell this house why this legislation is necessary and why existing legislation is deficient, because the existing legislation addresses many of these issues, including money laundering ones. In terms of the presentation made by the government member — and I notice that there are not too many government members who are anxious to rise to their feet on this particular bill, or indeed one might argue on any other particular government bill at this stage of proceedings — but there was a suggestion that this ought to provide legal certainty.

What absolute rubbish that is. That was one of the worst contributions by Ms Mikakos in this place. What she said defied credibility. She said, 'We have limited it to a certain number of racetracks because it was going to become too difficult to define racetracks in country areas, and we were trying to provide legal certainty'. That is one of the most stupid comments that has been made in this house, because those country racetracks are already defined for the purpose of whether you can conduct gambling activity at them. Boundaries are already set as to where those gaming activities can take place. They already have boundaries established for where liquor consumption can take place. They have boundaries set for management and control of those tracks, for things like WorkCover and for entry and access privileges. We already understand exactly the legal entity of each of those racetracks and what jurisdiction a racing club has over those tracks. To suggest that it has been confined to a certain number of tracks and others have been excluded because there is not an opportunity to provide some legal certainty is an absolute joke. It is an indication that this government is continuing its habit of promoting public relations spin over substance and its ability to show absolute contempt for this house through a lack of any proper analysis of the legislation it brings forward or proper explanation of the position it suggests its legislation represents.

The fact is that this bill does absolutely nothing to stop money laundering. To warn certain people off tracks — and only certain tracks at that — and to suggest that is going to stop money laundering is absolute nonsense. As I said, these people will simply operate through other people, through other parties if you like, to undertake money laundering activities by delegation. The fact that people are warned off certain areas of the casino or that the bans should apply at certain times because it is believed there is money laundering activity only at those times is also at best naive, but I would suggest it is more stupid than naive. The fact is that this legislation is not worth the paper it is written on. The government has not thought this through. The government has responded with a knee-jerk reaction to a newspaper headline. The government has not thought out the issues that are involved in this, and its very quick dismissal of the amendments suggested by the opposition parties shows again that it has a scant regard for the interests of the racing industry.

I am concerned about this legislation even as to what is public interest. The government is relying on public interest definitions that apply in other acts, but there is no expression of public interest here. There is a significant discretion given to the police commissioner to warn people off. I come back to a point I made in debate on previous legislation that came before this house as to what opportunity people have to appeal being warned off tracks. Are people able to come back and seek some sort of a review of a position of having been warned off tracks under this legislation? Under this legislation people can jump to all sorts of conclusions as to a person's integrity and status on the track, whether the police commissioner believes they are involved in criminal activity or whether they are simply there because of associations with other people. We have rights as citizens, and people need to understand how this legislation will operate.

I am not sure that the police commissioner would know how to exercise her responsibilities, because this is poorly drafted legislation. This legislation does not define public interest. It is supposed to be all about money laundering, but it has absolutely no force or effect in achieving its objective in that regard, so what is the police commissioner warning people off for? Is it a matter of simply what is convenient to the government and to the police to make sure there is not further adverse publicity about the activities of some people and perhaps a failure to achieve enforcement in other aspects of their jurisdiction, or is it really about trying to clean up the racing industry? There are already significant opportunities in existing laws to deal with many of the issues that this legislation purports to deal with. This legislation opens up more anomalies and concerns than the legislation that is already in place. Not extending the reach of the legislation to other racetracks around Victoria — as I said, the bases on which the government has chosen certain racetracks and not others are absolutely spurious — simply creates more problems than it solves.

This is ridiculous legislation. It is knee-jerk legislation in response to a newspaper headline — a response that is not considered, that does not tackle the key issues of the industry and that clearly will not in any way address the real problems of money laundering, because it defies credibility to say that it will stop it. Any person who is involved in money laundering activities will simply adjust their activities, as I said earlier. This legislation will have no force or effect in that regard. It is absolute nonsense for Ms Mikakos to stand up and effectively apologise for this legislation, to try to put a government spin on it. This is legislation that frankly should never have come to the house. The only way it can be improved is if the opposition amendments are passed. This legislation should not be here. As I said, it is typical of a government that is more keen to put out public relations spin rather than to tackle real issues — get to the nub of the issues involved in this money laundering and the integrity of our racing tracks. This legislation ought to fail full stop. At least the opposition amendments improve it. I urge the house to support those amendments.

Mr PULLEN (Higinbotham) — I rise to support the bill. I mention at the start that I am a member of the Melbourne Racing Club, so I know a little bit about the racing industry. I have my own horse called Hurricane Sal, but it has not had a win yet. I make that clear at the start. It was mentioned in the other house that a wonderful person named Angus Armanasco passed away on 24 June 2005. It is important that we record his contribution before I get onto the bill, because Angus was a member of the Racing Hall of Fame and a trainer at Caulfield. He was the son of an Italian migrant and began his lifelong career in racing as a jockey in Western Australia. He was one of Perth's leading riders of the 1920s and 1930s. After retiring from the saddle Angus took up training in Perth, where he remained until relocating east to Melbourne in the early 1950s. He established his base at Caulfield, where he remained until his retirement in 1998. During those golden years at Caulfield spanning more than four decades Angus was Melbourne's premier trainer on no fewer than seven occasions. I wanted to put that into *Hansard*, because he certainly was a wonderful contributor to racing in this state.

The bill amends the Racing Act 1958 to enable the Chief Commissioner of Police to issue exclusion orders for racecourses, and amends the Casino Control Act 1991 to extend the scope of exclusion orders issued by the Chief Commissioner of Police under that act so that they can apply to the casino complex. While the Casino Control Act 1991 currently enables the Chief Commissioner of Police to issue exclusion orders preventing a person from entering or remaining in the gaming area of a casino, the chief commissioner cannot also exclude that person from the remaining area of a casino complex or from racecourses. This new provision will cover the hotel and car parks and the casino as shown on the casino complex exclusion zone which was covered by Mr Koch. It also means that a person who is the subject of a casino exclusion order can still attend race meetings and any parts of the casino that are outside the exclusion zone. The amendments in this bill will assist Victoria Police in the implementation of its organised crime strategy and in protecting the integrity of the racing industry. They will ensure the industry's ongoing viability and value to the state in terms of the economic benefits it provides to Victoria.

The bill allows the Chief Commissioner of Police to issue exclusion orders for racecourses only: when it is considered necessary in the public interest; for the duration of the race meetings and for one or more of the racecourses specified in the bill or subsequently specified by way of regulation — and I will cover that a bit more in a moment. If a person does not agree with the decision of the chief commissioner they can appeal to the Supreme Court.

The racecourses — there are 14, and I will mention them again — are Flemington, Caulfield, Moonee Valley, Sandown, which is my favourite track, Sandown Park, The Meadows, Cranbourne, Pakenham, Mornington, Bexley Park, Geelong, Werribee, Yarra Valley and Kilmore. Many racecourses are located on large recreational reserves, and these include areas that are also used for non-racing purposes. As I said, additional racecourses can be made subject to the exclusion order provisions, as considered necessary, by regulation. Accordingly, the power to issue exclusion orders will be restricted to the duration of the race meetings. Racecourses are used at other times for non-racing purposes and exclusion orders need not apply. I know that a lot of trade shows and other functions are held at Caulfield, and the facilities at Mornington are also used for many other functions. That is the reason the exclusion orders cover only race times.

The bill does not apply the exclusion order provisions to persons who hold a bookmaker's licence or an occupational racing licence under the Racing Act 1958, as they are already subject to licensing arrangements**.**

The racing industry is vital to Victoria. It employs more than 60 000 people, the majority of whom are in rural areas. We are the envy of the world and we are hailed as Australia's best racing state — they say we are in the top four world wide. I do not know which are the other

three, but I reckon we are no. 1 anyway. I went to the races with Mr Bowden and Mr Robinson in Ireland and found that Fairyhouse racecourse is nothing like the great tracks we have in Victoria. It was very hard work on our committee trip there.

The thoroughbred racing industry generates a direct economic benefit of more than $8 billion for Australia, of which more than $2 billion benefits the Victorian economy. Totalisator Agency Board (TAB) revenue in Victoria provided the racing industry with $191.6 million in the financial year 2003–04. Racing Victoria, which was set up by the Bracks government, has been a boon for Victoria. I do not think I am stepping over the line here when I advise that the Economic Development Committee is currently conducting a inquiry into the horse breeding industry — both thoroughbreds and standard breds — and everywhere we go, whether it be in Australia or overseas, people all say, 'What a wonderful set-up'. In New Zealand I was also told what a wonderful set-up Racing Victoria is.

Hon. David Koch — Hong Kong?

Mr PULLEN — I have not been there. I visited there years ago but I have not been there recently — or since Racing Victoria started, anyway. Everywhere we go people say, 'You have the best set-up around in racing'.

As I mentioned earlier, I am a member of the Melbourne Racing Club, and I think Sandown racetrack is the best racetrack — I think it is in the electorate of the Acting President, Mr Brideson. Racing Victoria recently installed a woodchip gallop track at Sandown. This is intended as an alternative training surface to grass for visiting international competitors stationed at the quarantine base. The gallop, which is 650 metres long by 4 metres wide, has an uphill incline and is situated as a stand-alone facility inside the steeple track at Sandown's back hill. It is modelled on a shorter version of the famous Old Vic woodchip gallop at The Curragh in Ireland and is the favoured surface of several leading international trainers, including Dermot Weld and Aiden O'Brien.

Hon. David Koch interjected.

Mr PULLEN — I am coming to that, David. I want to say how proactive the Melbourne Racing Club is. As members might remember, on 30 March a flock of seagulls came down and disturbed the last race at Sandown. Five jockeys fell off their horses, and I wondered what we could do about that seagull problem. I want to include this excerpt from a Melbourne Racing Club publication in *Hansard* to show how proactive the club is. It reads:

> A number of short-term measures proved beneficial when immediately introduced at subsequent Sandown meetings …

It goes on to say that an:

> … effective weapon in combating the seagulls was a technological solution sourced after considerable consultation with wildlife experts, government departments —

there we are, listening and helping again —

> and organisations with prior experience in dealing with similar situations.
>
> Encouraged by its success in reducing seagull numbers at the Zinfiex smelter in Hobart, the club turned to the US-made Super Bird Xpeller Pro, a product distributed in Australia by Tasmanian company PestX.
>
> The unit and speakers were installed in the infield at Sandown, emitting the sound of distressed birds at varying intervals …

and —

> the sound makes the seagulls leave the vicinity without distressing horses or humans.

Hon. David Koch — On a point of order, Acting President, I think the bill before the house actually alludes to specified tracks or otherwise in the state of Victoria, not specified seagulls at Sandown, and the member might return to the bill.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! This has been a wide-ranging debate up to this point in time. I draw the member's attention to the fact that he has just under 5½ minutes remaining, and he ought to return to the bill.

Mr PULLEN — Good news always upsets the opposition. Why do the exclusion orders apply only during the race meetings? Let the opposition get this straight: exclusion orders for racecourses will be issued to protect the integrity of the racing industry and to prevent corrupt practices such as money laundering. It is not appropriate for the orders to apply at other times, including during training sessions.

Only last week I had the opportunity to visit a private training track on the Mornington Peninsula. Does the opposition want to have any orders apply to private training tracks as well? The private track on the Mornington Peninsula is probably training more horses than are being trained at the city racecourses. The opposition is uttering a load of garbage! Members of the opposition always talk about cutting red tape, but

now they want to create more red tape, and that is their trouble: they just do not understand what it is all about.

I remind the house that the principal purpose of the exclusion orders is to prevent money laundering, particularly with bookmakers. I was pleased to see that the member for Rodney in the other place, Noel Maughan, mentioned in his contribution the legendary race caller Jack Styring. Jack calls the Avoca races, which I go to regularly — I think Mr Koch was up there two years ago trying to do a bit of campaigning — and I repeat what Mr Maughan said was Jack's favourite phrase — that is, 'The favourite is baring his molars to the breeze'. I am not sure if he uses it at every race, as Mr Maughan said he does, but everyone at the track is always excited when Jack calls a race. I should mention that Jack is so highly regarded at Avoca, he has been made a life member of the club.

The members for Bass and Mornington in the other place have been insulting Mercedes-Benz and BMW drivers by saying the crooks will get into their cars and drive up to the country to do their money laundering. Have the members ever been to a country meeting? You cannot get large bets on with the bookies there. Even if it did happen, the government would cover those particular racecourses by regulation. You can only get $100 or $200 on, so what is the opposition talking about? The simple facts are that there will not be money laundering going on at these tracks, and even if there were, we would bring in regulations to stop it. I have no doubt that those two members in particular — and I am surprised Mr Koch did not use the stories of the BMWs and Mercedes-Benzes — are most probably getting mixed up with the people who are turning up to the Liberal Party meetings down on the Mornington Peninsula.

The casino in Melbourne has intense security surveillance, and it is important that Mr Koch remembers that. You only have to have a bet on the table and say, 'I had a chip on that number over there — on no. 8'. They will say, 'No, you did not'. You will reply, 'Yes, I did'. They can then check the cameras. That is why these sorts of things can be followed up so closely at the casino, but there are no such cameras at the racetracks.

My time is going to run out, so I am going to jump over a few of the clauses I was going to cover. I get very little time off — I am always working hard for my constituents — but if I do get time, I try to get out to a racetrack. At the racetrack we all know the other punters. Mr Atkinson is saying that the crooks will have all their mates out there. If the crooks turn up with all their mates, people will know because we give them nicknames. We call one bloke Mobiles, because when he is on the mobile phone he listens to it and then talks into it down his mouth.

We have nicknamed another bloke Talks — he talks to himself. You think he is talking to you — he is usually giving himself a tip — and you back it but you lose. These sorts of things go on at the tracks all the time.

Another bloke is called the Iceman. He used to turn up to country race meetings, which I used to go to a lot, but he had no money to get in the door. He used to say, 'Hang on, I've got the ice for the bookies', so they would let him in — he just used to get some ice from somewhere. We know who are on these racetracks.

I have seen the opposition spokesperson at Caulfield racecourse. He crept up behind me at Mornington one day — does the member remember that?

Hon. David Koch interjected.

Mr PULLEN — I would not have reported the member to the stewards. But we find out that these things are happening all the time. This is an exciting bill, and these things are going to be covered. I wish the bill a speedy passage through this house so we can all get out to the spring carnival and have a great time, back the winners and not have the crooks hanging around.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

The CHAIR — Order! I invite Mr Koch to move his amendment 1, which is a test for his amendments 3, 5, 8 and 10 to clause 4, which he will foreshadow.

Hon. DAVID KOCH (Western) — I move:

1. Clause 3, after line 21, insert the following definition—

'"**exclusion period"** means—

(a) the duration of any race-meeting; or

(b) any period of training, trials or track work carried out at a racecourse for the purposes of a race-meeting;'.

Amendment 1 inserts a new definition of 'exclusion period'. We have concerns in relation to the activities of some people, and the bill as it currently stands picks those up only for periods during a race meeting on a particular race day. As far as we are aware, it does not exclude activities such as training, trials or track work, and it does not exclude social events that may take place at those courses. We and the industry see this as very important in curtailing the activities of those who participate in money laundering and other criminal activities so that they will not have the opportunity to hone their craft by attending racecourses on a regular basis for all activities barring racing events taking place, as I think the minister decrees, from 1 hour prior to the start of the first race to 1 hour after the last race on a particular day.

In moving this first amendment I would also like to acknowledge Jason Murray, who is here with us this evening. Jason was not here when I started my contribution, and I repeat that I thank him and his colleagues for an earlier briefing.

The CHAIR — Order! It is not in order to refer to persons in the gallery.

Hon. DAVID KOCH — I appreciate that guidance, Chair. I mentioned that only from the point of view that these matters were raised at the original briefing.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I will try to assist the member in relation to why the amendments are deemed to be not necessarily appropriate for the legislation as presented. As has been discussed in much of the debate by government members, generally the exclusion in the definitions relates to the racetracks as defined within the legislation, but more extensively there is the opportunity to define those under regulation. Primarily not all racetracks have been covered, but they can be covered under regulation I am advised that for the police to implement an exclusion order it has to be based on a clearly defined land title. I understand there are instances where for many of the older courses, particularly the ones in more remote parts of the state, the land is not clearly defined within a title, because it might sit across a particular reserve or it might be used — —

Hon. David Koch — On a point of order, Chair, the first amendment I moved relates to activities on racecourses. It is not racecourses per se that might have specified exclusions.

The CHAIR — Order! That is not a point of order. The minister has just begun his comments. We need to give him the opportunity to continue and conclude the breadth of comments he may wish to make in relation to the amendment you are proposing to clause 3.

Hon. J. M. MADDEN — I appreciate that the member is very eager to get to the specifics here. I will get to the specifics, but I am using a bit of licence in relation to not only the first clause to which the member has moved an amendment, clause 3, but also in relation to the other clauses. In terms of tracks and exclusion periods, it is specific to race days and specific to courses. Again in relation to those courses, it can be done through regulation. As has been mentioned in much of this debate, this is about restricting the opportunity for those who are known to be involved in money laundering to do so. Hence whilst the member is keen to extend the exclusion period to relate to not only race meetings at all racecourses, or the opportunity for that, but to training trials or track work carried out at racecourses for the purposes of a race meeting, it is specifically implemented to reduce the opportunity for criminal activity and money laundering, thereby maintaining the integrity of the racing industry. Basically it is to reduce the opportunity for, as I mentioned before, money laundering, and money laundering is going to take place on the days on which the events are held.

Hon. DAVID KOCH (Western) — Could the minister indicate to the house in regard to these restrictions that are being offered on racecourses in a very narrow form — that is, during the day of racing — why he sees that as curtailing the activities of these people who elect to get involved in money laundering? He must appreciate that if people are not warned off racetracks and consequently away from wagering opportunities, there is nothing to stop them from using their mobile phones and their phone accounts with Tabcorp, for instance, to actively involve themselves away from racetracks.

Where is the situation here that we are to believe that money laundering only takes place on race day between the times stipulated and with bookmakers, as was alluded to by Mr Pullen? It is quite obvious that these people have access to other opportunities, and of course in my opinion — and I would like to hear the minister's thoughts on this — it will not curtail the activities of those who want to be involved in money laundering.

Ms Mikakos — On a point of order, Chair, I note that the Honourable David Koch earlier made the point that the minister was referring to a broader range of issues, but in speaking on his first amendment, which relates to extending the definition of an exclusion period to include training, trials and track work,

Mr Koch himself is now moving on to talk about the issue of money laundering and issues that probably pertain to his second amendment. I ask you to draw him back to comments in relation to his first amendment. If we are going to have a broad-ranging discussion, then perhaps it could all be done in relation to clause 1 of the bill rather than jumping around the various amendments the opposition is moving.

Hon. B. N. Atkinson — On the point of order, Chair, it is cute that Ms Mikakos tries to rescue the minister, but the minister in his comments immediately before the Honourable David Koch spoke was addressing this very issue of money laundering. The committee debate is a wide-ranging debate, and Mr Koch is being responsive to the comments that the minister put immediately before Mr Koch spoke.

The CHAIR — Order! I appreciate the point Ms Mikakos was making in her point of order, but as Mr Atkinson has said, Mr Koch was being responsive to some of the comments made by the minister, so I do not uphold the point of order. However, I ask Mr Koch to come back to the particular clause that we are focused on, which is clause 3, otherwise we are ranging over a broad area and it is making it very difficult to look in more detail at the clause at hand, which as Mr Koch said, was going to foreshadow a number of other clauses only in terms of a division which would take place on clause 3. In terms of the discussion we need to focus on clause 3.

Hon. DAVID KOCH — My earlier point of order was only to bring the matter to the attention of the minister from the point of view of his explanation of other activities at specified tracks, which he saw as being outside the range of curtailing these activities. I was certainly broadening from the point of view that if the bill was amended to encompass these activities it would also demonstrate, without being warned off tracks — —

Hon. B. N. Atkinson — Go back to your key question. The point of order has been ruled on. Go to the question.

Hon. DAVID KOCH — From the point of view of other activities at specified tracks, does the minister see that these would be precluded from criminal activities taking place at the course?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I suppose there are two issues about the depth and breadth of the extent of the controls. As I have mentioned, there are a couple of reasons for keeping those restrictions relatively narrow. To make them any broader, as I mentioned in relation to the tracks, is difficult because of the way in which titles are enforced and the clarity required for that reason. The other issue relates to the other events which Mr Koch is trying to have included, such as track work or any other events that take place for the purposes of a race meeting at a racecourse. I am advised that this would be an undue and unreasonable use of police resources when actions in these circumstances, I am informed, are already covered by stewards' rules of racing. Without pretending to be an expert on these things, my understanding is that this would allow stewards to maintain the integrity of racing and of the racing industry, but also I think it relates to the understanding, which is probably not covered in the bill, of the way in which money laundering practices take place on racecourses, or the way it is suspected to take place. I understand that that primarily takes place around the event itself.

While I understand the point that Mr Koch is trying to make — that is, that it might relate to track work and potential for corruption around track work and staff — I think this is more specifically related to the potential for money laundering, which I understand takes place primarily on days of race meetings.

Hon. B. N. ATKINSON (Koonung) — Can I clarify what the minister just said? Obviously the tracks have been included because of the new jurisdiction of the police commissioner, but is the minister saying that other tracks have not been included outside that 80-kilometre radius from Melbourne because they are already covered by stewards' rules? Is that what he said?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think Mr Atkinson has misunderstood what I meant. I meant the events outside race meetings themselves, which Mr Koch was trying to have included within the definition under his amendments. My understanding is that he is referring to other elements he is trying to have included through his amendments, which concern trials, track work, training and the like. My understanding from the advice I have is that they are already covered in these circumstances by the stewards' rules and regulations so that stewards have the capacity to draw to the attention of the police issues that relate to those activities or enter into the normal manner in which they deal with these matters.

Hon. B. N. ATKINSON (Koonung) — Ms Mikakos put to this place that the reason other racetracks throughout Victoria had not been included in the legislation was because it was difficult to define the racetrack area. As I put it in my contribution to the

debate, in fact the racetrack is defined for many purposes, such as liquor consumption, crowd access and control, WorkCover jurisdiction, gaming activity and so on and so forth. Could the minister clarify whether the reason other tracks have been excluded is that the government is unable to define what a racetrack is outside an 80-kilometre zone from Melbourne, and why it can do so within that zone but not without?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think I mentioned earlier in some of my comments that many of the older racecourses outside an 80-kilometre radius from Melbourne are used for a range of circumstances. They might be the likes of the field days that Mr Drum may attend from time to time at which he kicks the tyres of tractors, or they might be some of the other sporting events that take place in and around the racetracks. There is a range of uses, and some of those racetracks might be used once or twice a year but used week in and week out by other community groups. Because of the overlap of usage, the uses of the racetrack itself are ill-defined. Likewise with the racetrack itself, I understand that what is or is not a racetrack within these definitions relates to clearly defined land titles. In many circumstances, particularly outside the 80-kilometre radius, the racetracks have multiple uses. They are seldom used as racetracks but more often than not for other purposes. Because of that, the title might be quite extensive or quite narrow or there might be a whole range of land titles that relate to it in one form or another. Clearly it cannot be defined as just a racecourse.

I am advised that on the basis of the racecourses that are already defined the Minister for Racing intends by regulation at a later date to cover all racecourses throughout the state if they do not fall within the definitions in the legislation.

Hon. DAVID KOCH (Western) — I do not wish to stifle debate this evening but I believe we are now moving to the area covered by my proposed amendment no. 2. What is being referred to in relation to racetracks is beyond amendment no. 1, which is about the definition of exclusion period. I ask that the amendment be put.

Committee divided on amendment:

Ayes, 19

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

Noes, 21

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

Amendment negatived.

Progress reported.

Business interrupted pursuant to sessional orders.

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Neighbourhood houses: funding

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Local Government concerning neighbourhood house funding. Neighbourhood houses are part of the network which provides educational opportunities for adults. They share this responsibility primarily with adult and community education and TAFE providers. But neighbourhood houses provide far more than just formal education. The social and personal development, the enhancement of self-esteem and community cohesion are all important outcomes of the concept of neighbourhood houses. Indeed, these have been and in my view should continue to be the prime focus of neighbourhood houses in our community.

However, the increase in reliance on adult, community and further education (ACFE) funding for their financial viability is changing the whole purpose of neighbourhood houses, and in some cases putting their future at risk. The most recent punch thrown at neighbourhood houses from this government is the requirement that a minimum fee of $51 be charged for all ACFE-funded courses. Perhaps if you are doing a 40-hour formal course, a $51 fee may be appropriate, but typically neighbourhood houses provide shorter courses, usually of 2 or 3 hours duration and up to about 10 hours, and to ask people to pay a $51 fee for those sorts of courses is totally unrealistic. In fact that $51 is becoming a significant barrier to someone undertaking what is a mere taste of further education.

This issue was put to the Minister for Education and Training in the other house in a letter from the Gippsland Regional Neighbourhood Houses Group. Its letter of 2 September states:

> The decision to introduce a minimum fee of $51 plus for all ACFE-funded courses will have the following outcomes in our region.
>
> 1. It will be impossible for many people to afford courses …
>
> 2. The offering of courses without a vocational possibility will mean a large number of the smaller, more community-focused providers will be forced out of ACE altogether.
>
> The above outcomes will result in the closure of a number of neighbourhood houses, causing a major loss to their local communities and only entrenching the view that rural and regional Victoria is being neglected in terms of community capacity building and strengthening social capital.

My request to the Minister for Local Government is to look at the funding submission presented to her by the Association of Neighbourhood Houses and Learning Centres, which gives those houses a realistic level of administrative funding. It is the only way in which some neighbourhood houses will remain financially viable.

Victorian College of the Arts: funding

Hon. ANDREA COOTE (Monash) — My matter is for the Minister for the Arts in the other place and relates to the Victorian College of the Arts (VCA).

I remind this chamber that since 1867 there has been a policy of providing high-quality arts education across the country. It bodes very well when you look at the institutions right across this country and see what the arts organisations are doing. Basic arts education funding comes from the commonwealth government. In Victoria the state government certainly gives some assistance to education in the arts, but most of it comes from the federal government. In comparison with other states Victoria is a long way behind in the amount of state funding given for the arts. Other states bolster their arts education budget, but Victoria is a long way behind, and that is not good enough.

Via its secondary school the Victorian College of the Arts provides a world-renowned arts program, especially in music and dance. It is an extraordinarily well-run organisation and many famous actors, costume designers, dancers and musicians have come out of it. The college is probably not much further than about 1 kilometre from here. The college is in the heart of the arts precinct which has developed over some time. It started with the National Gallery of Victoria and the Arts Centre. We now have the Australian Centre for Contemporary Art and the recital hall is about to be built. The ABC is close by and the Malthouse Theatre is in the vicinity as well.

The Victorian College of the Arts assists the Australian Ballet with the secondary school education of its students. The interesting thing is that this week we read about a $78 million proposal to develop a boarding facility for students as well as a secondary school in Cecil Street, South Melbourne. This would be a huge duplication of the excellent work already done by the VCA. I ask the minister to implement a comprehensive strategy for a combined VCA and Australian Ballet that will give certainty and clarity for the VCA to continue to provide high-quality, world-renowned arts education for Victorians.

Mount Buller–Jamieson roads, Mansfield: upgrade

Hon. E. G. STONEY (Central Highlands) — My adjournment matter is addressed to the Minister for Transport in the other place. On my way home from Melbourne on the evening of 30 August I came across a serious accident at the intersection of the Mount Buller and Jamieson roads near Mansfield. There were at least five police cars there, the State Emergency Service was cutting someone out of a car and there were tow trucks and other vehicles in attendance.

I was not surprised that the accident had occurred, because the intersection is notorious. There have been accidents there for many years. Locals tell me that they fear for their lives when they are turning towards Jamieson and there is heavy traffic coming from Mount Buller in the evening, especially in bad weather. That evening there had been atrocious weather conditions, with heavy wind and rain. The occupants of both cars survived, but one with very serious injuries was

airlifted to Melbourne. In passing I congratulate the police and the helicopter pilot who flew in atrocious conditions to Mansfield to pick up that person and take them to Melbourne, because a major storm hit the area and $500 000 in damage was done to shire roads. Members can imagine the conditions the police had to contend with.

I have many times raised the danger of this intersection. There have been two pedestrian deaths, many accidents and several injuries, including this latest one, and people living near the intersection report many, many near misses. Modern roads are supposed to be designed to assist motorists even in the case of driver error or miscalculation. This intersection does not assist motorists. Oncoming traffic from Mount Buller is obscured and traffic turning towards Jamieson is exposed to both head-on and tail-end collisions. To avoid a major accident the only escape is to put your vehicle into Fords Creek, if you have time!

I point out that the cost to the community of this latest accident would have paid for the upgrade, which must happen — and must happen soon. My request of the minister is to have him cut through the red tape, find the money and have this intersection rebuilt. It needs safe turning lanes and lighting before any more people are killed or seriously injured. The communities of Mansfield, Merrijig, Mount Buller, Jamieson and Woods Point will not settle for anything less.

Commonwealth Games: cultural events

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for the Arts in the other place, the Honourable Mary Delahunty. It concerns the $12 million that the Bracks government is about to spend to attract overseas artists to provide entertainment for the Commonwealth Games, so it probably also concerns the Minister for Commonwealth Games.

I have a letter from Bernadette Conlon, which says:

> … I was born in Dixie in 1978 …I went to school in the local area. During my school years I established myself as a local artist, playing at local service clubs, charities, dinners and local folk clubs.
>
> Whilst at school I completed the highest exams awarded by the Australian Music Examination Board, two licentiate diplomas in the two different systems of accordion playing, Stradella and Free Bass. I am still the only Australian to have achieved either of these diplomas.
>
> While still at school I competed and became four times South Pacific champion, seven times Australian national champion (also a record) and accumulated over 100 first placings in competitions against sighted males and females.

As you can gather from this, Bernadette is sight impaired.

> I was hungry for more and in 1996, having gone as far as I could with our local teachers here in Melbourne, I received an Australia Council grant to study at master classes in Remscheid, Germany.
>
> In that year I also commissioned Melbourne's first and only concerto for accordion, written by Melbourne composer Michael Easton. This work took the accordion to a new level of artistic status in this country.
>
> When I completed secondary school I moved to Melbourne, where I began laying the foundations of a pioneering career in accordion.
>
> I also took on my busking as a seven-day-a-week job, entertaining the people of Melbourne and grounding the affectionate relationship I have with the Melbourne public …
>
> In 1999 I received the Dame Roma Mitchell/Winston Churchill fellowship to further my accordion study in Kiev, Ukraine, where the world's finest accordionists are bred, as well as a Dartington trust scholarship to study at Dartington Summer School of Music.
>
> Returning home, I resumed my busking and was soon known and referred to as a Melbourne icon or a Melbourne artistic treasure.
>
> In 2001, still wishing to further my study, I received an Elizabeth II, Queen's Trust, silver jubilee achievers award where I studied again in Kiev and then at the Rimsky-Korsakov university of music in St Petersburg.

I ask the minister to inquire in to this — I hope it is not too late — and ensure that some of our local international-standard artists are included in this once-in-a-lifetime opportunity to demonstrate to the world what we can do. I ask the minister to respond to those correspondents who are waiting with bated breath to hear that they have also been included in the artists festival for the Commonwealth Games.

Local government: electoral preferences

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Attorney-General in another place. It has been brought to my attention by some residents of Ringwood that they have some concerns with the counting of votes in local government elections. I am particularly interested in how the Victorian Electoral Commission approaches the distribution of preferences, because if the concerns that have been brought to me are correct, I think there is a situation where the intentions of voters are being lost in the distribution of preferences.

What has been put to me is that the first eliminated candidate clearly has a preference allocation. Those preferences are allocated and distributed amongst the remaining candidates. What is suggested to me is that

when the second candidate — in other words, the second-lowest candidate in terms of numbers of votes after the distribution of the first candidate's eliminated preferences — is also put out of the ballot, their preferences are then distributed to the remaining candidates. It has been suggested to me that what is happening is that the preference allocation at that point relies on the second candidate eliminated, rather than going back to the third preference of the first eliminated candidate. In other words, the preferences of that first eliminated candidate are being redirected, and the people who voted for that candidate are having their vote changed.

That is an issue that ought to be investigated, because if that is the basis of the count, I believe it is a very different process of counting from what is the general expectation of the public and voters as they express their preferences. They do not express preferences for a particular candidate on the basis that the next candidate who receives their second preference has an opportunity to then redirect the vote that they made in the first instance.

I seek advice from the Victorian Electoral Commission on how they allocate preferences — whether the point that has been put to me by the residents of Ringwood is right and whether or not the electoral commission is prepared to review its counting practices to establish that there is fairness and a voting procedure that is consistent with the expectations of the public that their preferences will be followed on each of their votes, not subverted on the basis of another candidate's position.

Food: labelling

Hon. PHILIP DAVIS (Gippsland) — It is a delight to join the adjournment debate and raise a matter for the attention for the Minister for Health in the other place. It seems a little bizarre that I should be raising this matter for the Minister for Health given that it is about food and agricultural produce, in particular fresh produce. As it is, the arrangements in terms of the regulation of food standards in Australia and New Zealand come under the umbrella of Food Standards Australia and New Zealand, which is a statutory authority of interjurisdictional arrangements responsible for developing food standards, and each state and territory government is responsible for the implementation and enforcement of the food standards code, which becomes regulations under the relevant state or territory food acts.

It is quite clear that there have been standards in place for some time in relation to country-of-origin food labelling. The requirements set out in the food standards code require all packaged food to be labelled with its country of origin and all unpackaged imported fruit, vegetables and seafood to be labelled with the country of origin or be labelled as imported. States and territories should be enforcing this standard, which has been in place now for over 10 years.

It is clear there is an obligation on the states and territories to implement the nationally agreed food standards and that these standards do relate to and include labelling for country of origin. I wish to put to the Minister for Health that her department, the Department of Human Services, in cooperation with local government and other state government departments, is the primary agency responsible for this oversight. I therefore ask the Minister for Health to advise me in relation to country-of-origin labelling how many prosecutions there have been for breaches of labelling requirements over the last five years and what resources are available in her department to enforce compliance in this matter?

Consumer affairs: Grove Conveyancing

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Consumer Affairs. Firstly, I would like to say it is very disappointing tonight that during the entire adjournment debate present in the chamber have been the minister at the table, the Minister for Sport and Recreation, and Mr Nguyen around the corner on the computer — Ms Argondizzo has only just arrived — and not one government member has contributed to the debate. Surely there must be issues in their local electorates for government members to raise. I pity their constituents, who are not being adequately represented.

The issue I wish to raise tonight concerns a letter that was sent to the opposition from Mr Jesus and Mrs Carmen Blanco of Newtown. The issue that Mr Blanco has raised in his letter concerns Grove Conveyancing Services. He claims that Grove Conveyancing Services has swindled him out of stamp duty and a title transfer fee to a total of $8550 that was payable for a property that he bought in June 2001. The $8550 was made up of $595 in a transfer of the land title and a cheque for $7960 that was made out to the State Revenue Office but posted to Grove Conveyancing and, as Mr Blanco claims, was fraudulently cashed in by the firm. Mr Blanco believes it would only be fair for the State Revenue Office to allow him a one-off waiver of the stamp duty payable as he was a victim of fraud and a victim of crime.

To support his claims Mr Blanco has supplied a copy of a bank statement that shows that the cheque has been

cashed, a copy of the cheque butt, a copy of a bank fee receipt to trace the cheque's destination, a copy of the statement he made to the police and copies of correspondence to and from Grove Conveyancing Services. I will happily supply the minister with a copy of Mr Blanco's correspondence and all these attachments. The action I seek from the minister is for her to conduct a thorough investigation of the claims made by Mr Blanco in relation to this matter.

Barkindji biosphere: funding

Hon. B. W. BISHOP (North Western) — My adjournment matter is directed to the Minister for Environment in the other place. The action I request is for the minister to reverse the Bracks government's decision not to support the Barkindji biosphere project. I suggest that the government has missed the point, as now New South Wales will receive international recognition while Victoria stands by and does nothing.

It is hard to understand where the government comes from. It threw mountain cattlemen out of the high plains, where they had been for 170 years, on environmental grounds, but will not support the biosphere project.

The project is the result of the efforts of many individuals and organisations — not only from people in north-western Victoria, but there is a much wider thrust from a lot of people and organisations to achieve United Nations Educational, Scientific and Cultural Organisation accreditation. I add that this project has the support of Environment Australia, the Myer Foundation and other credible organisations. I urge the government to support the Barkindji biosphere for various reasons, one of which is consistency. The local community has been consistent — supporting the Barkindji biosphere and standing against the government's proposal to place a toxic waste dump in the Mallee — but the government shows no consistency in its environmental priorities. Perhaps the only consistency is the government's lack of concern for the environment. Let the record show that it is prepared to bulldoze trees and a fragile ecology to store toxic waste right next to national parks. Perhaps that is the reason why it will not support the important Barkindji biosphere project.

While it is frustrating, I say good luck to New South Wales, which will receive all the international recognition. I suppose that has happened before in relation to environmental issues. An example of that was the government's disinterest in solar energy in relation to Environmission's construction of a solar tower with the capacity to generate enough green solar power for 200 000 homes. The project was to be at Neds Corner, approximately 70 kilometres west of Mildura, but now will be in New South Wales, as the New South Wales government supported the project. So Victoria misses out again.

The action I require from the minister is to immediately reverse the government's decision not to support the Barkindji biosphere and to take some positive action by fully supporting the project, which has both domestic and international environmental recognition.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Peter Hall raised an issue relating to funding of neighbourhood houses, and I will raise that matter with the Minister for Local Government.

The Honourable Andrea Coote raised the matter of the Victorian College of the Arts and a proposal to combine its operations with the Australian Ballet. I will refer that matter to the Minister for the Arts in the other house.

The Honourable Graeme Stoney raised the matter of the intersection of Mount Buller and Jamieson roads. I will refer this matter to the Minister for Transport in the other place.

The Honourable John Vogels raised the matter of the Commonwealth Games arts festival, Festival Melbourne 2006, and the confirmation of expressions of interest from local artists. I will refer this matter to the Minister for the Arts in the other place.

The Honourable Bruce Atkinson raised the issue of local government elections, vote distribution and preference allocation, and I will refer this matter to the Attorney-General in the other place.

The Honourable Philip Davis raised the matter of fresh agricultural produce, food standards between Australia and New Zealand, country-of-origin labelling and resourcing and compliance issues. I will refer this matter to the Minister for Health in the other place.

The Honourable Wendy Lovell raised the matter of Grove Conveyancing Services and claims against particular individuals associated with it. I will refer that this matter to the Minister for Consumer Affairs.

The Honourable Barry Bishop raised the matter of the Barkindji biosphere for the Minister for Environment in the other place, and I will refer it accordingly.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.24 p.m.